

PBC Legislative Update

APRIL 28, 2008

VOLUME 3 NUMBER 8

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FEDERAL UPDATE

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State Issues – Session Legislative– Week 6

County Priority Issue Updates

Budget Issues

By: The Wren Group

Appropriations - SB 2900 / HB 5001 Both chambers approved their versions of the General Appropriations Act for FY 08-09 and are now postured to commence conference. It is anticipated that the conference committee's will be named mid-week next week and that the negotiations will proceed through the following week. The only significant change from those reported earlier occurred in the House of Representatives who chose to eliminate the allocation for member water projects (\$43 million). Despite this action, members of the team have been re-assured by leadership that a list will be approved; however, it will not be released until the final budget is printed and delivered to the members. The team continues to work to improve the position on all our requests.

To recap, Palm Beach County priority water projects are 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

Thank you to **Sen. Jeff Atwater** and **Rep. Richard Machek** for their assistance on Water Project funding this week.

Taxation and Budget Reform Commission

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

The full Taxation & Budget Reform Commission will meet on Monday April 14, 2008 in Tallahassee to debate, among other proposals, CP 0045 by Commissioner Hogan, the TABOR revenue cap proposal. It is expected that public testimony on this proposal will be limited to 20 minutes for both the proponents and opponents of the resolution.

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

Fiscally Constrained Counties

By: FAC staff and County Staff

Senator Alexander filed an amendment to protect the fiscally constrained counties program for FY 2008-09 (SB 1588) on Thursday. In 2007, the legislature provided assurances to hold fiscally constrained counties harmless by returning diminished revenues to those counties caused by reductions from the passage of Amendment 1 on property tax reform. The bill, without Senator Alexander's amendment, would have postponed this return until FY 2009-10. The

amendment deleted this provision thus restoring the original legislative intent. The next step in this process will be to seek the Senate's approval for a revision to its 2008-09 proposed budget amount for the fiscally constrained counties from the current proposed \$5 million to the proposed \$26 million amount recommended by the House. It is currently anticipated these funds will be derived from nonrecurring general revenue dollars.

County staff and lobby team members met with Chris Doolin and key legislators regarding the funding source for these dollars. We will continue to closely monitor the budget process for any changes in funding sources.

Property Tax Issues

By: Ericks Consulting

HJR 949 relating to Maximum Ad Valorem Tax Limitations by **Representative Lopez-Cantera** proposes a Constitutional amendment to provide that the total combined property taxes on any parcel of real property shall not exceed 1.35 percent of highest taxable value of property. This bill will apply property tax limits to all property taxes except property taxes approved by voters. It preserves Save Our Homes, homestead exemption, and any other exemptions.

Rep. Lopez-Cantera says this bill includes the same language as a current petition going around the state that would put the question of whether or not to have the 1.35% cap on the ballot in 2008. **Rep. Evers** believes the Legislature should represent these people with the petition and in the placement of this language on the ballot. **Rep. Homan** commented that a city in his district had decreased their millage rate 10 years in a row and is concerned that these tax measures penalize those who are doing the right thing. In the legislation, the 1.35% is equivalent to 13.5 mills. If these provisions were in place for FY 07-08, there would have been an estimated \$5.9 billion reduction in property taxes collected by local governments. The bill passed favorably with a CS. **Reps. Gibbons and Meadows voted against this legislation.**

GEAC 08-25 relating to State and Local Government Revenue Limitations is a proposed amendment that limits the growth of revenues that may be collected by counties, cities, school boards, and special districts, by limiting those revenues by a growth factor similar to the one applicable to state revenues.

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 on Tuesday, April 8th. The Senate bill passed favorably out of committee and was the last bill passed out of a committee with a packed agenda.

The House bill, HB 351 by **Reagan** was heard on Friday in Economic Expansion & Infrastructure. Several speakers rose in support of the bill; Hillsborough County, City of Orlando, Palm Beach County, and the Police Chiefs Association. The bill passed favorably, but had 2 "no" votes by **Reps. Weatherford and Nehr**.

In two separately filed amendments in the Senate of Thursday and in the House on Friday, there was an attempt to preempt all local governments from using cameras to enforce red light violators. Palm Beach County's lobby team assisted in both instances in having those amendments withdrawn from consideration. Thank you to Foley and Lardner for their assistance identifying these amendments.

The Moya Group has already begun to meet with members of the Senate Community Affairs Committee to have it placed on the Committee's agenda during the week of April 14- 18, as well as, ongoing meeting to have it withdrawn from its reference to Health & Human Services Appropriations.

Autism

By: County Staff, Akerman Senterfit, and Ericks Consulting

SB 2654 by Senator Geller relating to autism passed unanimously out of Health & Human Services this week with 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 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. The bill has one more committee of reference. Companion HB 1291 by Representative Porth has two more of three committees of reference.

House Speaker Marco Rubio two weeks ago created of the Select Committee on Autism and Developmental Disorders. The committee met twice last week and received four hours of public testimony that gave committee members the opportunity to hear the problems parents face with current funding programs available. The committee will release its final report April 15, 2008.

