

PBC Legislative Update

APRIL 28, 2008

VOLUME 3 NUMBER 9

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State Issues – Legislative Session– Week 7

County Priority Issue Updates

Late Night Legislature

As of 2:14 am Saturday morning, the House was ready to conclude the week's business and allow members to travel home for the Passover holiday weekend. The length of session was prompted when Minority leadership upset over a motion to suspend debate on school curriculum issues, invoked a seldom used rule that required all bills heard before the legislature to be read in their entirety. Upset over this, House Leadership locked down the chambers, removed internet access to members, and removed several Democratic bills from the agenda and referred them back to committee. The lengthy bill reading; however, continued well into the early morning hours. As of the end of Friday's session, none of the respective Party leadership had come to an agreement as to how they would proceed next week. The real winners though: condo owners of Palm Beach County. At least they can find comfort in knowing that every member of the House is well versed on their condo association legal issues after the two-hour reading of their 86 page piece of legislation.

Budget Issues

By: The Wren Group

Appropriations - SB 2900 / HB 5001 This week the House and Senate appointed their conferees to begin resolving the budget differences between both chambers. It is not expected for the conference committees to formally meet until early next week.

Following a new revenue projection, the Senate President and House Speaker agreed to the following allocations:

(In Millions)

K-12 Education	\$9,113.3
Higher Education	\$3,791.4
Economic Expansion & Infrastructure (TED)	\$437.8
Environment & Natural Resources (GG)	\$205.9
Governmental Efficiency & Acc. Excluding Military Affairs (GG)	\$230.7
Military Affairs	\$20.1
Jobs & Entrepreneurship (GG)	\$27.8
Healthcare (HHS)	\$7,122.1
Safety & Security (CJ)	\$3,909.1

In the natural resources area, early remarks from the committee chairman suggest the two sides have already agreed to fully fund Florida Forever and Everglades restoration. It is also anticipated that approximately \$50 million will be approved for water projects.

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

Taxation and Budget Reform Commission

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

The full Taxation & Budget Reform Commission met on Monday April 14, 2008 in Tallahassee to debate and vote on CP 0045 by Commissioner Hogan, the TABOR revenue cap proposal. Public testimony was limited to 20 minutes for both the proponents and opponents of the resolution and each side had five speakers that presented their views. After extensive discussion regarding amendments to the proposal, the full committee voted and by a vote of 14-9 with two members absent, the proposal failed. In order for a proposal to reach the ballot it would need 17 affirmative votes from the TBRC.

Thank you to FAC and the members of our County lobby team who spent a considerable amount of time reaching out the TBRC members and discussing this proposal.

Fiscally Constrained Counties

By: Foley and Lardner, and County Staff

SB 1588 passed the Florida Senate this week. This bill included language that would provide funding for the fiscally constrained counties in order to hold them harmless from the diminished revenues to those counties caused by reductions from the passage of Amendment 1 on property tax reform. The House and Senate must now reconcile the differences in their budget since fiscally constrained counties currently are budgeted for \$5 million in the Senate budget and \$26 million has been 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.

State and Local Government Revenue Limitations

By: County Staff

HB 7125 by the Government Efficiency and Accountability Council filed on April 11th passed its only committee of reference committee meeting last week. The bill proposes an amendment to the State Constitution to revise state revenue limitations by providing that state revenue growth is limited to changes in population and inflation, plus one percent. It also changes the types of revenues that are subject to the limitation, and provides revenue limitation for counties, municipalities, school districts, and special districts to be implemented by Legislature. The bill passed with an amendment offered by **Representative Saunders** that removes unfunded mandates from being considered under the revenue cap. The bill has been placed on special order calendar next week and has no Senate companion.

Traffic Safety Photo Enforcement

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

The Senate Community Affairs last committee meeting is scheduled for Tuesday April 22. SB 816 is not on the Committee's agenda and will not be reported from its remaining references to Committee Affairs or Health & Human Services

Appropriations. With that in mind, the only way to move this legislation without withdrawing it from the remaining committees would be to amend portions on the bill to another piece of legislation. It is expected that sometime next week there will be an attempt to amend language onto a larger transportation package.

We will continue to monitor amendments for preemption language that appeared last week in committees in both the House and the Senate.

Autism

By: County Staff, Akerman Senterfit, and Ericks Consulting

This week County staff worked to secure cosponsors for **Rep. Ari Porth's Legislation on Autism, HB 1291**. The effort was to try and secure at least 61 co-sponsors to the bill to show growing support in the House to continue having the legislation heard. As of the end of the week, 80 house members had signed on as co-sponsors of the Autism legislation which would provide insurance for children diagnosed with autism spectrum disorder.

