

PBC Legislative Update

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Coming Up Next Week

State Issues – Legislative Session – Week 3

County Priority Issue Updates

Juvenile Justice Legislation

By: County Staff, Ericks Consultants

This week **HB 273 by Rep. Adams** was again debated in the Policy and Budget Council. Last week the legislation was temporarily postponed due to concerns raised by Palm Beach County Delegation members. The legislation originally proposed changes to law that were contrary to Blueprint Commission recommendations.

This week, a series of changes in a strike all amendment were adopted in committee that addressed many of the original concerns expressed by the Florida Association of Counties and members on the Committee. Those included the use and length of detention for juveniles and increasing the judiciary role in residential placement decisions.

Thank you to Representatives **Vana, Taylor** and **Bogdanoff** for raising issues concerning the effects of detaining juveniles for an extended period of time and Representative **Hasner** for taking the lead in temporarily postponing the bill for clarification on these important issues until they were able to be resolved this week. **HB 273** passed was favorably passed by the Policy and Budget Council.

Property Taxes

By: Ericks Consultant and County Staff

HB 949 relating to Maximum Ad Valorem Tax Limitation by Lopez-Cantera which eliminates ad valorem in place of a percentage formula of 1.35% was Temporarily Postponed by Urban and Local Affairs.

Budget Issues

By: Pittman Law Group, The Wren Group and County Staff

This week, the Chairs of several appropriation committees reiterated just how deep some of the budget cuts were going to have to be this year. They reminded members that almost nothing would be "off the table" as far as cuts were concerned. They expect to receive their respective allocations next week.

It is estimated that State revenues won't return to '07-'08 levels until at least '10-'11. 90% of the State's General Revenue is tied to Education, Health and Human Services and Criminal Justice. A large portion of the Education budget goes toward public schools and is very difficult from a constitutional and political perspective to touch; however, higher education may have to suffer in the place of K-12. With cuts being made into the billions, it may be impossible for all of these areas to be spared.

Taxation and Budget Reform Commission

By: County Staff, the Moya Group, and Foley and Lardner

One resolution passed the full committee of the Taxation and Budget Reform Commission this week. The proposal, if approved by state voters in November,

would eliminate the portion of a homeowners property tax bill related to Local Required Effort for public schools. This is the portion of property taxes that the legislature currently allocates, and it accounts for anywhere between 25 and 40% of homeowners tax bill. These funds would be replaced from any combination of options that include raising an additional one cent of sales tax, eliminating certain sales tax exemptions, and legislative appropriations. The language of the amendment specifies that these cuts and tax increases are "mandated" to make up the shortfall of the elimination of RLE which is projected to be nearly \$8 billion.

The RLE proposal has two more steps in the process before being placed on the November ballot. The first is before the "style and drafting" committee that writes the exact language that will appear on the ballot. That version then returns to the full commission for final approval in a meeting tentatively scheduled for the end of next month

We are still tracking two resolutions. The first resolution tightens language in the Constitution that addresses unfunded mandates. The second amendment would limit all government revenue including the state, local governments and school boards to inflation, population growth and an additional 1 percent adjustment using 2007-08 as a base year. Governments would be able to increase the cap for up to 10 years with a three-fourths vote. Some types of user fees, including those charged for water, electricity and natural gas, would be exempted.

The TABOR proposal will now go to the full committee; however, the unfunded mandate resolution must still go before another subcommittee before reaching the full committee. It has been discussed that there may be no additional subcommittee hearings scheduled.

The Moya Group contacted the Chairman regarding "unfunded mandate." The Taxpayer Bill of Rights (TBOR-CP 0041 State and Local Revenue Limitations) issue is not on the Committees agenda for March 26, 2008.

Traffic Safety Photo Enforcement

By: County Staff, Moya Group, Akerman Senterfit, Corcoran, and Pittman Law Group Foley and Lardner

This week, County lobbyists continued to work with the Senate and House bill sponsors regarding the strike-all amendment that was adopted to SB 816 on Traffic Safety Photo Enforcement.

