

# PBC Legislative Update

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## State Issues – Legislative Session – Week 5

### County Priority Issue Updates

#### Autism Day

*By: County Staff, Akerman Senterfit, and Ericks Consulting*

**County Commissioner Bob Kanjian** traveled to Tallahassee this week for Autism Day. Commissioners, staff, and lobby team members met with numerous state and legislative leaders including the Governor and Lt. Governor on Autism legislation.

**SB 2654 by Senator Geller** relating to Autism passed unanimously out of Health Policy on Tuesday morning with the Governor making a special appearance in support of the initiative and the County waiving in support of the bill. 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 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. The bill has one more committee of reference. Companion HB 1291 by Representative Porth has two more of three committees of reference.

As a result of strong issue advocacy, this week **House Speaker Marco Rubio** announced the creation of the Select Committee on Autism and Developmental Disorders. The committee is expected to meet April 8, 2008 and release its final report April 15, 2008.

#### Budget Issues

*By: The Wren Group*

This week the House of Representatives released the first draft of their General Appropriations Act for FY 2008/2009 (PCB PBC 08-03) while the Senate went through their first round of amendments for SB 2900. Below is a summary of the budget numbers impacting Palm Beach County.

Highlights of this years' proposed House Water and Environment budget include:

- **No funding** for the Florida Forever Program
- **No funding** for Everglades Restoration which includes Lake Okeechobee, Caloosahatchee and St. Lucie River and Estuaries
- \$43.1 million for Water Projects (as of yet unspecified)
- **No funding** for implementation of Fla. Water Protection and Restoration Act (SB 444)
- \$15 million for Statewide Beach Projects
- \$38.4 million for Exotic Plant Control

Palm Beach County priority water projects were proposed to be funded by the Senate as follows:

<u>Water Projects</u>	<u>Amount</u>
Lake Region Water Treatment Plant	\$ 400,000
Loxahatchee River Preservation	\$1,300,000
Lake Worth Lagoon Restoration	\$ 0
Chain of Lakes	\$ 200,000

Staff continues to work with members of the delegation to improve these positions.

### **Taxation and Budget Reform Commission**

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

The full Taxation & Budget Reform Commission met on Friday, April 4, 2008 in Tallahassee to debate, among other proposals, CP 0045 by Commissioner Hogan, the TABOR revenue cap proposal. With over 95 individuals submitting requests to speak and 17 filed amendments to the proposal, the TBRC did not take a vote on the proposal. Instead, several amendments were taken up and approved and some public testimony was heard. The TBRC announced that there would be another meeting, at which CP 45, TABOR, would be heard and voted on. That meeting was scheduled for Monday, April 14. It is expected that testimony will be limited that day.

Our County lobby team continues to work with FAC as we have both spent a considerable amount of time reaching out the TBRC members.

### **Traffic Safety Photo Enforcement**

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

Thank you to **Senator Paula Dockery** for placing the Red Light bill on the Senate Criminal Justice agenda for Tuesday, April 8<sup>th</sup>. The current provisions in the strike all amendment adopted to SB 816 in committee several weeks ago 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.

Pittman Law Group continued to talk to Rep. Cannon this week to request that HB 351 by Reagan be taken up in his committee, Economic Expansion & Infrastructure.

### **Growth Management**

*By: The Wren Group*

**In the Senate**, after an initial workshop on a draft "strike everything" amendment to SB 474 last week, the Senate postponed discussion this week to allow interested parties additional time to work with one another and the bill sponsor, and a new draft is expected out any day. The Community Affairs Committee will be taking the issue up again on the 9<sup>th</sup>.

**In the House**, a workshop was conducted last week on a draft bill, which, like the Senate bill, also is likely to be changing substantially, and a new draft will be released over this weekend. That new draft is likely to be workshopped on Tuesday, and perhaps voted on towards the end of next week. Staff is watching the bill develop and will keep up with developments.

