

PBC Legislative Update



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Legislative Update —March 2017

FEDERAL ISSUES

Nelson To Vote Against Supreme Court Nominee

By The News Service of Florida

U.S. Sen. Bill Nelson, D-Fla., said Monday he will vote against confirming federal-appeals court Judge Neil Gorsuch to the U.S. Supreme Court. Republican President Donald Trump nominated Gorsuch to fill the opening left by the death last year of Justice Antonin Scalia. "Deciding whether to confirm a president's nominee for the highest court in the land is a responsibility I take very seriously," Nelson said in a prepared statement. "Over the past few weeks, I have met with Judge Gorsuch, listened to the Judiciary Committee's hearings and reviewed his record with an open mind. I have real concerns with his thinking on protecting the right to vote and allowing unlimited money in political campaigns. In addition, the judge has consistently sided with corporations over employees, as in the case of a freezing truck driver who, contrary to common sense, Judge Gorsuch would have allowed to be fired for abandoning his disabled rig during extreme weather conditions."

STATE ISSUES

House Panel Backs Revamping Trauma System

By The News Service of Florida

The vote by the House Health Innovation Subcommittee would eliminate a system that allows a maximum of 44 trauma centers statewide and also caps the numbers in 19 different regions.

Gov. Rick Scott has backed the repeal idea, as has the HCA health-care company, which in recent years has sought to open trauma centers in several regions. But the House bill (HB 1077) is opposed by other major players in the hospital industry, including the Florida Hospital Association, the Safety Net Hospital Alliance of Florida and Tenet Healthcare.

Bill sponsor Jay Trumbull, R-Panama City, pointed to the state's population growth since the 44-facility limit was set in 1990 and said more trauma facilities would improve access to care in the so-called "golden hour" after patients suffer injuries. He also pointed to high litigation costs for the Florida Department of Health and hospitals because of the legal battles.

"This bill will allow the market to determine the need for trauma centers while ending a system that has been so costly for the state and hospitals seeking to operate a trauma

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center," Trumbull said.

But the bill's critics argue, in part, that trauma centers need trained surgeons and staff members and adequate numbers of patients. They contend that allowing more trauma facilities would dilute the quality of care.

Mark Delegal, general counsel for the Safety Net Hospital Alliance of Florida, said "volume equals quality."

"You want your team to be highly trained and to be ready to go at a moment's notice," said Delegal, whose organization includes teaching, public and children's hospitals. "With more trauma centers, where I would argue they are not needed, they may economically be able to survive and to compete but they are not needed, you are going to dilute your workforce."

Legal battles have flared repeatedly since 2011 about plans to open new trauma centers, with the Department of Health often defending decisions to let new trauma facilities move forward.

In January, for example, an administrative law judge ruled that the department improperly allowed Orange Park Medical Center in Clay County to open a trauma center. That case, filed by UF Health Jacksonville hospital, is awaiting final action by the department. The judge found that the state's Northeast region, which includes Orange Park Medical Center and UF Health Jacksonville, is only allotted one trauma center under the current system --- a slot long filled by UF Health Jacksonville.

Department of Health official Paul Runk told the House panel Monday that the department has spent almost \$1 million during the past 18 months litigating trauma-center cases.

"The current statute no longer works," Runk said.

House Republican leaders this year are backing a series of bills aimed at creating more of a free market in health care. While the trauma bill was approved 10-5 on Monday, it remains unclear whether it will ultimately pass. A Senate version (SB 746) has not received a committee vote.

Rep. Nicholas Duran, D-Miami, voted for the bill Monday but appeared to question whether it was going too far.

"It seems to me we're taking a bulldozer approach to something we need to be using a scalpel," he said.

HB 1077: Trauma Services

By County Staff

Filed by Rep. Trumbull, passed Health Innovation with what sounded like roughly 4 no votes (Baez, Harrison, Henry, Toledo Two remaining references on the House side, no hearing yet on the Senate side (with three references).

The bill:

- * Eliminates the statewide limit on trauma centers, as well the trauma regions and DOH's authority to set standards.
- * Prohibits more than one trauma center per county but grandfathers in trauma centers that exist before July 1, 2018.

* Requires existing trauma centers to obtain a certificate pursuant to the new law by July 1, 2022 to maintain their status.

Trumbull's perspective is that we should let the market, and not the state, dictate where trauma centers are needed. Trumbull mentioned the litigation over JFK Medical Center as an example of why reform is necessary.

Public testimony included:

- * Dr Epstein - Bayfront Health - opposed - there are a sufficient number of trauma centers; we don't produce enough trauma fellows regardless to staff new trauma centers.
- * HCA - support.
- * Safety Net Hospital Alliance - oppose.
- * Department of Health - current statute no longer works; the department has spent \$900,000 over trauma litigation during the last 18 months. Most of the litigation relates to existing trauma centers objecting to new trauma centers in their geographic region.
- * Tenet Healthcare - oppose - should be focusing on areas of need; just 8 min to trauma center from time of notification of accident.
- * Florida Hospital Association - oppose - negative effect on patient safety and quality. Physicians in trauma centers would no longer need to be board certified in trauma. Level I centers will no longer need to provide pediatric trauma coverage.
- * Fraternal Order of Police - oppose.

Rep. Renner - of 7 largest states, we are the only ones with a cap. American College of Surgeons will certify these institutions and it is a significant effort to create and maintain a trauma center. The existing laws allow existing trauma centers to litigate new trauma centers away from the market. The cost borne by the taxpayers is an indication that preservation of existing institutions is the chief goal.

Rep. Duran - deeply concerned. We are at the highest levels in terms of our trauma program. Voting yes because the litigation costs - \$900,000 - could be used for other issues. I am all for maintaining a monopoly to ensure access and quality but cannot support a monopoly for bottom lines. I didn't hear enough regarding the intent of the litigation; I believe that the intent may not be about access. I'd like to know if DOH is creating litigation through its own mechanisms.

Rep. Cortes - Concur with Duran with litigation costs. If DOH is doing its job, I don't know why we are doing this bill. Would be a great bill with more DOH involvement. Can't support it now.

Senate Ready To Wade Into Gambling Issue

By The News Service of Florida

The Senate is expected this week to consider a proposal that would make wide-ranging changes in the state's gambling industry, including allowing slot machines at pari-mutuel facilities outside of Miami-Dade and Broward counties. Senators are slated to take up the bill (SB 8), filed by Sen. Bill Galvano, R-Bradenton, during a floor session Wednesday. The bill comes as the state seeks to reach a new gambling agreement, known as a compact, with the Seminole Tribe of Florida. The Senate and House are taking different approaches to gambling legislation, with the Senate making changes that would affect the pari-mutuel industry and the House more focused on a deal with the Seminoles. The Senate proposal, for example, would allow slots in eight counties -- Brevard, Duval, Gadsden, Hamilton, Lee, Palm Beach, St. Lucie and Washington --- where voters have approved them. Also, it would allow pari-mutuel "racinos" in Miami-Dade and Broward, which already have slot machines, to add a limited number

of blackjack tables.

Scott Urges Vigilance To Combat Zika

By The News Service of Florida

With the state's buggy, rainy season approaching, Gov. Rick Scott appeared Monday in Miami to urge Floridians to take precautions against the mosquito-borne Zika virus. Miami-Dade County was the focus of much of the state's efforts last year to combat Zika, which is particularly dangerous to pregnant women because it can cause severe birth defects. Florida reported 284 locally transmitted cases of the virus in 2016 and another 1,099 cases classified as "travel related," meaning people were infected elsewhere and brought the disease into the state, according to Department of Health numbers. Scott issued a statement Monday urging Floridians to eliminate standing water where mosquitoes can breed and to use bug spray to prevent mosquito bites. "Florida has only had two isolated cases of local Zika transmission this year and there are not currently any identified areas with active Zika transmission, which is good news," Scott said after hosting a roundtable discussion in Miami. "However, it is crucial that we continue to work together to remain vigilant and take precautions to stay ahead of this virus."