Provisions in the strike all amendment address some of the following:

- Mandates flat fee arrangements with contractors
 - *No per citation fee for contractors*
- Preempts all photo traffic enforcement to the state— regulates the fee for citations
 - *Due to "preemption" language the county may be prohibited from producing its own local citation on photo enforcement.*
- Intersections with traffic cameras must be properly engineered according to DOT specifications.
- Specifies that counties or municipalities can record a maximum of 10 seconds of streaming video of only the back of a vehicle
- If there is a 10% increase in accidents at an intersection where photo traffic enforcement cameras are being used, they must be removed
- Municipalities that entered into contracts prior to March 1, 2008 will have until 2013 to get in compliance with the new proposed law. The citations provisions will take effect immediately

Akerman and County Staff met with Sen. Bennett regarding his bill this week and addressed strategy to continue moving the bill along.

Jonathan Kilman of Foley and Lardner is working with the county to compile information as requested by several members on the cost of installing and maintaining red light cameras per intersection.

Autism

By: County Staff,, Akerman Senterfit and Ericks Consulting

Commissioner Bob Kanjian and his family were in Tallahassee this week to testify on Autism legislation. SB 2654 by Senator Geller relating to autism passed unanimously out of Banking and Insurance Tuesday morning. The bill requires health insurance plans to provide coverage for screening, diagnosis, intervention, and treatment of autism spectrum disorder in children diagnosed as having autism spectrum disorder at 8 years of age or younger, and prohibits an insurer from denying or refusing coverage to renew or reissue or terminate coverage based on a diagnosis of autism spectrum disorder. The bill also provides coverage for behavioral therapy up to \$36,000 per year.

Companion HB 1291 by Representative Porth also passed favorably 4-3 out of Health Innovation on Tuesday morning. Commissioner Kanjian and his son Jack offered compelling testimony along with specialty physicians and other families regarding the effectiveness of early treatment and the financial hardships caused by coverage not being made available by insurance providers. Thirty-one supporters signed up for public testimony.

ECI spoke to Representative Weatherford, Representative Patronis and Representative Cannon's office on **HB 1291**. There were concerns by members of the insurance mandate proposed in the bill. This will be the legislations biggest hurdle as it moves forward. ECI set up a meeting with Representative Bean and PBC Commissioner Kanjian to discuss the Autism legislation. Representative Bean is the Council Chair of the bills next stop.

In addition, Akerman worked with Representative Eddie Gonzalez, who was originally set to file an amendment that would have killed the bill. He ultimately did not file the amendment.

Mining

By: Wren Group

ENRC 08-18 Resource Extraction / Mining as introduced in the House would pre-empt the ability of local governments to deny or limit the approval or operation of a mine due to concerns over issues regulated by the DEP pursuant to their authority. The proposed council bill was unanimously approved by the Environmental Protection Committee. The committee had much discussion about the impact the bill would have on the County's ability to fulfill its obligations under Ch. 163 relating to comprehensive planning which specifically requires local government to address impacts to wetlands and water resources when land use and zoning changes. These provisions and the proposed statute are clearly in conflict. The suggestion was made to have the State remove those criteria from the comp plans statutes. The bill will next be heard in Council. Where there will be an amendment to undertake the Strategic Aggregates Resource Assessment (SARA) as recommended by the Aggregate Review Task Force.

In the Senate an amendment which would have required a supermajority vote of the local government governing body to deny any land use, zoning or mining permit for a project already approved by the DEP, was defeated. A similar measure is expected to be brought up again this week.

Agriculture Enclave

By: County Attorney Staff, Foley and Lardner, Ericks Consultants, and Wren Group

This week, **HB 1173** on Land Development Regulation passed the House Agribusiness Committee with 1 Amendment. County staff testified in committee against the bill. As requested by the County, Mike Harrell and Ericks Consultants met with several committee members prior to the meeting to express the county's concerns with the legislation. The bill is now in the Environment & Natural Resources Council.

The new amendment in committee expands concurrency from just roads to

include water, sewer, schools, drainage, etc. Any new development should be required to meet concurrency requirements, even an ag enclave. The amendment changes the "distance equal to the longest dimension" to "within three miles of perimeter of the parcel." The criterion used to determine densities and intensities of use of surrounding areas is changed to "Within three miles of the perimeter of the parcel."