It is too soon to tell what provisions may be in either draft, and there is a long way to go before this process concludes. However, there are substantial discussions going on, and it is probable that bills on both sides will attempt to address issues with transportation concurrency requirements and the unintended consequence of those requirements limiting urban growth and redevelopment; addressing transportation impact fees and perhaps instituting a "mobility fee" as a substitute for impact fees; extending the time for buildout of DRIs that have already paid transportation concurrency fees, dedicated right-of-way or donated conservation lands but which due to the economic slowdown have been unable to proceed as quickly with the developments as was previously expected; addressing proportionate-fair-share calculations; addressing school concurrency issues; addressing economic development in Rural Areas of Critical Economic Concern, and additional issues.

#### **SFRTA**

*By: County Staff, The Wren Group, and Ericks Consultants*

HB 1245 by **Representative Galvano** passed unanimously out of its' second of three committees of reference this week. HB 1245 provides that 80% of the rental car surcharge revenues collected in a county within specified regional transportation authorities (RTAs) shall be deposited into the accounts of the South Florida Regional Transportation Authority, the Northwest Florida Transportation Authority and the Tampa Bay Area Regional Transportation Authority. Currently the revenues are deposited in the State Transportation Trust Fund to fund transportation projects in the district of collection. The bill also relieves Broward, Palm Beach, and Dade counties of their annual \$45 million in funding obligations for capital, operating and maintenance expenses of the South Florida Regional Transportation Authority (SFRTA), which is required only when all three counties served by the SFRTA impose a local option funding source. These three counties are also relieved of their annual \$1.565 million funding obligation required to fund the operations of the SFRTA.

Similar Bill 1512 by **Senator Geller**, provides for the same stipulations as HB 1245 although only specific to the South Florida Regional Transportation Authority. It has not yet been heard in any of the five committees of reference.

#### **Transportation Disadvantaged**

*By: Transportation Disadvantaged Staff, Ericks Consultants, and County Staff*

Passing through all three Senate committees SB 788 is ready for a first reading on the Senate floor. We are anticipating House Bill 1175 to be heard in the Healthcare Council next week. These bills ensure 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.

On the Transportation portion of the budget, the House is still looking to sweep over \$600 million from the State Transportation Trust Fund. The Senate, however, has intentions to go into the budget conference holding the trust fund harmless in an effort to allow transportation to remain an economic stimulus.

On the Health Care side of the budget, we are working with Senate staff and AHCA to ensure that the 4% reduction to the Medicaid Non-Emergency Services is taken from the correct allocation amount so that the reduction is spread to the Managed Care Organizations as well.

### **AIDS Testing for Jail Detainees**

*By: Pittman Law Group*

**SB 212- Wilson, HB 1511- Braynon** Since Sen. Wilson has not been able to come to Tallahassee recently, Rep. Braynon agreed to present this bill for her if necessary.

Pittman Law Group met with Rep. Braynon again this week to discuss the fiscal analysis and the possible \$3 million impact to the Department of Health which was keeping the bill from being heard. The entire fiscal impact is the potential increased cost of treating these inmates who discover they are HIV positive through this program. Alternatively, the Dept. of Health would save \$3 million if these people remained undiagnosed.

### **Planning/Zoning/Building issues**

*By: Pittman Law Group*

**SB 1466- Aronberg, HB 407- Chestnut** - 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. A meeting with the Construction Coalition was held on Monday, March 31<sup>st</sup> in Tallahassee to discuss their concerns and resulted in the Coalition standing by their opposition to the bill. Proponents of the bill are working on alternatives to the legislation or amendment language that the Coalition would support.

The identical bill by Rep. Chestnut had not yet been placed on the agenda.

### **Florida Forever**

*By: Pittman Law Group*

#### **ENRC 9/ SB 542 by Saunders**

The senate version of the Florida Forever Successor program, SB 542, was heard in Environmental Preservation & Conservation on Thursday. A strike-all was offered and adopted which inserted the actual Florida Forever program language into the shell bill. The strike-all was then amended 12 times. The highlights of the bill are:

- An increase in bond authorizations from \$3 billion to \$5.3 billion and an extension until 2020. (the House bill, ENRC 9, only increases to \$3.2 billion)
- All land purchases must be ratified by the legislature
- A focus on alternative methods including rural land stewardship and public/private partnerships
- 3% maximum to be spent on public access and infrastructure
- Intent to consider carbon sequestration
- Partnership with the military to protect imperiled species
- Funding to water management districts (WMD) was decreased from 35% to 30% with the additional 5% going to the Dept. of Environmental Protection. The original bill would have taken all the funding from the WMD's.
- Strengthen the reporting standards for the use of funds including clear statements of which revenue streams the funds were taken from.
- A reverter clause which states that if a WMD acquires lands but then intends to surplus them, they must first offer title to the Board of Trustees unless certain exceptions are present. This is to ensure that the WMD's aren't in the business of land development or land stewardship.