Ridesharing Proposals Could Be Ready To Move

By The News Service of Florida

The House this week could be poised to approve a proposal that would create statewide regulations for ridesharing companies, while a Senate committee also could move forward with the controversial idea. The House is scheduled to take up its version of the bill (SB 221) during a floor session Wednesday and could vote on it as early as Thursday. The Senate Judiciary Committee will take up the Senate version (SB 340) on Tuesday. Ridesharing companies such as Uber and Lyft support the proposals, which would override local regulations on the fast-growing industry. But taxi companies, which are regulated locally, have argued that the proposals would give an advantage to the app-based "transportation network companies." Also, local governments have objected to the state preempting their regulatory authority.

State, Tribe Target Judge's Ruling on Games

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 28, 2017..... Florida officials and the Seminole Tribe are asking a Tallahassee judge to reconsider a ruling they contend could open the floodgates for thousands of unregulated slot machines in bars, strip malls and convenience stores throughout the state.

The requests, filed Friday, asked Leon County Circuit Judge John Cooper for a rehearing on his decision this month that authorized certain electronic machines, also known as "pre-reveal" games, over the objections of Florida officials.

In a letter to Gov. Rick Scott, the Seminoles called on the Legislature to address the issue or risk having the state lose millions of dollars in a revenue-sharing agreement that gives the tribe exclusive rights to operate slots outside Broward and Miami-Dade counties.

The controversy centers on electronic games known as "Version 67," produced by Blue Sky Games and leased by Jacksonville-based Gator Coin Inc., typically found in bars.

The companies sued the state after investigators with the Division of Alcohol, Tobacco and Firearms confiscated the machines, alleging that the computer games are

effectively illegal slot machines.

This month, Cooper sided with the manufacturer and the distributor of the machines, finding that they don't violate prohibitions against slots because the games include a "preview" feature advising players of the outcome "before the player commits any money to the game by activating the 'play' button."

The games are not a game of skill --- because the outcome is always known --- or a game of chance, Cooper decided in the March 9 ruling.

But state gambling regulators and the Seminoles disagree.

The tribe maintains that the "pre-reveal" games violate a 2010 deal with the state, known as a compact, which granted the Seminoles exclusive rights to operate slot machines outside of Broward and Miami-Dade counties.

In a motion filed Friday, the Seminoles sought to intervene in the case.

"The offering of the Blue Sky Games (Version 67) and any similar gaming system to the public is a significant infringement of the tribe's right to exclusivity and threatens to disrupt a contractual relationship between the tribe and the state that has been highly beneficial to both parties," the tribe's lawyer, Barry Richard, wrote.

The court's failure to consider Florida gambling laws regarding the compact "could lead to an erroneous result that would have massive consequences and costing the tribe and the state to lose multi-billions of dollars," Richard wrote, adding that the compact-related issues were not raised by the state before Cooper made his decision.

The Florida Department of Business and Professional Regulation, which includes the Division of Alcohol, Tobacco and Firearms, also asked Cooper for a rehearing, arguing that the judge erred by focusing on whether the player's activity amounted to gambling.

The issue "poses an entirely separate question from whether the machine that player is playing constitutes a slot machine or device," lawyers for the Division of Alcoholic Beverages and Tobacco wrote in the seven-page request filed Friday.

What "the player knows or does not know about any given outcome is irrelevant," the state argued. "Indeed, a slot machine is a slot machine regardless of whether or not someone is playing it."

Last week, Seminole Tribal Council Chairman Marcellus Osceola advised Scott, House Speaker Richard Corcoran and Senate President Joe Negron that state and federal courts elsewhere have decided that the games are illegal slot machines and "are a clear violation" of the tribe's exclusivity.

"The Tribe is advised that a significant number of these games are being operated in Florida based on this decision, and that thousands of additional games are likely to be added in the near future," Osceola wrote.

The court fight over "Version 67" comes as the Senate prepares Wednesday to take up a pari-mutuel friendly measure (SB 8). Scott and lawmakers are trying to carve out a new compact with the tribe after another legal battle related to a provision in the 2010 agreement that gave the tribe exclusivity over operating "banked" card games, such as blackjack, at most of its casinos.

In that case, U.S. District Judge Robert Hinkle ruled that controversial "designated

player" card games, also known as "player banked" games, authorized by the state at pari-mutuel facilities were a breach of the Seminoles' exclusive rights to conduct the banked card games.

Under the 2010 compact, the Seminoles agreed to pay the state \$1 billion over five years --- an amount the tribe has exceeded --- in exchange for exclusivity over the banked card games and slots outside South Florida.

The card games portion of the 20-year compact expired in 2015, and the future of the banked card games remains in limbo, after the state appealed Hinkle's ruling.

But Cooper's ruling could wipe out the Seminoles' revenue-sharing agreement related to slots, which reaps the state about \$120 million annually.

"This case is a very big deal," said Marc Dunbar, an attorney who specializes in gambling law. "The violation of the compact is very black and white."

"Version 67" isn't the only pending legal dispute related to slot machines that could affect how much money the state receives from the tribe.

The Florida Supreme Court is poised to rule in a lawsuit involving Gretna Racing, a small pari-mutuel in Gadsden County represented by Dunbar, who also owns a share of the facility.

The case is centered on whether pari-mutuels can add slots in counties like Gadsden, where voters have approved the machines, even without the express authorization of the Legislature.

The Gretna decision could have widespread implications and open the door for slots in seven other counties --- Brevard, Duval, Hamilton, Lee, Palm Beach, St. Lucie and Washington --- where voters have approved them.

FHFC Announces New Executive Director

By The Florida Housing Coalition

On Friday, March 24, Harold "Trey Price was appointed as the new executive director for the Florida Housing Finance Corporation (FHFC). Price comes to FHFC from Price Point Strategies, LLC.

Prior to creating Price Point Strategies, Price served as the public policy representative for the Florida Realtors. While at the Florida Realtors, he served as the liaison to FHFC, regularly communicating and interacting with leadership to help ensure issues regarding affordable housing were considered and included in critical discussions. In 2010, Price was instrumental in passing legislation that removed the cap on allocations from housing trust funds to finance affordable housing statewide.

The Florida Housing Coalition is pleased to announce that Trey Price will provide the morning Keynote Address at our 30th Annual Statewide Affordable Housing Conference, September 11, 2017, at the Rosen Centre in Orlando.

"As we celebrate 25 years of the Sadowski Act, we honored to have Trey open our annual conference this year," said Jaimie Ross, president/CEO of the Florida Housing Coalition and facilitator of the Sadowski Coalition. "Trey understands the importance of Florida's housing trust funds and how funds impact Florida's families and Florida's economy."

Habitat for Humanity plans for affordable housing

By Fox 4

CAPE CORAL, Fla -- - Habitat for Humanity wants the city of Cape Coral to defer impact fees for working class families in order to move into habitat homes. At the Cape Coral city council meeting Monday, Habitat for Humanity argued many people don't have deep enough pockets to live in the Cape. "Those folks are having difficulty finding decent, affordable homes, and so Habitat for Humanity is just one of the solutions in Lee county to provide housing for those who are working and are just looking for a decent home to raise their family," said Gary Aubuchon, one of the developers who volunteers with Habitat for Humanity.

Telecom companies get committee nod for deregulation of 5G towers

By Florida Politics

A bill that would essentially ban Florida cities and counties from regulating the locations or appearances of the next generation technology cell phone towers was approved by a Florida House committee Monday afternoon, but with some expectations that key provisions may be renegotiated. With backers contending that Florida needs to allow swift installation of 5G technology cell phone infrastructure to compete nationally and serve residents and businesses across the state, yet facing unified opposition from cities and counties, House Bill 596 won a split approval from the Florida Senate Government Oversight and Accountability Committee.

New bill aims to put a stop to community redevelopment agencies

By WEAR

OKALOOSA COUNTY, Fla. (WEAR) - State legislators in Tallahassee have filed two bills with one purpose, ending community redevelopment agencies (CRA). House Bill (HB) 13 would ban new CRAs and stop operations at CRAs already up and running by October. Linda Laverne moved across the country to Crestview three years ago. "I looked up downtown Crestview and I went, "oh no," she remembered. She has watched as the downtown, a CRA area, improved.