SFRTA

By: County Staff

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 is scheduled to be heard in Policy & Budget Tuesday, April 15th.

Similar legislation, **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.

Charter County Transit System Surtax

By: County Staff and Foley and Lardner

SB 1626 by Senator Alexander and HB 747 by Representative Ross renames the Charter County Transit System Surtax the "Charter County Transportation System Surtax". These bills allow charter counties that did not implement the surtax prior to January 1, 1984 to do so upon approval by referendum. The surtax was created by the Legislature in 1976 to allow charter counties to levy a 1% sales surtax to finance the development, construction and operation of a rapid transit system. This bill also changes the designation of the surtax from transit to transportation and authorizes funds to be used for transit. Discussion among committee members in Gov't Efficiency and Accountability included removing charter counties that were previously eligible. County staff had discussions with the Gov't. Efficiency & Accountability staff and we argued that these counties should not be exempted from implementing the tax. The HB has one more committee of reference and the SB has two more committee stops.

Florida Forever

By: The Wren Group

The wrangling over a successor program for Florida Forever continues. The House and Senate versions continue to differ significantly.

This week the House considered **ENRC 09**, a large re-write of the program, and also adopted 11 amendments. Highlights of the House draft are that the bill:

- Designates the FWCC and DACS as the state's primary land managers. The Department of State (DOS) and DEP are designated as specialty land

managers, and it divides the duties of land management between the departments.

- Revises the thresholds and procedures for state lands acquisition.
- Requires the Division of State Lands of DEP to initiate an information system to be used in land acquisition and land management decision making and modeling.
- Requires that land management plans must have short and long-term goals and performance measures that are monitored and reported.
- Expands the uses of state lands to include alternative water supply and imperiled species habitat conservation.
- Revises the allocation of Florida Forever funds by reducing the allocation to the water management districts and allocating funds to DACS to acquire less-than-fee interests in agricultural lands.
- Requires the Acquisition and Restoration Council and the Board of Trustees to develop and adopt rules defining specific criteria and numeric performance measures for Florida Forever land acquisition.
- Expand the uses of the FRDAP program to rural and suburban areas.
- Transfers the Florida Communities Trust from DCA to DEP and establishes that there shall be an executive director of FCT, and that the executive director reports to the Board of Trustees.
- Allows funds to be used to preserve working waterfronts.
- An amendment also was added this week that authorizes the Legislature to annually review the authorized millage rate for each water management district and set the maximum revenue to be raised by each district.

The **Senate bill, SB 542 by Sen. Saunders**, is different from the House bill, it:

- Increases the bonding authorization for the Florida Forever program from \$3 billion to \$5.3 billion and extends the debt retirement dates to 2040 to conform to this change.
- Requires that a study be undertaken to determine the potential and value of using state lands for assisting in efforts to address climate change issues.
- Permits the Florida Fish and Wildlife Conservation Commission (FWC) to utilize lands, for which they act as lead manager, for the purpose of providing protection to listed species. Additionally, the provision is scheduled to sunset in 2014.
- Changes a requirement that “up to” 1.5 percent of the total funds ever deposited into the Florida Forever Trust Fund and the Preservation 2000 Trust Fund to read “not less than.”
- Creates a requirement that any acquisition of \$100 million or more shall be submitted to and approved by the Legislative Budget Commission.
- Changes the current Florida Forever distribution formula to reduce from 35% to 30% the amount allocated to the water management districts and increasing from 35% to 40% the amount given to the Department of Environmental Protection for acquisitions from the Florida Forever priority list. A requirement is also added that a minimum of 3% of the funds allocated be used for capital expenditures to expedite public access.
- Requires that a minimum of 1% of inholdings and additions allocations be used for capital projects needed to expedite public access.
- Provides rulemaking authority to the Board of Trustees of the Internal Improvement Trust Fund (Board) for the use of state lands to assist in climate change issues.
- Requires water management districts to revert title to the Board of Trustees for state lands purchased in whole or in part with Florida Forever funds unless certain conditions are met.
- Allows for additional grant applications by local governments and increased grant awards under the Florida Recreation Development Assistance Program.
- The bill also contains many changes to legislative intent and findings to provide for increased emphasis on public access; the utilization of additional acquisition methods in order to maximize the use of state funds; and to allow for the expenditure of funds and more emphasis on protection of rural and agricultural lands.

Enterprise Zone Boundaries

By: County Staff, Corcoran, and Pittman Law Group

County staff met with the staff director of economic development for possible inclusion of the amendment in an economic development package now HB 7111. This idea was met with positive response and the economic package was heard last week in the Economic Expansion and Infrastructure Council. Although expansion of the enterprise zones was included, county staff is still working with committee staff to ensure the language provides eligibility for South Bay and Belle Glade. The bill is scheduled to be heard next Tuesday and we are working to have this language amended at this committee stop. The Wren Group and Pittman Law group are working with the Senate to have this language included in their Economic package. Sen. Fasano's bill, SB 850 is a possibility as it appears likely to move through its committees of reference before the end of session.