The Senate companion, **SB 2654 by Senator Geller**, passed unanimously out of Health & Human Services this week with the County waiving in support of the bill.

SFRTA

By: County Staff

HB 1245 by Representative Galvano passed unanimously out of its' final committee 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.

Thank you to **Rep. Hasner** and all of our House Delegation members who have been instrumental in monitoring this issue as it has moved smoothly through all of its referred committees in the House of Representatives.

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.

Florida Forever

By: The Wren Group and County Staff

0542 Relating to Land Acquisition and Management by Saunders

This is the Senate's bill for the Florida Forever successor program. The bill was amended on the Senate floor this week with a number of changes, including amendments that:

- Increase the size of the Acquisition and Restoration Council (ARC) from 9 to 11 members, adding a member with experience related to agriculture, and one related to wildlife management or wildlife ecology, and requiring the ARC to develop rules and criteria for lands to be acquired under the program
- Provide that small counties shall receive payment in lieu of taxes until their populations exceed the threshold
- Establish that lands being surplussed may be used for alternative water supply and water resource development projects, as well as public facilities such as schools, police and fire facilities
- Clarifying and reforming public use and access provisions and goals of the program and land management plans;
- Modify the local government grant process via Florida Communities Trust for the Waterfronts Florida Program, a program intended to help preserve recreational and commercial working waterfronts;
- Budgeting for land management activities;

- Expressly direct the successor to support protection of habitat for imperiled species and support restoration and repopulation of habitat by imperiled species – such as relocating gopher tortoises to public lands to support viable populations.

There was no action this week on the House side.

Additionally, on the budget side of the issue, the House and the Senate have come to an agreement that will provide \$25 million for the program this year. They are still discussing Everglades funding.

Enterprise Zone Boundaries

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

HB 7111, SB 1572 by Lynn HB 7111, which includes the Counties preferred language allowing OTTED to extend Enterprise Zones in areas of rural economic concern by up to 3 miles, passed out of Policy and Budget Council this week.

Pittman Law Group met with Sen. Lynn about amending her bill, SB 1572, to include the Counties 3-mile expansion language. She agreed and her office is in the process of filing the amendment so it can be taken up at the next committee stop. The bill was heard this week in Commerce and passed out favorably with one amendment. It has Community Affairs, Finance & Tax and Transportation & Economic Development Appropriations remaining. In the event that we are unable to remove SB 1572 from its remaining references to the Senate Community Affairs Committee and Finance & Tax Committee, (Our PBC lobbying team attempted to complete the necessary steps to withdraw SB 1572 from its references by acquiring the necessary signatures to do so), we are searching for an alternative bill to use as a vehicle for the amendment language we have for enterprise zones.

Scanner Law

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

The companion bill, **SB 522 by Senator Hill** passed unanimously in Community Affairs this Thursday. It is now scheduled to move to the floor of the Senate to be heard in the next two weeks.

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 last week and is now in Senate messages.

Mining

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

Both mining bills were voted down by the Senate Environmental Preservation and Conservation Committee this Thursday. The mining preemption bill (SB 2406) was voted down due to concerns with language that preempts local government environmental regulations of limestone mines. A separate mining bill (SB 774) was also voted down and contained a supermajority requirement and appeal to the cabinet relating to land use determinations regarding aggregate mines. Several amendments were made to the bills in committee that removed most of the objectionable language; however, a majority of committee members did not feel comfortable moving the bills forward and risk objectionable language being placed on back on the bills if they were to make it to the floor of the Senate. Both bills were defeated 2-4 and 2-3, respectively. The result of the Committee action means that there will not be an independent vehicle relating to the regulation of mining aggregate this year. However, proponents of the bill have expressed their intent to amend the measure onto other bills.

Companion Bill ENR 08-8 by the House Environmental & Natural Resources Council was not considered this week.

Ag Enclave Bill

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

SB 2246 was heard in the General Government Appropriations committee on Tuesday April 15th. **Sen. David Aronberg** filed three amendments to the legislation in an effort to address several issues that were raised at the previous Senate Agriculture meeting. Of the three amendments proposed by the County, two of them were adopted. Those two amendments would extend the amount of time the local governments and property owner would have to negotiate after a transmittal to DCA had been received back before going to a Bert Harris proceeding to an additional 90 days. The third amendment which was not adopted would have specified a more definitive way in which the land owner would have to respond to any objects or concerns from the land planning agency. While it was withdrawn from consideration, Sen. Baker, the bill sponsor committed to resolving the issue on the floor of the Senate. While these amendments make the bill better, it still does not satisfy the objects of the County and the many environmental entities that testified against the bill in Committee.