County leaders offer incentives to bring in jobs to Hillsborough County

By ABC Action News

HILLSBOROUGH CO. Fla - Hillsborough Co. leaders are working to bring in jobs by offering incentives for investors willing to transform empty lots into areas that will draw in industries offering jobs. The Innovation Redevelopment Program offers applicants up to \$100,000 in a grant. The investor wouldn't get the money however until after the work is complete and has undergone proper county inspections. The pilot program will begin in four areas leaders think need jobs the most: University; Palm River; North Airport; 56th st.

Fighting City Hall: Push for more state control angers cities and counties

By Tampa Bay Times

TALLAHASSEE - You can fight City Hall. The state Legislature does it all the time. That's what Florida cities and counties are saying as they battle legislators who want to limit the power of local government, led by House Speaker Richard Corcoran, R-Land O'Lakes. "Our founders got it right," Corcoran says. "When they set up a

Constitution, they basically said that the federal government exists with these enumerated powers. What's not enumerated, all of it, belongs to the states. Every bit of it."

Survey finds Pinellas County residents trust their local government

By FloridaPolitics.com

Pinellas County residents are far more likely to have trust and confidence in their local government than the average American according to a new poll put out by the county. The 2017 Citizen Values Survey asked residents whether they trust their local government and a combined 93 percent said they trusted Pinellas County either a "great deal" or "fair amount," compared to just 7 percent who said "not very much" or "not at all." The numbers rack up favorably to a national poll from Gallup that found 71 percent of Americans had positive feelings about local government, compared to 29 percent who were distrustful.

Task Force Meets in Effort to Curb Opioid Use in Miami-Dade County

By NBC Miami

Monday, members of the Miami-Dade Opioid Addiction task force met in a continuing effort to find a resolution for the growing drug epidemic plaguing the county. Inside the county commission chambers, Dr. Handel Tookes from the University of Miami presented his proposal to the task force of a needle exchange pilot program. The meeting comes as, just up the road in Palm Beach County, the medical examiner's office says they thought the opioid crisis was slowing down - But the numbers they've reported in the last weeks prove the opposite including ten drug overdose deaths in one day last week.

Full-time residents dig in against short-term rentals

By Daytona Beach News Journal

When Roger and Jan Cullinane relocated to Florida in 2006, they envisioned a quiet community where they could enjoy retirement. And that's initially what they found when they moved into their oceanfront home in The Hammock. But after real estate prices plunged in the wake of the Great Recession, investors swooped in to purchase foreclosed homes in their community and convert them into rental properties for out-of-town visitors. Soon groups of as many as 30 people were cramming into 10-bedroom homes for week-long stays.

Ingram bill would impact utilities' installation of power lines

By Pensacola News Journal

A local delegate's legislation in Tallahassee carries potentially huge implications for the aesthetic appeal and economic development of Pensacola's urban core. A bill sponsored by Rep. Clay Ingram, R-Pensacola, would give exclusive authority on where utilities install transmission lines to the Florida Public Service Commission, nullifying local municipalities' ability to dictate that the infrastructure be overhead or underground. The House Commerce Committee will consider the bill after the House Natural Resources and Public Lands Subcommittee approved it on a 14-1 vote last week.

Florida House waters down septic tank inspections bill

By TCPalm

TALLAHASSEE - A Brevard County lawmaker watered down his bill to crack down on septic tanks that pollute waterways such as the Indian River Lagoon to allay concerns about affecting home sales and burdening home sellers. House Bill 285 would have mandated septic tank inspections as part of real estate transactions, but Republican Rep. Randy Fine changed it to a more "buyer beware" bill that requires: Sellers to tell buyers if the property has a septic system, but they wouldn't have to disclose any issues with it.

City, County, State Work Together To Prevent Spread Of Zika Virus

By CBS Miami

MIAMI (CBSMiami) - South Florida's rainy season is nearly upon us and that means mosquitos, lots of mosquitos, which is why local government and health officials met with Governor Rick Scott Monday to discuss the prevention of the spread of the Zika virus. "The positive news," said Governor Rick Scott, "We don't have a zone right now and hopefully we don't have a zone all this year or ever again but we have to be prepared." South Florida was ground zero for Zika in this country last summer and fall with Zika cases reported in sections of Wynwood and Miami Beach.

Florida officials: Aggressive efforts to stop Zika continue

By Associated Press

Florida officials say they're continuing aggressive efforts to stop the spread of the Zika virus. Gov. Rick Scott met Monday with Miami-Dade County officials to discuss Zika preparedness ahead of Florida's rainy season, when mosquitoes are most prevalent. Officials said fewer travel-related cases are being reported in Florida so far this year, compared with last spring. Officials also said state labs and Miami-Dade mosquito control operations added staff since last year's Zika outbreak. Counseling also is available for families affected by the virus that can cause severe brain-related birth defects.

South Florida's Zika battle plan includes beefing up public labs, mosquito control

By Miami Herald

South Florida's battle plan for Zika, expected to rebound with the rainy season, includes more boots on the ground to inspect and fumigate for mosquitoes, more lab resources to speed up test turnaround times and the promise of a more collegial collaboration between the federal and state governments. "As you know, I have a good relationship with the White House," said Florida Gov. Rick Scott, who visited the health department in Miami on Monday for a roundtable with local leaders on Zika preparedness.

Judge Tosses Out Trauma System Plan

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 28, 2017..... As lawmakers debate revamping the trauma-care system, a judge Tuesday rejected a plan by the Florida Department of Health that likely would have led to an increase in trauma centers across the state.

Administrative Law Judge Garnett Chisenhall, in a 70-page ruling, tossed out a

proposed rule that the department planned to use in determining whether trauma centers should be allowed to open. Chisenhall said the department's position "contravenes" at least two state laws.

The ruling was a victory for five major hospitals --- UF Health Jacksonville, Tampa General Hospital, Lee Memorial Hospital in Fort Myers, Bayfront Health-St. Petersburg and St. Joseph's Hospital in Tampa ---- that have long run trauma centers and filed challenges after the department proposed the rule last year.

It also was the latest development in six years of legal and regulatory battling about efforts to open new trauma centers in various parts of the state. Those battles have focused heavily on a law that limits the number of trauma centers statewide to 44 and also caps the numbers in 19 different regions of the state.

A House subcommittee on Monday approved a bill that would eliminate the limits on trauma centers, an approach supported by Gov. Rick Scott and the HCA health-care company, which has moved in recent years to open several trauma facilities. HCA has faced opposition from hospitals that already operate trauma centers.

The department's proposed rule, at least in part, dealt with a process of determining "need" for trauma centers in each of the 19 regions, known as trauma service areas. In the past, the numbers in each region have typically been viewed as a maximum number of trauma centers. But the proposed rule changed the interpretation to a minimum.

But Chisenhall wrote that the new interpretation conflicts with state law.

"While the undersigned (judge) cannot conclude that the department's new interpretation ... is arbitrary and capricious, the outcome of the ... case must turn on the Legislature's use of plain and unambiguous language that clearly establishes that the department is to calculate the maximum (rather than the minimum) number of trauma centers needed in the 19 TSAs," the ruling said.

Supporters of allowing more trauma centers argue that the facilities would provide greater access to care for patients who need care quickly after incidents such as traffic accidents. But opponents say trauma centers need highly trained staff members and significant numbers of patients and that allowing an influx of new trauma facilities would lead to a dilution that would affect quality of care.

Chisenhall appeared to try to straddle that argument.

"There are substantial benefits associated with reducing transport times and treating more severely injured patients in trauma centers," the ruling said. "Nevertheless, petitioners (the hospitals that challenged the proposed rule) presented compelling evidence indicating that the increased access to care could lead to decreased quality of care. For instance, given the specialized nature of the professionals that must continuously staff a trauma center, it is likely that all trauma centers in Florida would have more difficulty acquiring the necessary personnel if several new trauma centers were to open in rapid succession."