### **Enterprise Zone Boundaries**

*By: County Staff, Corcoran, and Pittman Law Group*

Senate and House bills identified as vehicles for the amendment to expand Enterprise Zones three additional miles in rural areas of critical economic concern have not yet been heard in referenced committees, possibly due to the original bill's fiscal impacts.

However, this week Economic Development staff informed the County that the language will be included in an Economic Development package with the requested change that the three mile expansion would be extended to all rural areas of critical economic concern. County staff and Corcoran have also 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.

### **Scanner Law**

*By: County Staff, Pittman Group, Corcoran, and The Moya Group*

**HB 151 by Representative Reed** passed the House on its third reading this week along with the County's amendment allowing employees of a local or state government agency to carry radios with access to law enforcement signals inside a non-emergency vehicle.

The companion bill, **SB 522 by Senator Hill** passed unanimously out of Criminal Justice this week. A special thank you to **Senator Dockery, Senator King, Senator Aronberg and Senator Bennett** for their help and support of the amended bill. The lobby team has been working diligently to have these bills heard in their referenced committees. The bill is scheduled in Community Affairs, its last committee of reference on Wednesday. We do not foresee any opposition on its way to the floor.

### **Mining**

*By: Wren Group and County Staff*

**ENCR 13 Mining by Mayfield** As proposed, the bill includes three provisions. The first tasked DOT with the preparation of a Strategic Aggregates Resource Assessment (SARA) as recommended by the Strategic Aggregates Review Task Force. The SARA would map current mineral reserves, project the statewide demand and supply, and identify infrastructure improvements that would be required to ensure regional delivery of aggregate. Second, the bill would require a new ERP be developed by DEP that would combine mining and reclamation approvals. Last, the bill would preempt the authority of local governments to deny any development order associated with the construction or operation of a mine if DEP has issued its permit.

The House Environment and Natural Resources Council deferred consideration of the bill this week. However, the Lt. Governor issued a statement supporting the protection of home rule as it pertains to the permitting of mining activities. This should significantly enhance the ability of the team to lobby against the inclusion of pre-emptive provisions in bills in the House and Senate. The Florida Association of Counties is continuing to work with the bill sponsors and industry representatives on compromise language.

### **Agriculture Enclave**

*By: County Staff, Ericks Consultants, Pittman Law Group, The Wren Group, Moya Group, and Corcoran*

County staff, Mike Corcoran, and Gene McGee met with the Senate bill sponsor, **Sen. Carey Baker** regarding our concerns with the Ag Enclave bill this week. Despite the bill not passing out of Agriculture Committee last week by a vote of 2-4, the bill was back on this week's agenda for reconsideration.

The bill prohibits a local government from limiting land uses, densities and intensities of use consistent with uses, densities and intensities of use of the industrial, commercial or residential areas that surround the agricultural enclave to a distance equal to three miles of the enclave.

In Committee, County staff testified in opposition to the bill. On the other side of the issue, a strong contingency of Agriculture representatives testified in support of the bill. The bill passed favorably in a vote of 6 Yeas, 1 Nay.

**Sen. Diaz de la Portilla** continued to object to the expansion of limiting local government control in these types of land use situations, and **Sen. Deutch** proposed an amendment that passed onto the bill that changed the language from "...an Ag Enclave shall not be subjected to higher concurrency standards than the concurrency standards applied to previously approved development **contiguous to the enclave**" to "...applied to previously approved development **within 3 miles of the perimeter of the Ag Enclave.**" Chair Alexander also expressed concern with the far reaching nature of the bill and the long term ramifications it has on local government planning decisions.