Thank you to **Sen. Dave Aronberg** and his staff for preparing and offering the amendments to the bill. And **thank you** to **Sen. Ted Deutch** and **Alex Diaz de la Portilla** for raising these concerns in the previous committee.

HB 1173, the House companion is currently on second reading in the House of Representatives.

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** has one more committee stop in Judiciary, and is scheduled to be heard in that committee on Monday, April 21. Several Counties still have serious concerns with the legislation and are working to draft amendments to the bill that would clarify language regarding the role of the Clerk in local government accounting procedures. Palm Beach County had language that was amended into the bill several weeks ago that addressed some of our early concerns.

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: Pittman Law Group and Ericks Consulting

Local Government Transparency/Contract Info: SB 392 by **Sen. Storms** Senator Storms bill would require local government contract awards with payments exceeding \$5,000 to be posted online. The bill provides a timetable to come into compliance, allowing smaller governments more time to comply.

The bill was on third reading on the floor Thursday. It passed favorably 37-1 with Senator Oelrich as the only "no" vote.

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: HB 7123 (formerly GEAC24)

The other vehicle by which the Legislature is trying to impose increased reporting requirements is HB 7123. The Council bill became HB 7123 this week and was taken up and passed favorably by Policy & Budget Tuesday. The bill adopts a uniform reporting requirement on all three levels of local government: Counties, Municipalities and special districts.

It requires the following to be set out in a financial plan:

- All proposed expenditures for administration, operations, maintenance,

debt service and capital projects

- Anticipated revenues
- Beginning and ending fund balances
- Previous, current and future projections of the budget
- Explanatory schedules of revenues by source
- Limits the unreserved, undesignated fund balance to 20% (changed from the Council bill) of operating revenues or 90 days of regular general fund operating expenditures, whichever is greater, necessary to secure and maintain credit ratings, meet seasonal shortfalls in cash flow and reduce susceptibility to emergency or unanticipated expenditures or address revenue shortfalls. The funds may not be used to increase recurring expenditures.

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 House bill has been placed on the calendar for second reading and the Senate bill has been placed on next week's (4/21/08) Judiciary agenda. This will be the final substantive committee reference for the Senate bill.

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.

The bill was passed unanimously on the floor of the Senate this week. While it does not have a specific identical House bill, it does contain portions of several bills that are currently pending in that Chamber.

Moving Bill (Local Government Preemption)

By: County Staff

SB 530 by Senator Saunders was heard in Community Affairs this week and was voted out of committee 4-3. This legislation preempts local government ordinances related to household moving services by eliminating county authority to impose local ordinances regulating moving companies. County staff testified in opposition of the bill as did other local government representatives. Moving industry representatives spoke in favor of the bill. The Senate bill still has one more substantive committee reference (Judiciary) in the Senate and is not expected to be heard in that committee since the agenda for the last Judiciary committee has already been posted.

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

Fertilizer Preemption

By: County Staff and The Wren Group

In Senate Community Affairs, legislation that would have preempted local governments from adopting local fertilizer application ordinances was TP'd in committee until next week. The legislation, **SB 2352 by Aronberg**, would require all county and municipal governments to adopt, at a minimum, the "Florida Friendly Fertilizer Use on Urban Landscapes Model Ordinance" by October 1, 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 is on next week's Community Affairs agenda, but has two additional committee references before moving to the floor of the Senate.

Dot Com Issue

By: County Staff

PCB GEAC 08-20 relating to general tax administration includes a provision that grants a tax exemption to online travel companies. Because of instances where online travel companies are collecting taxes only on the actual hotel room instead of the total amount of consideration paid by the guest occupying the room, several counties filed lawsuits to collect these taxes due. Proponents and opponents argue on the interpretation of the current law. The Florida Department of Revenue states that the bill's language clarifies existing statute language on what is taxable while counties argue that it is a substantive change in law. **Representative Robiana** offered amendments to support the county's position and stating that this would result in an approximate \$22 million loss in revenue. The amendments were ultimately withdrawn with Representative Robiana stating he wants clarification on the interpretation of what is currently taxable. The bill passed out of committee with **Representative Gibbons** as the only dissenting vote on the committee.