House Scales Back School Choice Plan

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 28, 2017..... A wide-ranging school choice bill was stripped down before passing a key subcommittee Tuesday, but the shape of the final legislation is still in flux as it nears the House floor.

The proposal (HB 15), filed by Rep. Jennifer Sullivan, R-Mount Dora, began the day as a bill that would touch the state's three major school-choice programs.

But after a pair of amendments offered by Sullivan, the House PreK-12 Appropriations Subcommittee narrowed the bill to a proposal that would increase funding available to students under the state's de facto voucher program.

The bill passed the subcommittee on a 12-3 vote after little debate.

But even as the measure was whittled down, Sullivan suggested that at least some of the provisions --- particularly those related to the "Gardiner scholarships" aimed at helping parents pay for education services for children with disabilities --- would return.

"It's my intent at the next (committee) stop for the bill to reinstate the good policies in the Gardiner scholarship program that will make the administration of the program more efficient and effective for all program participants," Sullivan told the panel.

Sullivan said she was trying to make the bill revenue-neutral for the subcommittee vote as she works through some language on the measure.

The part of the bill left standing after Tuesday would increase payments to private schools for students enrolled in the voucher-like Florida Tax Credit Scholarship Program. Under the program, businesses can receive tax credits for donating money to organizations that, in turn, provide scholarships for children to attend private schools.

If the bill is ultimately approved, payments for children in private elementary schools would be as much as 88 percent of the public school per-student funding amount. It would be 92 percent for children in middle school and 96 percent for those in high school.

Maximum awards under the program now amount to 82 percent of the per-student funding for public schools.

The discarded changes to the Gardiner scholarship included measures that would increase spending on the program to \$200 million, make students with a wider range of conditions eligible and allow the scholarships to be used to pay for more services, including therapies involving music, art and horsemanship.

A House budget proposal unveiled Tuesday would allocate \$73.3 million for the Gardiner scholarships.

House Targets Restrictions on Vacation Rentals

By The News Service of Florida

A House panel Tuesday approved a controversial bill that would prevent local governments from placing restrictions on vacation-rental properties. The bill (HB 425), approved in a 9-6 vote by the House Careers & Competition Subcommittee, is opposed by many cities and counties. Sponsor Mike La Rosa, R-St. Cloud, said supporters are trying to limit "overreach" by local governments and that the issue involves property rights. He said a 2014 law allowed local ordinances to place restrictions on rental properties. "Since that time, we've seen an insane, or obscene, amount of ordinances, to the point to where individuals' private property rights have been violated," La Rosa said. "This has come in cities across our state." But some opponents said, in part, that vacation rentals can be used for parties and large groups of people, disrupting neighborhoods. "One of our main principles is promoting community and family, and

I'm not sure how this bill really does that," said Rep. Larry Ahern, a Seminole Republican who voted against the bill, which drew more than 45 minutes of testimony and debate.

Property Tax Debate Looms For Education Budget

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 28, 2017..... The House and Senate made opening bids Tuesday on boosting public-school spending, with the Senate unveiling a proposal to increase per-student funding by roughly 10 times what the House is offering.

But the upper chamber's heftier increase is built in large part on allowing local property taxes to increase with property values, something that is a non-starter for the House and could become a major sticking point as lawmakers attempt to wrap up the annual legislative session by its scheduled May 5 conclusion.

The proposal from Sen. David Simmons, an Altamonte Springs Republican who chairs the Senate's education budget-writing subcommittee, would boost per-student spending by 2.91 percent, or almost \$210 a head, in the budget year that begins July 1. But about \$191 of that would come from local property taxes, which are part of the state's school-funding formula.

Meeting with his subcommittee Tuesday morning, and perhaps anticipating the House's reaction, Simmons brushed away criticisms that accounting for the increased property values' effect on taxes amounted to a hike. He pointed out that the tax rate would not change.

"We've kept that at the same (level) and believe that keeping the millage rate the same is not a tax increase," Simmons said.

In building the budget for the current spending year, which ends June 30, lawmakers lowered the millage rate to essentially offset any increase in property values for education. Gov. Rick Scott and others touted the change as a tax cut, because the millage rate fell.

Some conservatives have long made the mirror argument --- that if the amount that a homeowner pays increases, that constitutes a tax hike. House leaders have repeatedly said that they will not allow property-tax bills to go up because of rising values.

As a result, the House education proposal unveiled late Monday would provide a 0.27 percent spending increase, or roughly \$19 a student. Another \$509.8 million would be devoted to rolling back the millage rate so that property taxes would stay flat.

Asked whether there might be room to negotiate, Simmons' House counterpart pointed to something House Speaker Richard Corcoran told a reporter for the Tallahassee bureau shared by the Tampa Bay Times and Miami Herald.

"I think the speaker was quoted as saying 'hell no' on raising taxes, so I'm just going to defer to his quote," said Rep. Manny Diaz Jr., R-Hialeah.

There are other issues and initiatives that divide the two chambers. For example, the House is working on a proposal that would spend \$200 million to attract charter schools to areas where public schools have repeatedly received low marks on state report cards.

The legislation, though, is still being developed.

"The idea would be to bring in charter schools that specifically have been successful and have a track record at dealing with poverty-stricken areas, with generational poverty and low-performing students, (to districts) where the public schools have failed for more than five years and up to 10," Diaz said.

Meanwhile, the Senate would eliminate the Best and Brightest teacher bonus program, a House priority in previous years. The House plan, accounting for proposals to expand eligibility for the bonuses, would add a net of \$165 million.

House Moves Forward On Medical Marijuana

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 28, 2017..... Pledging that it is only a start, a Florida House panel gave a thumbs-up Tuesday to a medical-marijuana proposal castigated by supporters of a constitutional amendment that legalized cannabis for a broad swath of patients with debilitating conditions.

The House Health Quality Subcommittee overwhelmingly approved the measure (HB 1397), sponsored by House Majority Leader Ray Rodrigues, with just one "no" vote after nearly three hours of public testimony.

"I believe this is a measured approach," Rodrigues, R-Estero said, "but I will caution you that it is not the final product."

The Rodrigues proposal would prohibit smoking of cannabis products, as well as edibles, and would ban all but terminally ill patients from using vaporizers to consume medical marijuana, one of the biggest objections to the bill raised by supporters of the constitutional amendment.

Known as Amendment 2, the ballot initiative was approved by more than 71 percent of Florida voters in November. It came after the Legislature in 2014 and 2016 passed far-more limited medical marijuana laws, allowing non-euphoric cannabis for some patients and full-strength marijuana for people with terminal illnesses.

The House bill would provide fewer additional licenses for purveyors of medical marijuana than a Senate plan would allow. Currently seven "dispensing organizations" have been approved by state health regulators.

Another point of contention in the House proposal would require health officials to grant medical marijuana licenses to applicants that lost out when vying to become one of the handful of operators authorized to grow, process and distribute non-euphoric cannabis products more than a year ago.

The proposal would require the Department of Health to grant another five licenses once the patient population reaches 200,000, and another three licenses for every additional 100,000 patients registered in a state database.

That's in contrast with a leading Senate proposal, which would require the state to issue five new licenses by the end of the year and up to 20 new licenses --- nearly quadruple the current number of seven --- by the time the patient registry reaches 500,000.

Rodrigues' legislation would also maintain a required three-month relationship between patients and doctors before health care providers could order the marijuana treatment, something critics say is detrimental.

Opponents of the constitutional amendment --- including Drug Free America and Save Our Society from Drugs --- are throwing their support behind the Rodrigues bill.

Calvina Fay, executive director of St. Petersburg-based Drug Free America, told the panel Tuesday she was pleased the proposal "has incorporated many of our recommendations."

But Ben Pollara, campaign manager for the political committee that backed Amendment 2, harshly criticized the House plan, saying it "was written for the less than 29 percent who voted 'no' rather than the over 71 percent who voted 'yes' "" on the amendment.

"This proposal undermines and contradicts the Constitution, the will of 71 percent of Floridians, and would impose significant, arbitrary barriers to patient access," Pollara said.