We appreciate the efforts of **Sen. Ted Deutch** to amend certain sections of this proposal and to offer additional suggestions for future amendments regarding the Burt Harris provisions of this bill. A special **THANK YOU** should be given to **Sen. Alex Diaz de la Portilla** for his support of this issue, for expressing the significant impact of this sweeping proposed change to state law, and for being the only member of the committee to vote against this bill.

For the second week in a row the House Council deferred action on the bill. Currently the Council is only scheduled to meet one more time next week.

#### **Clerk's Bill**

*By: County Staff, Moya Group, and Pittman Law Group*

#### **HB 399/ SB 640- Financial Management by Local Governments**

**SB 640 by Senator Oelrich** was temporarily postponed in Community Affairs this week due to time restraints. Testimony before postponement included the Auditor General and County staff. The Auditor General testified that although they neither support nor oppose the bill, the language significantly broadens the role of the clerk. County staff thanked Senator Oelrich for including an amendment to the bill requested by Palm Beach County. Staff also testified that we support changes to address the concerns of other counties. Senator Storms offered two amendments that included language offered by FAC that addresses concerns brought forth by other counties and Pinellas County Sheriff Jim Coats. The bill has been rescheduled in Community Affairs for next Wednesday.

County staff met this week with **Rep. Grant**, the House sponsor. HB 399 has been placed on the Calendar for second reading.

#### **Emergency Management/Good Samaritan**

*By: Foley and Lardner*

HB 839 regarding Sovereign Immunity for emergency healthcare providers was temporarily postponed in the House Safety and Security Council this week – the second time in two weeks. The Senate companion, SB 1640 by Baker has not been considered yet in a Senate committee.

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.

### **Local Government Transparency**

*By: County Staff and Pittman Law Group*

SB 392 by Senator Storms relating to General Local Govt. Transparency and Contract Information requires local governments with a website to electronically post information relating to certain contracts. Access to the website would be provided at no cost. It also requires the Department of Financial Services to develop a uniform format to be used by local governments that will include input for the name of the parties to the contract, the date and amount of the contract, and the purpose of the contract when posting contract information and that contract information should be posted at least on a quarterly basis. The Sheriff's, Tax Collector's, Property Appraiser's, Supervisor of Election's and Clerk of Court's contracts must also be maintained by the County. The requirement to post contracts on their respective website is also required for special taxing districts, municipalities and water management districts. In addition, the bill requires that each local government must designate one central office to maintain all contract information. The implementation schedule for counties with a population of 300,000 or more is October 1, 2009.

The bill passed unanimously in Finance and Tax this week. Arguments were made by local governments including Commissioner Ilene Lieberman that counties support transparency but that this is an undeterminable unfunded mandate and that local governments can expect to incur the costs to comply with the reporting requirements for both the website maintenance and staff. In response to this argument, the bill sponsor has testified that this is a simple process that will not be time consuming. The bill has passed three of its four committees of reference. Similar legislation, HB 181 by Representative Harrell has passed one of three committees of reference.

### **Equine Activities**

*By: County Staff*

**HB 305 by Representative Vana and SB 964 by Senator Aronberg** designates the "Nicole Hornstein Act", which provides that a person under the age of 16 must wear a helmet if they are riding a horse on public lands. The requirement does not apply if the person is involved in an activity such as a parade or rodeo, where helmets are not historically part of the event, or if the person is riding a horse on private property. In 2006, Palm Beach County resident Nicole Hornstein was thrown off a horse she was riding and hit her head on a paved area of ground. Hornstein was not wearing a helmet at the time. As a result of the fall, Hornstein fell into a coma for 20 days before passing away at age 12. The House bill has been placed on the calendar for second reading and the Senate bill has been placed on Tuesday's Transportation agenda, its' second of four committees of reference.

### **Scripps Research Institute**

*By: County Staff*

**SB 2778 by Senator Fasano** requires the Scripps Florida Funding Corporation, along with the Office of Tourism, Trade, and Economic Development and Enterprise Florida, Inc., to review the performance and progress of grant recipients of the Innovation Incentive Program, and requires the Legislative Budget Commission to review and approve an innovation incentive award before the Executive Office of the Governor releases the funds. One of the concerns in the bill is the requirement that no more than 50 percent of the total appropriation from the Innovation Incentive Grant Program in any given fiscal year can be given to life science companies. This may limit opportunities to continue to grow the Bioscience clusters.