Agriculture Bill/ Wetland preemption/ Stormwater preemption

By: County Staff

SB 1376 by Dean was TP'd in committee this week after numerous objections were raised by interested parties. An amendment was adopted that struck the limitation on assessing a stormwater fee by local governments, and then the bill was temporarily postponed.

The earlier version of this bill prohibited a county government from imposing 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. The bill is on the agenda for the committee once again on April 22nd.

School Board Sign Issue

By: County Staff

In discussions between the County, School Board, and the League of Cities, language was agreed upon that would create a 3 year pilot program that would allow schools to continue displaying advertisements on their facilities. The language would specifically preempt to the School Board the authority to regulate these signs. In doing so, it would suggest that where possible, the School Board should adhere to stands as defined in existing local county and municipal ordinances.

After those discussions, additional feedback was provided by the City of Boca Raton this Thursday that expresses some concerns with the proposed language. Their concerns are that final authority rests with the School Board to do determine signage policy. We are currently working with Boca Raton administration to draft language that addresses their expressed concerns; however, it is expected that based on this feedback, we will most likely move forward with language that only deals with schools located in the unincorporated areas of the County.

Growth Management

By: FAC Staff

Both House and Senate growth management bills are poised to be heard next week before making their way to the floor. The House bill, **HB 7129**, is expected to be heard in the House Infrastructure Council on Monday, April 21, while the Senate bill, **SB 474**, will be heard in the Senate Transportation Committee on Tuesday, April 22. Both bills make significant changes to local comprehensive planning requirements. Of particular significance to counties, both bills delay by one year the requirement to meet current financial feasibility requirements, while the Senate bill allows a one year postponement for school concurrency. With respect to the latter, the Senate bill also includes language that would not only limit a county's ability to place development conditions on new schools but it would also preclude them from denying comprehensive plan or zoning amendments based on inadequate school capacity. Both bills also place a significant emphasis on transportation concurrency, granting blanket transportation concurrency exemptions for all urban infill and urban redevelopment areas, while removing the current statutory requirement that these exempted areas include long-term mobility strategies. Related to the overall concurrency issue, both bills propose that a 1-2 year study of alternative mobility funding be undertaken, wherein options to the current concurrency system and proportionate share process will be analyzed. The principal difference between the House and Senate versions is that the House bill includes a voluntary pilot program that is available to Clay, Duval, and St. Johns Counties.

Medical Assistance Eligibility of Inmates

By: Ericks Consulting

HB 525 relating to Medical Assistance Eligibility of Inmates passed the House Healthcare Council on Thursday, April 17th with one Amendment that made the implementation subject to a specific appropriation. ECI spoke to Representative Skidmore's staff as well as Representative Porth before the Committee on behalf of the county.

Transportation Disadvantaged

By: Ericks Consulting

HB 1175 relating to Transportation Services for the Transportation Disadvantaged passed the floor of the House on Friday, April 18th.

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Public Construction

By: FAC Staff

A bill limiting local government's use of its own workforce on certain construction projects was significantly amended in the Senate Community Affairs Committee this week. As filed, **SB 2418 by Senator Haridopolis** would have required counties and cities that need to conduct repair and maintenance on public buildings in excess of \$280,000 to competitively award such work to a licensed contractor, rather than using in-house personnel. The bill also affected road construction projects in that a county could only use its work force for road projects that (1) did not exceed \$250,000 per project (excluding material costs), and (2) did not exceed one mile in length. Finally, the bill would have precluded local governments from owning and operating an asphalt plant. However, Senator Geller filed a late amendment that removed all of the language in the bill, except for the provision covering asphalt plants. While this bill has changed drastically in favor of local governments, the House transportation bill, **HB 1399 by Rep. Aubuchon**, includes the language limiting a county road construction.

FEDERAL ISSUES

JUPITER INLET LIGHTHOUSE DESIGNATION

Congressman Tim Mahoney and Senator Bill Nelson announced the passage of the Jupiter Inlet Lighthouse Outstanding Natural Area Act of 2007 (JILONA) in the Senate by a vote of 91-4 on April 11. JILONA passed the Senate as part of the Consolidated Natural Resources Act of 2008, which means the legislation will now head back to the House of Representatives for approval before heading to the White House.

Congressman Mahoney's and Senator Nelson's bill would designate the Jupiter Inlet Lighthouse and the surrounding 126 acres as an "Outstanding Natural Area" (ONA). ONA is a congressional designation that was established to protect federal lands. The designation has been used for conservation sites of approximately 100 acres in size that include a lighthouse. Jupiter Inlet would be the second ONA in the nation. The first is at Yaquina Head in Oregon.