Anfield Session Report March 27-31, 2017

By Anfield Consultants

Week 4 is officially in the books. As expected many of the House and Senate committees held their last meetings this week, which means bills are starting to die in committee. The House and Senate subcommittees also released their tentative budget numbers. On some issues, they are relatively close. On others, the Grand Canyon would seem an easier gulf to bridge. The overall total budget proposals remain billions apart.

Budget

This week, after receiving allocations from their presiding officers, the House and Senate subcommittees released the "Chairman's" budget proposals for the upcoming fiscal year. There are significant differences between the chambers with regard to the total funds dedicated to agriculture and natural resource management agencies. With respect to key environmental program and initiatives, the Chair's allocations are as follows:

Program House Senate

—

Land Acquisition / Florida Forever Land Acquisition / FCT Everglades
Restoration Northern Everglades, WQ & Estuaries Projects Springs Protection

Alternative Water Supply Local Water Projects Drinking Water State Revolving Loan
Program Wastewater Revolving Loan Program Septic to Sewer Grants Small County
Wastewater Treatment Grants Total Maximum Daily Loads DACS Lake O. Basin

Restoration Projects DACS BMP's Implementation Part. Agreements DACS Hybrid Wetland Treatment Program Keys Wastewater Treatment (FKSA) Beach Restoration Petroleum Tank Clean-up Dry Cleaning Solvent Clean-up

\$ 0 \$ 10,000,000 \$ 94,645,073 \$ 28,876,213 \$ 40,000,000 \$ 0 \$ 20,000,000 \$ 97,645,073 \$142,688,031

\$ 15,156,206 \$ 5,639,060 \$144,900,000 \$ 34,000,000 \$ 50,000,000 \$ 0 \$ 64,696,687 \$102,645,073 \$142,688,031

\$ \$ \$ \$ \$ \$ \$ \$100,000,000 \$ 8,500,000

25,000,000 13,000,000 7,435,000 3,925,538 1,400,000 4,350,000 0 30,060,495

\$ \$ \$ \$ \$ \$ \$ \$100,000,000 \$110,000,000 \$ 8,500,000

20,000,000 15,000,000 7,435,000 12,000,000 1,400,000 1,000,000 25,000,000

Florida Rec. Develop. Assist. Program (FRDAP) \$ 3,052,500 \$ 5,350,000 Osborne Reef Tire Removal \$ 1,000,000 \$ 1,000,000

As summarized below, with respect to funds associated with the Land Acquisition Trust Fund (**Amendment 1**), the chambers took different approaches towards the expenditure of the funds.

Agency

Dept. of Agriculture and Consumer Services Department of Environmental Protection Fish and Wildlife Commission Total \$736,954,278

House

Senate

\$ 23,074,889 \$609,213,062 \$ 61,201,072 \$693,489,023

\$101,314,277 \$425,414,892 \$104,225,109

Next week (Week 5) both chambers will consider and amend these proposals in the full appropriations committees prior to floor action. Once each chamber approves its version of the state budget, it will be in a posture to commence budget conference (reconcile the difference) as soon as the presiding officers agree on allocations within each area of the budget. This is not anticipated to happen until week 7 at the earliest.

Local Projects of Interest to Anfield Clients In House and Senate Proposals

House Escambia County Innerarity Island Water & Sewer \$ 500,000 **In the House Proposal** Lakeland Se7en Wetlands Wastewater Treatment Facility **In the Senate Proposal**

C-51 Reservoir Implementation Deltona Lower Aquifer Well Fellsmere Regional Stormwater Lake and Wetland Flagler Beach Wastewater Treatment Plant Improvements Indian River County – Osprey Acres Lake Worth Lagoon Initiative – Lost Tree Village Septic to Sewer Loxahatchee River Preservation Initiative Pahokee East Lake Village Stormwater Improvements Pahokee Glades Citizens Villa Stromwater Improvements Palm Beach County Lake Region Water Infrastructure Imprv. Polk County Lake Region Lakes Stormwater Imprv. Royal Palm Beach Canal System Rehab. Project South Bay Flood Control and Waterway Management West Palm Beach Stormwater Imprv. In Historic Pineapple Park

Senate

\$ 620,000

\$ 450,000

\$ 1,000,000 \$ 292,200 \$ 200,000 \$ 500,000 \$ 1,200,000 \$ 1,000,000 \$ 1,048,426 \$ 750,000 \$ 635,000 \$ 1,000,000 \$ 500,000 \$ 500,000 \$ 1,353,000 \$ 400,000

Bills Onsite Sewage Treatment & Disposal Systems (CS/CS/HB 285)

Background: Septic systems, or onsite sewage treatment and disposal systems (OSTDS), are generally regulated and overseen by the Department of Health of each county in accordance with state law. The OSTDS duties of DOH include application reviews, site evaluations, permitting, complaint investigations, and inspections. Before covering with earth and placing a system into service, a person installing or constructing any portion of an OSTDS is required to notify the county health department of the completion of the construction activities and have the system inspected by DOH for compliance. In addition, DOH is authorized to adopt rules to administer recommended standards, including disclosure requirements, for voluntary system inspections. However, current law prohibits a governmental entity from mandating an inspection of a system at the point of sale in a real estate transaction.

Current law also provides that counties may opt in to the state DOH’s evaluation and assessment program for septic systems. This program requires inspections every five

years. The exception to the voluntary participation rule are counties containing a first magnitude spring, which must opt out in accordance with a specified process. According to the DOH, every county that had a 1st magnitude when the program was enacted elected to opt out of the program rather than abide by its regulations. No local government as of yet has chosen to opt in to the program.

Proposed Changes: This bill requires the inspection of an OSTDS at the point of sale in a real estate transaction and requires the inspection to be performed by:

- A septic tank contractor or master septic tank contractor registered under part III of ch. 489, F.S.;
- A professional engineer having wastewater treatment system experience and licensed under ch. 471, F.S.; or
- An environmental health professional certified under ch. 381, F.S., in the area of onsite sewage treatment and disposal system evaluation. In addition, the bill removes a provision in the onsite sewage treatment and disposal system evaluation and assessment program that prohibits local ordinances from mandating an OSTDS evaluation at the point of sale in a real estate transaction and from requiring a soil examination. **(House Ver. Only)** Furthermore, the bill requires a septic tank inspection to be made prior to the sale of any property within an impaired waterway designated by the DEP under s. 403.067, F.S. The inspection must be completed within one year prior to the sale. **Update:** On Monday, the (H) Natural Resources & Public Lands Subcommittee adopted a **strike all** for **CS/HB 285**. The delete-all removes all the bill's original provisions and requires the DOH to survey and identify every septic tank system in the state by Jan. 1, 2017, and to incorporate that information within the existing septic tank database system. The survey must, at minimum, include the total number of septic systems in the state, the

total number of systems in each county, and a statewide map of these systems, including their location and condition. It removes the inspection requirement in exchange for a disclosure at point-of-sale requirement for homes that have a septic system, and provides the form and wording of the disclosure to prospective buyers.

CS/CS/HB 285 will next be taken up in the (H) Commerce Committee, its last committee of reference.

Fuel Storage (CS/HB 1353 & SB 1278)

Background: Petroleum is stored in thousands of underground and aboveground storage tank systems throughout Florida. Releases of petroleum into the environment may occur as a result of accidental spills, storage tank system leaks, or poor maintenance practices. These discharges pose a significant threat to groundwater quality, the source of 90 percent of Florida’s drinking water. To fund the cleanup of contaminated sites, the Legislature created the Inland Protection Trust Fund (IPTF). An excise tax per barrel on petroleum and petroleum products in or imported into the state funds the IPTF.

Since 2005, facilities have begun storing increasing amounts of alternative, blended fuels in accordance with public policy encouraging the use of alternative fuel sources. However, the alternative has had an unintended side effect on storage tanks designed to hold regular petroleum – some of them have begun to erode. This poses a significant risk to the grounds on which they are situated.