The bill, by strengthening the protection provided to a property owner by the Ag Enclave law, interferes with the legislative authority of the Board of County Commissioners and would be an erosion of local land use and zoning authority.

The Senate bill, SB 2246, has been referred to committees.

Clerk's Bill

By: County Staff, Moya Group, Pittman Group, Foley and Lardner

This week HB 399 by Representative Grant passed out of the Government Efficiency and Accountability Council 12-0. The bill revises the requirement that the sheriff & clerk of court keep financial statements & books of accounts, that clerks of court are accountants of boards of county commissioners, defines clerk of court as county auditor, requires county auditors to prepare annual financial reports for counties and authorizes county auditors to perform audits & tests. An amendment was adopted that addresses provisions for charter counties that have provided for auditing in either the county charter or by special law. County Staff and several of our lobbyists including Foley and Lardner met with the House Bill sponsor who has indicated a willingness to work with us on amendments.

This week The Moya Group, Inc. held a meeting with the sponsor of SB 640 on amendments to the bill. We feel the sponsor is amenable to the clarifying language. TMG also had several meetings with Fred Baggett, lobbyist for the Florida Association of Clerks to discuss amendable language. We expect the Senate bill to be on the Senate Community Affairs agenda next week.

SFRTA

By: County Staff

HB 1245 relating to Regional Transit Authorities by Representative Galvano passed the Committee on Infrastructure unanimously on Thursday. Three speakers testified in favor and the bill passed without any debate or questions. The bill provides for deposit of rental car surcharge revenues into accounts of regional transportation authorities, requires DOR to provide authorities with annual surcharge revenue information, relieves DOR of funding obligations to authorities, and relieves specified counties of funding obligations to South Florida Regional Transportation Authority under specified circumstances. The bill has two more committees of reference.

Similar legislation, **SB 1512** by Senator Geller has 5 committees of reference but has not yet been calendared.

Fertilizer Bill

By: Wren Group

HB 1267 Protecting Urban and Residential Environment by Nelson

requires all county and municipal governments to adopt, at a minimum, the "Florida Friendly Fertilizer Use on Urban Landscapes Model Ordinance" by December 31, 2008. A county or municipal government that adopts its own fertilizer use ordinance prior to July 1, 2008, is exempt from the adoption requirement for the model ordinance. It also establishes a certification category, within the Department of Agriculture and Consumer Services for commercial application of fertilizer to urban turf. This week, the bill passed House Agribusiness. The Senate companion, SB 2352 by Aronberg, has been referred to committee but has not yet been heard.

Florida Forever

By: Pittman Law Group and Wren Group

The House Committee on Conservation and State Lands workshopped ENRC 08-09, related to a successor program to Florida Forever. The committee discussed numerous potential changes to the program. Text of ENRC 08-09 is not yet available, although draft language for consideration of inclusion into a proposed committee bill was released in stages (the committee packet was revised three times, and at the time of the meeting not all the language was available for review) and the discussion will continue.

Two proposals were introduced at the start of the discussion. A few members as well as speakers during public comments thought it might have been more beneficial to have these lengthy proposals before the start of the meeting so that they could speak specifically on the changes.

Chair Kendrick summarized one of the goals of the new program as centralized land management. This would involve the Dept. of Agriculture as the manager of the acquired lands, with help from the Fish & Wildlife Commission. The Dept. of Environmental Protection would be the land acquisition agent.

Planning/Zoning/Building issues

By: Pittman Law Group

SB 1466- Aronberg, HB 407- Chestnut This Week, after conferring with the County regarding construction industry concerns with SB 1466, we have been in contact with the Homebuilders and Construction Coalition, who are the major opposition to the bill, to discuss potential changes.

The identical bill by Rep. Chestnut had not yet been put on the agenda. Pittman Law Group continues to meet with Rep. Lopez-Cantera, Chair of Business Regulation, the first committee of reference, to discuss his reservations.