County staff has been in contact with OTTED Senior Attorney to discuss the bill. The bill has passed unanimously out of its second of three committees of reference this week and has no House companion.

### **Airport Issues / WiFi**

*By: County Staff, Foley and Lardner*

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 that would further refine internet access at airports.

After working with the bill sponsor to address airport's concerns, the bill was amended by the sponsor defining "Internet access provider" as "any entity who, as one of its primary business activities, provides consumers with access to the Internet." This will serve to exempt airports from the requirements in the bill. The amended bill passed out of Safety and Security this week and has been placed on the calendar for second reading.

### **Moving Bill (Local Government Preemption)**

*By: County Staff*

SB 530 by Senator Saunders was not considered in Community Affairs this week due to time restraints but has been rescheduled for next Wednesday. This legislation preempts local government ordinances related to household moving services by eliminating county authority to impose local ordinances regulating moving companies.

The identical House Bill, HB 611 by Representative Nehr has not yet been heard in any of its' three committees of reference.

### **Public Construction**

*By: FAC Staff and County Staff*

HB 683 by Representative Will Weatherford requires counties and cities that need to conduct repair and maintenance on public buildings or structures, where the costs are expected to exceed \$280,000, to competitively award such work to a licensed contractor, rather than using in-house personnel. The bill also applies to road construction projects in that a county can only use its work force for road projects that (1) do not exceed \$250,000 per project (excluding material costs), and (2) do not exceed one mile in length. Representative Weatherford has been meeting with counties to discuss their concerns with the bill. The bill is scheduled in its' second of three committees of reference on Tuesday morning.

Senator Haridopolis has filed the senate companion bill, SB 2148 and it is scheduled in its' first of four committees of reference this Wednesday.

### **Agriculture Industrial Centers**

*By: The Wren Group*

**SB 2634 Relating to Agricultural Industrial Centers by Sen. Dean** adds "agricultural industrial center" as a land use category under the Local Government Comprehensive Planning and Land Development Act. Requires local governments to identify existing centers by July 1, 2009, and amend their comprehensive land use plan by July 1, 2010, to establish agricultural industrial center economic overlay planning districts, and provides presumption that limited expansions of such centers are not urban sprawl. The bill unanimously passed Senate Agriculture this week.

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**Dubois Pioneer Home**

*By: County Staff*

This week, the Dubois Pioneer Home Historic Preservation Grant Application was heard by the Historic Preservation Acquisition and Development Review Panel. The application is for \$50,000 for the repair of roof damage to the home caused by the past year's hurricanes. Dubois ranked #11 with 105 applications being heard and a total of 58 that were ranked. The cumulative funding total of the rankings up to the Dubois Home is \$437,691.50. Funding of this project will be determined by the program budget set by the Legislature. Normally the program is funded at \$2.5 million, but due to budget restraints, we anticipate a significant reduction in funding. Thank you to Tim Granowitz from Parks and Recreation and Chris Davenport, the County's archeologist, who lobbied the review panel prior to the hearings and also provided testimony at the hearing. Their expertise of the project, professional presentation and knowledge of the process resulted in the high ranking it received. Also thank you to Jean Matthews from Parks and Recreation and Lisa King from Langton Associates for compiling the application and all their behind the scenes work.

**FEDERAL ISSUES**

**Going Green**

*By: County Staff*

On Monday, **Congressman Tim Mahoney and Ron Klein** joined **Governor Charlie Crist** in Palm Beach County to jump start Palm Tran's Going Green Initiative. The press conference took place at Palm Tran and highlighted the Counties efforts to use biodeisel fuels and nitrogen filled tires in county busses.

We appreciate their attention to this issue and we particularly thank **Congressman Klein** for his sponsorship of appropriation requests for Palm Tran busses this year and **Congressman Mahoney** for his securing almost \$750,000 last year for Palm Tran's AVL systems.