Proposed Changes: This bill expands the use of the IPTF to authorize DEP to fund the repair and replacement of storage tanks, piping, or system components that may have been damaged by the storage of fuels blended with ethanol or biodiesel or to take preventive measures to reduce the potential for such damage. It establishes application procedures, DEP review requirements, limitations on use of the funds, authorization for DEP to seek third party assistance to implement the program, and requirements for DEP to ensure future petroleum storage systems meet new compatibility requirements.

Update: On Monday, the (H) Natural Resources & Public Lands Subcommittee adopted a **strike-all** amendment to **HB 1353**. The amendment:

1. Corrects a reference to the Energy Policy Act of 2005;
2. Authorizes DEP to use the IPTF to repair, replace, or provide other preventive measures for petroleum storage systems that likely have been damaged by the storage of fuels blended with ethanol or biodiesel;
3. Limits funding for preventive measures to those owners and operators who have not yet received funding for repair or replacement of petroleum storage systems damaged by the storage of blended fuels, or for preventive measures to reduce the potential for such damage;
4. Limits funding for preventive measures to five years;
5. Prohibits the specialty contractor who prepared the proposed scope of work from performing the repair, replacement, or preventive measures;

- Limits labor costs for the replacement of petroleum storage tanks to the prorated depreciated value of the petroleum storage tank;
- Specifies that petroleum storage tanks that are older than 20 years old are not eligible for funding;
- Authorizes operators of petroleum storage systems to receive funding;
- Prohibits an owner or operator who previously received funding for replacement of his or her petroleum storage system from receiving funding for preventive measures;
- Limits the amount of funding that may be used for administration of the distribution of funds to three percent;
- Authorizes DEP to pay for costs in excess of those approved by the purchase order for costs incurred by an owner or operator who repaired, replaced, or took preventive measures during the period of July 1, 2015, through June 30, 2017; and
- Requires DEP to review and approve applications on a first-come, first-served basis. **CS/HB 1353** will next be heard in the (H) Agriculture & Natural Resources Appropriations Subcommittee. **SB 1278** is currently in the (S) Environmental Preservation and Conservation. **Utilities (CS/HB 687 & CS/CS/SB 596)** **Background:** Current law allows the FDOT, in conjunction with local governments that have jurisdiction and control over a public right-of-way, to prescribe and enforce reasonable rules or regulations for placing, installing, and maintaining structures across, on, or within those right-of-way limits. **Proposed Changes:** This bill creates a new section of law called the Advanced Wireless Infrastructure Deployment Act. Put simply, it creates a preemptive, uniform process to be applied statewide for gaining access to and use of public rights-of-way in connection with the installation of small wireless communications infrastructure. The bill creates a process and time limits for review and approval of applications. The authority must approve a complete application unless it does not meet the authority's applicable codes. In the bill, applicable codes are defined to include "uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization, or local amendments to those codes, enacted solely to address threats of destruction of property or injury to persons," as well as qualifying government historic preservation zoning regulations. This excludes

consideration and application of zoning, land use, and aesthetic ordinances or of any other source of public safety protections. An application that is not approved or denied within 60 days would automatically be deemed approved.

The bill provides for application or permit fees, and collocation or pole attachment fees. Collocation fees cannot exceed \$15 per year per authority utility pole. Collocation fees

include the costs to alter a pole in order to strengthen it to support the installation of the wireless infrastructure, including costs to replace a pole if necessary. They do not include any consultant fees or expenses.

The bill does not authorize a person to collocate small wireless facilities on a privately-owned utility pole, a utility pole owned by an electric cooperative, a privately owned wireless support structure, or other private property without the consent of the property owner. The bill's provisions do not apply to utility poles owned by a municipally run utility

Update: On Monday, the (S) Governmental Oversight & Accountability Committee adopted a **strike-all** to **CS/SB 596**. The strike-all amendment makes the following changes:

- Provides a statutory definition of “authority” that specifically excludes DOT right-of-ways, leaving only rights-of-ways controlled by local governments in this section;
- Expands the exemption on utility poles owned by a municipal utility to include any poles used to support a municipally owned or operated electric distribution facility; and
- Allows private telecoms to apply to a local government authority in order to install utility poles or wireless support structures in its public-right-of-way to support collocation of small wireless devices. A late-filed **amendment to the strike-all**, offered by Sen. Baxley, was also adopted. That amendment creates a carve out exempting rights-of-way within certain types of retirement communities with more than 5,000 residents and underground utilities for electric transmission from the bill's provisions. An unfriendly amendment offered by Sen. Rader, which would have exempted municipal and county rights of way and left the bill covering only rights-of-way operated by the DOT, was defeated. A large number of local governments and local government advocates again spoke or waived in opposition to the bill, arguing that they should have the authority to control the aesthetic look of their infrastructure

within their districts. The \$15 cap on fees and mandatory time constraints on the application process remain a thorny issue as well. Wireless companies and the Florida Chamber of Commerce waived their time in support. In debate, Sen. Stewart hinted at a possible meeting between AT&T and the League of Cities to work out compromise language. **CS/CS/SB 596** was passed 5-1. It will next be taken up in the (S) Rules Committee, its last committee of reference. **CS/HB 687** is currently in the (H) Commerce Committee.

Sharks (CS/CS/HB 823 & CS/SB 884)

Background: Shark finning is the process of catching a shark, removing its fins, and discarding the rest of the shark. Shark fins command a high price on the black market, where they are often sold as a key ingredient in shark fin soup. A single fin from some large species can command prices as high as \$20,000. Fins command a far higher value per pound than the rest of the fish. Shark-finers often throw the shark back into the ocean alive once they have removed the fins. Unable to swim properly, sharks either bleed to death or suffocate. This practice has decimated shark populations around the world, removing a vital apex predator from the food chain and disrupting other fish stocks as the result of by-catch from shark fishing methods.

Congress banned shark finning in U.S. waters in 2000 under the Shark Conservation Act.

In Florida, fisherman may only catch one shark per day and a maximum of two sharks per vessel per day even if more than two fishermen are on board. Fishermen may only take sharks by hook-and-line gear. All sharks harvested in Florida waters must be landed in whole condition. Individuals may not possess a shark that has had the head removed, been divided, filleted, ground, skinned, finned, or had the caudal (tail) fin removed while in or on the waters of the state, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed. Fishermen may eviscerate or gut the shark or slice the base of the caudal fin to bleed the carcass as long as the caudal fin remains attached before landing.

Proposed Changes: This bill further tightens current restrictions on shark fishing in the state. It defines “landing” as the act of bringing the harvested organism, or any part thereof, ashore. It prohibits the possession of a fin separated from a shark on the waters of the state or landing said fin ashore, unless such possession is authorized by FWC rule or the fin is lawfully obtained on land for taxidermy purposes. It provides penalties for 1st, 2nd, and 3rd time offenders with a commercial fishing license according to the following schedule:

- 1st time offense – 2nd degree misdemeanor, punishable as provided in s.775.082 or s. 775.083, with the addition of an administrative fine of \$5,000 and suspension of the harvester’s saltwater license privileges for 180 days;
- 2nd time offense – 2nd degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, with the addition of an administrative fine of \$10,000 and suspension of the harvester’s saltwater license privileges for 180 days; and
- 3rd and subsequent offenses – 1st degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, with the addition of an administrative fine of \$10,000 and permanent suspension of the harvester’s saltwater license privileges.
Violators suspended under this chapter will not be permitted to engage in saltwater fishing or even step foot on a vessel where fishing occurs. For non-commercial violators, the penalties are similar, except that third and subsequent violations only merit administrative fines between \$5,000 and \$10,000.