Transportation Disadvantaged

by: Transportation Disadvantaged Staff and Ericks Consultants

Senate Bill 788 has been rescheduled to be heard in the third and final committee, Transportation and Economic Development Appropriations committee, on Tuesday, March 25 at 3pm. This bill ensures the coordinated planning of transportation disadvantaged services by all human service agencies; strengthens the alternative provider procedure process for purchasing agencies to ensure all agencies follow the exact same process; requires all agencies to identify dollars spent on non-emergency transportation services to transportation disadvantaged clients; and requires all agencies to pay the approved transportation rates. Its companion, House Bill 1175 has still not been placed on the referred House committee agendas.

This week the House has stated that they intend to divert \$500 million in State Transportation Trust Fund dollars away from transportation projects. However, this diversion of funds was not in the Governor's recommended budget, and the Senate is considering adding \$500 million more for ready-to-go transportation projects. We are monitoring this budget issue closely.

Senator Lynn is sponsoring SB 1570 that passed unanimously out of the Senate Health Policy Committee this week. The bill aims to resolve a number of problems identified to-date with the implementation of the Medicaid Reform Pilot Program. SB 1570 would:

- 1) Address specific concerns raised in the Inspector General's report issued last October.
- 2) Provide critical protections for consumers.
- 3) Require adequate data collection and monitoring, and require that the results to be used in evaluating any proposed expansion of reform.

Scanner Law

By: Pittman Group

SB 522- Hill, HB 151- Reed Sen. Hill's office has the county's proposed language to amend the bill. His office will file it and propose the amendment at the next Committee stop.

Rep. Reed also has the amendment language and will do the same. We are working with House Leadership to get the bill onto its next committee's agenda.

Enterprise Zone Boundaries

By: County Staff, Corcoran, Pittman Law Group

This week county staff and Corcoran met with representatives of OTTED to discuss the county's amendment language for the Enterprise Zones. OTTED supports the language, and we will continue to work with sponsors of Enterprise Zone bills to amend the bills and have them added to the agenda of their referred committees.

SB 1572- Lynn, HB 511- Chestnut Representative Chestnut received the County's amendatory language and confirmed last week that he will take it as a friendly amendment. We are in contact with his office to have the amendment filed before its first committee stop. It has not been placed on the agenda yet, but the first committee will be Economic Development.

SB 1572 has been referred to committees, but has not yet been put on the agenda. We are working to assist the Senator in getting her bill on the agenda in Commerce.

Growth Management/Transportation Concurrency Issues

By: County Staff

A presentation was provided by the University of Florida regarding transportation concurrency in Florida in the House Committee on Infrastructure this week. The presentation reviewed the evolution of transportation concurrency in Florida including the inconsistency of the interpretation of level of service throughout Florida. DCA Secretary Tom Pelham addressed the issues of proportionate share and mobility fees. Thank you to Representative **Bucher** who raised concerns regarding the current proportionate share ordinance required to be adopted by counties. Secretary Pelham suggested that rather than working on improvements to the ordinance to focus on moving towards a formula utilizing mobility fees. Representative Bucher responded with concerns over the developers having the ability to "pay and go."

Emergency Management/Good Samaritan

By: Foley and Lardner

The Foley & Lardner team continues to work with County staff on the Good Samaritan amendment language that would provide immunity for certain employees in specific emergency situations. Mike Harrell met with Ted Granger of the United Way to discuss their interest in the proposed Good Samaritan language.

The Foley team discussed the proposed language with Constitution & Civil Law Staff Director Stephanie Birtman to get a read on the concerns that might arise from the proposed language and the team has communicated those concerns to the county. Harrell also met with Chairman Attkisson regarding the proposed language and to discuss potential vehicles for an amendment.

Agriculture/ Farm Buildings

By: Wren Group

SB 2060 Agriculture by Dean

This bill addresses a number of issues related to agriculture. It:

- ***Prohibits a county government to impose a tax, assessment or fee for stormwater management on agricultural land, if the agricultural operation has an agricultural discharge permit or implements best-management practices adopted by the state;***
- Expands eligibility for exemption from a local business tax receipt for persons who sell farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm products, or products manufactured there from;
- Provides indemnity for an agricultural landowner for an easement or any other right secured by a water management district for access to recreational lands provided to the public by a district;
- Authorizes the Department of Agriculture and Consumer Services to adopt by rule comprehensive best-management practices for agricultural production and food safety;
- ***Expands county and municipal exemptions for nonresidential farm buildings to include permits and impact fees;*** and
- Expands the materials used in agricultural operations that can be openly burned.