Scanner Law

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

HB 151 by Representative Reed that included 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 passed the House on its third reading this week.

The companion bill, **SB 522 by Senator Hill** was scheduled in Community Affairs, its last committee of reference last week but was not heard due to time restraints. It is expected this bill will be heard in committee next week.

Mining

By: FAC Staff, Ericks Consulting, and The Wren Group

Mining preemption bill (SB 2406) was temporarily passed in Senate Environmental Preservation and Conservation. The bill was nearly voted down due to concerns with language that preempts local government environmental regulations of limestone mines. It will be heard in the same committee next week. A separate mining bill (SB 774) passed Senate Community Affairs this week, and will also likely be heard in Senate Environmental Preservation and Conservation next week, so both mining bills will likely be heard in the same committee. SB 774 contains a supermajority requirement and appeal to the cabinet relating to land use determinations regarding aggregate mines. Several members of the committee have not viewed either concept favorably, but some members have indicated interest in passing mining language that does not preempt local government or provide supermajority requirements.

Ag Enclave Bill

By: The Moya Group and Foley and Lardner

HB 1173/ SB 2246- Agriculture Enclave HB 1173 was passed favorably by the Environment & Natural Resources Council with a committee substitute (CS) in a vote of 16 Yeas, 0 Nays. HB 1173 has no more remaining committee references.

SB 2246 is scheduled to be in General Government Appropriations committee on Tuesday April 15th at 2:15 pm in room 401 Senate Office Building.

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 passed out of Community Affairs. The bill has one more committee stop in Judiciary. Senator Storms again offered two amendments this week that included language offered by FAC that addresses concerns brought forth by other counties and Pinellas County Sheriff Jim Coats. These amendments failed on a voice vote.

HB 399 by Representative Grant has been placed on the Calendar for second reading. Representative Grant stated on the record at its last committee stop that this bill does not allow the clerk to conduct post audits.

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 contract awards with payments exceeding \$5,000 to be posted online. 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 was heard in Transportation & Economic Development on Thursday. On taking up the bill, Chair Fasano asked if the bill would apply to Special Districts like airports. Sen. Storms responded that 2 out of 3 staff people have told her it would not. She said her intent was to include only districts with taxing authority and if that were not the case she would amend the bill to make it so. The bill passed unanimously in Transportation and Economic Development Appropriations. It has been placed on Special Order Calendar for next Wednesday if received.

The House companion to this bill is HB 181 by Rep. Harrell. It has passed through one of its three committees of reference, but has not been taken up since January 9th.

Transparency in Local Government/Spending: GEAC 24

This week, the second attempt to impose increased reporting requirements was submitted as a Council bill. GEAC 24 is similar to SB 392 but goes much further.

- o The bill adopts a uniform reporting requirement on all three levels of local government: Counties, Municipalities and special districts. Requires the following to be set out in a financial plan:
 1. All proposed expenditures for administration, operations, maintenance, debt service and capital projects
 2. Anticipated revenues
 3. Beginning and ending fund balances
 4. Previous, current and future projections of the budget
 5. Explanatory schedules of revenues by source

- Limits the unreserved, undesignated fund balance to 15% of operating revenues. Any remaining balance may not be used to increase expenditures within the budget but must be carried forward.
- Applies the requirement of newspaper publication, already in place for counties, to cities and special districts.
- Requires a "written budget message", a maximum of four-pages in length, to be posted on the local government website if it already has one.

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 passed two of its' 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 limit was removed from the bill in response to a request that 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 all committees of reference and has been placed on special order calendar.

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. This is the second week in a row that the bill has been heard in Community Affairs due to time restraints.

Identical HB 611 by Representative Nehr has not yet been heard in any of its' three committees of reference.

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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 passed two of three committees of reference. On Friday, the language relating to the road projects and contracting was passed in the Economic Expansion & Infrastructure Council as it was amended into HB 1399 relating to Transportation by Representative Aubuchon. HB 1399 has one more committee of reference.

Senator Haridopolis has filed the senate companion bill, SB 2148 to 683 and has not been heard yet in any of its committees of reference.

Agriculture Industrial Centers

By: County Staff

This week County staff reviewed new language regarding the Agriculture Industrial Centers proposal. The new language was contained in a strike all PCB on Economic Development. The proposal would make property deemed as an Agriculture Industrial Center deemed to not be urban sprawl.

FEDERAL ISSUES

TRACON

By: County Staff

This week County Commissioner Jeff Koons attended a meeting with David Goldenberg from Congressman Alcee Hastings office. The meeting held at the Airport Hilton focused on the proposal to include a TRACON radar center in the new airport tower scheduled to be built at Palm Beach International Airport. Currently, FAA is supporting the consolidation of the radar center to Miami-Dade. Congressman Hastings has been committed to ensuring that the TRACON center remain in Palm Beach to ensure additional safety precautions for air travel in South Florida.