Update: On Tuesday, the (H) Careers & Competition Subcommittee adopted a **strike-all** to **CS/HB 823**. The strike-all is simpler than prior versions of the House bill. It makes it a misdemeanor to possess a separated shark fin of any sort, on the waters of the state or landed, unless authorized by FWC rule. It provides the following penalties:

- On the 1st offense (chargeable as a 2nd degree misdemeanor), a \$4,500 administrative fine and suspension of all license privileges under the chapter for 180 days.
- On the 2nd offense (chargeable as a 2nd degree misdemeanor), a \$9,500 administrative fine and suspension of all license privileges under the chapter for 365 days.
- On the 3rd and subsequent offenses (chargeable as 1st degree misdemeanors), a \$9,500 administrative fine and permanent revocation of all license privileges under the chapter. Violators suspended under this chapter would not be permitted to engage in saltwater fishing or even step foot on a vessel where fishing occurs. **CS/CS/HB 823** was passed and will next be taken up for consideration in the (H) Government Accountability Committee, its last committee of reference. **CS/SB 884** was passed in the (S) Appropriations Subcommittee on the Environment and Natural Resources on Wednesday and is now in (S) Appropriations. **Florida Building Commission (CS/SB 7000 & CS/HB 901) Background:** Current law requires the Florida Building

Commission to revise the Florida Building Code every three years by adopting the most recent version of the International Code Council I-Code and then making whatever changes it deems necessary to account for Florida conditions. Under this arrangement, amendments made to the state code are only effective until the next edition of the I-Code is adopted, whereupon the Commission must make those amendments again to maintain a continuously uniform state code. **Proposed Changes:** This bill would flip the process around. Instead of being required to automatically adopt the I-Code, the Commission would be authorized to work with the 6th Edition of the Florida Building Code and any later editions as its base, adopting whatever changes are made to the I-Code into the state code as it deems appropriate. The bill would require a two-thirds vote by the Commission to re-adopt the state code. **Update:** On Tuesday, the (H) Careers & Competition Subcommittee adopted a **strike-all** for **HB 901**. The strike-all makes the following proposed changes:

- Requires the Commission to re-adopt an updated version of the IRC code every five years instead of every three years;
- Provides that the Commission is only required to adopt the latest edition of the National Electrical Code if it finds that “the delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare”;
- Requires the Commission to provide a fiscal impact statement every time it updates the Code, documenting the costs and benefits of the updated Code; and
- Reduces the number of Commission members from 27 members to 11. The following required member positions would be eliminated:
 - One air-conditioning contractor
 - Two municipal code or district code officials (leaving only one on the commission)
 - One county code enforcement officer
 - One representative of an organization for disabled persons

- One member of the manufactured buildings industry
- One mechanical engineer
- One municipal or charter county representative
- One member of the building products industry
- One representative of the building owners and managers industry
- One representative for public education
- One swimming pool contractor
- One representative of the green building industry
- One representative from a gas utility
- One representative from DACS
- One chairperson The number of residential contractors on the Commission is increased to two, however one must have built at least 100 homes per year and the other less than 20 custom homes per year to qualify. An electrical contractor or engineer may serve in the sole role of representing the electrical industry. The lone architect member must be a Florida licensed architect with at least 5 years of experience designing and constructing certain large buildings to Florida Code specifications. **CS/HB 901** will next be taken up in the (H) Commerce Committee. **CS/SB 7000** is currently in the (S) Appropriations Committee. Provisions similar to the original versions of these bills, versions that removed the requirement that the Commission automatically adopt the IRC, have been amended into **CS/SB 860 (see for details)**. **Rural Economic Development Initiative (SB 600 & PCS/HB 333) Background:** The Rural Economic Development Initiative (REDI) was established in 1997 by the Legislature to encourage and facilitate the location and expansion of major economic development projects in rural communities. The Department of Economic Opportunity (DEO) administers the REDI, however, numerous state agencies and organizations are also required to participate in the REDI by designating a deputy secretary or higher-level staff person to serve as a REDI representative. These representatives are required to work with REDI in the reviewing, evaluating, and

—
proposing impact mitigation of any statute or rule that may have an adverse effect on rural communities.

REDI may also recommend up to three Rural Areas of Opportunity to the governor, who may then create these RAOs by executive order. The RAOs, with REDI recommendation, can then in turn designate certain developments within their districts as catalyst projects, making these projects eligible to receive benefits and tax exemptions provided by REDI.

Proposed Changes: This bill makes several changes to REDI, the foremost being the make-up of its representative membership. The bill changes the membership to include:

- The executive director of the DEO or his or her designee, to serve as chair;
- The Secretary of Transportation or his or her designee;
- The Secretary of Environmental Protection or his or her designee;
- The Commissioner of Agriculture or his or her designee;
- The State Surgeon General or his or her designee;
- The Commissioner of Education or his or her designee;
- The President of EFI or his or her designee;
- The chair of the board of CareerSource Florida, Inc., or his or her designee; and
- Five members from the private sector, three who are appointed by the executive director of the DEO, and one each appointed by the President of the Senate and the Speaker of the House of Representatives. The bill also:
- Clarifies the legislative intent of REDI to include encouraging job creation, improved community infrastructure, the development and expansion of workforce, and improved access to healthcare;
- Expands the definition of “rural area of opportunity” to include any rural community that faces competitive disadvantages, including low labor force participation, low education levels, high unemployment, a district grade of “D” or “F” pursuant to s. 1008.34, F.S., high infant mortality rates, and high rates of diabetes and obesity;

- Clarifies that REDI is to focus its efforts on the challenges of the state's rural areas of opportunity and economically distressed rural communities, and that REDI is to work with private organizations that have an interest in the renewed prosperity and competitiveness of these communities;
- Clarifies that when undertaking outreach and capacity-building efforts, its purpose should be to improve rural communities' ability to compete in a global economy;
- Requires that the report by REDI be submitted to the DEO, the President of the Senate, and the Speaker of the House of Representatives by September 1 of each year; and
- Expands the information to be included in the report to include evaluation of organizational progress towards goals, REDI accomplishments, and issues affecting the performance of REDI programs and activities. **Update:** On Tuesday, (H) the Agriculture & Property Rights Subcommittee adopted a PCS for **HB 333**. The committee substitute differs from the bill as originally filed by

removing a provision requiring the REDI program and RAOs be included in the Economic Programs Evaluation performed by the Office of Economic and Demographic Research and OPPAGA). The PCS also revises the REDI membership of the original bill by removing the President of Enterprise Florida, Inc., and replacing the Secretary of Health Care Administration with the State Surgeon General.

CS/HB 333 will next be taken up in the (H) Transportation & Tourism Appropriations Subcommittee. The Senate companion, **SB 600**, is scheduled to be heard on April 3rd by the (S) Agriculture Committee.

Recovery Fund for the Deepwater Horizon Incident (CS/SB 364)

Background: In 2010, an explosion at the offshore Deepwater Horizon drilling platform resulted in a massive oil spill and ecological damage to the shorelines of five Gulf Coast states. The US government and the five affected states filed suit and imposed heavy civil and administrative penalties on BP. The five Gulf States, in their own separate civil actions, entered into a settlement agreement with BP for \$5.9 billion dollars, to be divided among the state and local governments of the region. Pursuant to this agreement, Florida is to receive \$2 billion over a period of 18 years.

Under current statute, 75% of funds received "by the state from any governmental or

private entity for damages caused by the Deepwater Horizon oil spill” must go to eight “disproportionately affected” counties: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla. Disbursement of funds received from the suit is handled by two agencies: the DEP, which is the designated lead agency for environmental restoration, and the DEO, which administers funds through its non-profit, Triumph Gulf Coast, Inc. and the Recovery Trust Fund.

Triumph Gulf Coast was created in 2013 for the purpose of disbursing these funds.