The bill passed Senate Agriculture this week. The House companion, HB 761, was passed with amendments, including one which would allow the planting of *Casuarina cunninghamiana* as a windbreak for groves in certain areas under certain conditions and for study by the Department of Agriculture and Consumer Services as to its invasiveness, by House Agribusiness.

Reclaimed Water Development

By: Wren Group

SB 2764 Reclaimed Water Development by Dockery provides for the local government establishment of Mandatory Reclaimed Water Use Zones. Promotes the availability of reclaimed water to consumptive use permit applicants. Requires a water management district to require the use of reclaimed water under certain circumstances. Provides that the use of reclaimed water is economically feasible if provided for a charge less than or equal to the charge for potable water provided by a water utility located in the permit applicant's service area.

Staff has proposed language which would create a task force to evaluate all issues pertaining to the development and regulation of reclaimed water. The team will be seeking to identify and amend the proposal onto various vehicles in the coming weeks with the support of Palm Beach County's original House and Senate sponsors.

Wrecker Services

By: Ericks Consultants

ECI attended the Community Affairs Council to monitor **SB 672 relating to Wrecker Services by Sen. Crist**. This legislation passed without objection. It is now in Senate Commerce.

Local Government Transparency

By: Ericks Consultants

SB 392 Relating to Local Govt. Transparency/Contract Information by Storms passed the Community Affairs Council with one Committee Substitute. It requires local governments with a website to electronically post contract information relating to certain contracts, specifically any contract over \$5,000 for the local government. The League of Cities testified that this should be a pilot program since this is a mandate. Several representatives on local governments spoke in opposition to this legislation.

Senior Centers

By: Pittman Group

Department of Elder Affairs, Senior Center Fixed Capital Outlay Grants

The Dept. of Elder Affairs received a one-time \$9.1 Million appropriation last year to allocate to Senior Centers throughout the State. Thirty-eight programs state-wide applied to be considered for grant funds. All applications requesting less than \$250,000 were awarded and those above that amount went through several independent rankings to determine allocations. Only 2 programs in excess of that amount were awarded, for \$2 million each. In total, 20 programs were awarded funding.

Palm Beach County came out as a big winner on these Grants. Three centers were given grants in the County: Boynton Beach Senior Center (\$71,497), Mae Volen Senior Center (\$26,335), and Ruth Rales Jewish Family Services Multi-Service Senior Center (\$2 million).

After these awards there remained \$1.397 million in the appropriation. The Department allowed any unfunded applications to re-apply with a smaller request amount for consideration for the remainder of the funds. We extend a special thank you to **Rep. Richard Machek** who served as the House lead appropriator on allocating these dollars for the senior centers.

Airport Issues / WiFi

By: County Staff, Foley and Lardner

Jonathan Kilman and Mike Harrell of Foley & Lardner attended the weekly Florida Airports Council meeting and met separately with individual council members to discuss the county's airport legislative priorities. HB 1029 by Kravitz and SB 2232 by Fasano relate to the protection of minors online. Leonard Schulte of Foley & Lardner researched the issue as it relates to WiFi use at airports and provided County staff with suggested legislative changes. It is unclear whether there is a Federal preemption that may apply in this case and further review may be necessary. HB 1029 passed the Homeland Security & Safety Committee and goes next to the Safety and Security Council. The Foley team will continue to work with the County and the bill sponsors to address the airport WiFi concerns.

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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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COMING UP NEXT WEEK

Medicaid Benefits

By: Akerman Senterfit

The bill that would require suspension rather than cancellation of Medicaid benefits while in jail, SB 1451 is up on March 26, 2008 in Health Policy. We will touch base with the committee members this week.

Trauma Care

By: Akerman Senterfit

We have arranged a meeting with Holly Benson for next week to discuss the trauma care funding issues including: getting more trauma care dollars for Palm Beach County and our issues with Martin County. SB658, which would increase traffic penalties for road rage and use a portion of the increased funding to fund trauma centers, is up on March 25th in Transportation.

FAC Legislative Day

Next Wednesday is FAC Legislative Day at the Capitol.