Proposed Changes: This bill:

- Defines “settlement agreement” as “the agreement between the gulf states and the BP entities with respect to economic claims arising from the Deepwater Horizon incident.” Adding the definition clarifies that the Act relates to the \$2 billion of economic damage settlement funds negotiated by the Attorney General.
 - Appropriates economic damage settlement funds to Triumph Gulf Coast. After reasonable and necessary payment of attorney fees, costs, and reasonable expenses, the bill requires settlement funds received by the state prior to June 30, 2017, to be transferred to the Recovery Fund no later than August 1, 2017.
 - Creates a recurring appropriation to Triumph Gulf Coast to ensure that settlement funds received by the state on or after July 1, 2017, are transferred to the Recovery Fund within 30 days of receipt by the state.
 - Removes the requirements that Triumph Gulf Coast retain an independent financial advisor, economic advisor, or money manager. The State Board of Administration would absorb such duties.
1. Removes the requirement that K-20 institutions have a “home campus” within the disproportionately affected counties in order receive grant awards for programs of excellence, allowing K-20 institutions to be eligible for such awards so long as the institution has a campus within the disproportionately affected counties.
 2. Adds two members to the board of directors of Triumph Gulf Coast, Inc., with the Senate President and the Speaker of the House of Representatives each appointing an individual from one of the lesser-populated counties within the disproportionately affected counties. **Update:** On Tuesday, **CS/SB 364** was

passed by the (S) Appropriations Subcommittee on Transportation, Tourism, and Economic Development without amendment. The bill will next be heard in the (S) Appropriations Committee, its last committee of reference. **Building Code Administrators & Inspectors (CS/HB 909 & CS/CS/SB 860)**

Inspectors **Background:** In order to become a certified building code inspector or plan examiner, applicants must first sit for an exam for which one of six pre-qualifications must first be met. Some inspectors are listed as private providers, who are limited by law from inspecting residential buildings larger than 1,000 square feet (other private providers in this category are exempt from this limitation). **Proposed Changes:** This bill would add a seventh qualification an applicant can meet in order to sit for the plans examiner or inspector exam. The bill provides that a person may sit for the plans examiner or inspector examine if:

He or she completes a four-year internship with a building official, while being employed full time by the city, county, or local jurisdiction; and

He or she passes an exam administered by the ICC, passes a principles and practice exam, and passes an approved 40-hour training course. The bill also provides:

That partial completion of the internship program may be transferred between jurisdictions rather than have the applicant being required to complete the internship with one city, county, or local jurisdiction.

That an inspector or plans examiner may seek additional category certifications as an inspector or plans examiner by completing additional one-year internship programs, passing an exam administered by the ICC, and passing a board approved 40-hour course.

Reciprocity with any other state that requires an examination administered by the ICC.

That an applicant for certification may apply for a one-year provisional certificate before completing the internship program if the applicant has not passed the principals and practice examination or the 40-hour code training courses.

- That in addition to performing a plans exam or inspection in the building official's jurisdiction, a building official may perform a plans examination or inspection in a jurisdiction having a population of 50,000 or less under an interagency agreement.
- Amends the definition of "Building code inspector" to include any person contracted for construction regulation responsibilities who conducts inspections;
- Amends the definition of "Building code administrator" to include any person contracted for building construction regulation responsibilities who conducts supervision, and excludes a person performing a plan review or inspection under an interagency agreement with a different jurisdiction from that definition;
- Clarifies that nothing in the bill shall prohibit a local government, school, state agency, university, or community college from contracting with any person for construction regulation responsibilities; and
- Clarifies that the Department of Business & Professional Regulation may review and approve home inspector exams by a nationally recognized entity provided, those exams meet standards defined by rule and are certified by DBPR.

Lastly, the bill amends the current definition of private providers in statute who are not limited to square footage to include building officials. This would allow private building inspectors and plans examiners to review residential buildings larger than 1,000 sq. ft.

Florida Building Code (Senate Version)

Background: Current law requires the Florida Building Commission to revise the Florida Building Code every three years by adopting the most recent version of the International Code Council I-Code and then making whatever changes it deems necessary to account for Florida conditions. Under this arrangement, amendments made to the state code are only effective until the next edition of the I-Code is adopted, whereupon the Commission must make those amendments again to maintain a continuously uniform state code.

Proposed Changes: This bill would flip the process around. Instead of being required to automatically adopt the I-Code, the Commission would be authorized to work with the 6th Edition of the Florida Building Code and any later editions as its base, adopting whatever changes are made to the I-Code into the state code as it deems appropriate.

The bill would require a two-thirds vote by the Commission to re-adopt the state code.

Update: On Tuesday, the (S) Regulated Industries passed **CS/SB 860** with **one amendment**. The amendment provides that pool or spa contractors are not required to subcontract certain types of basic electrical installation, replacement, disconnection, or reconnection of wiring on the load side of their equipment, but must do so when making these same modifications to a circuit breaker.

CS/CS/SB 860 will next be taken up in the (S) Appropriations Committee. **CS/HB 909** is currently in the (H) Commerce Committee.

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Coastal Management (CS/CS/HB 1213 & CS/SB 1590)

Background: Due to a combination of storm events, man-made coastal constructions, and incremental sea-level rise, an estimated 411 miles of Florida's beaches are critically eroded. The Beach Management Assistance Program is a program within the DEP that is geared towards developing comprehensive beach and inlet management planning strategies and working with local partners to implement them.

In 2014, OPPAGA issued its report on the DEP's current process for selecting and prioritizing local beach management and inlet management projects. The report made several findings, including:

1. Certain criteria account for the majority of the points awarded;
2. Certain criteria only apply to a limited number of projects;
3. The criteria do not adequately take into account the economic impact of beach projects;
4. The criteria do not adequately account for a project's cost effectiveness or performance;
5. The criteria do not take into account the impacts of recent storms or current conditions of the shoreline;
6. Stakeholders found the application requirements for funding to be too complicated and time consuming; and
7. Stakeholders perceived a bias for projects that received federal funding.

Proposed Changes: This bill would enact the following changes as it relates to beach and inlet management projects. For beach management, this bill:

- Revises the criteria the DEP must consider when ranking beach management projects for funding consideration to be more detailed;
- Requires the DEP to divide the revised criteria into four tiers and assign each tier a percentage of overall point value;
- Requires the DEP weigh the criteria equally within each tier; and
- Revises the uses and procedures for expenditure of surplus funds. For inlet management, this bill:
 - Revises and updates the criteria the DEP must consider when ranking inlet management projects for funding consideration. The DEP must weigh each criterion equally;
 - Authorizes the DEP to pay up to 75 percent of the construction costs of an initial major inlet management project component. The DEP may share the costs of the other components of inlet management projects equally with the local sponsor;
 - Requires the DEP to rank inlet monitoring activities for inlet management projects as one overall subcategory request for funding separate from the beach management project funding requests; and
 - Eliminates a current requirement that the Legislature designate one of the three highest ranked inlet management projects on the priority list as the Inlet of the Year.

The bill also requires the DEP to update and maintain its comprehensive long-term beach management plan, and sets forth an extensive list of new requirements for the plan. The plan must also, at minimum, include a strategic beach management plan (SBMP), a critically eroded beaches report, and a statewide long-range budget plan.

Update: On Tuesday, the (H) Agriculture & Natural Resources Appropriations Subcommittee adopted **one technical amendment** to **CS/HB 1213**. The change includes beach restoration projects within the scope of the bill, not just beach nourishment and inlet management projects. **CS/CS/HB 1213** will next be considered in the (H) Government Accountability Committee, its last committee of reference.

CS/SB 1590 is currently in the (S) Appropriations Subcommittee on the Environment and Natural Resources.

Prudent Utility Investments in Natural Gas Reserves (CS/HB 1043 & SB 1238)

Background: The Public Service Commission (PSC) has broad jurisdiction over the rates and service of public (investor- owned) electric utilities in Florida. Under this authority, the PSC has established a mechanism by which these utilities may recover certain fuel and purchased power costs through customer charges that are separate from the utilities' base rates.

Proposed Changes: This bill provides a “prudence” test for authorizing a utility to recover the cost of investment in natural gas reserves from its rate-payers. In order to qualify, the utility must generate at least 65% of its electricity using natural gas.

This bill requires the PSC to adopt further rules for determining the prudence of an investment. The rules must require that:

- Each natural gas reserve investment be projected to generate savings for customers over the life of the investment;
- The total volume of natural gas produced from all the utility's natural gas reserve investments does not exceed the following percentages of the utility's average projected daily burn:

- o 7.5 percent in 2018,

- o 10 percent in 2019, o 12.5 percent in 2020, and o 15 percent in 2021 and each year thereafter; and

- Each natural gas reserve investment be made in gas reserve projects where at least 50 percent of the wells in the projects are classified as proved oil and gas reserves by the SEC.

The PSC would be required to adopt these rules by Dec. 31, 2017.

Update: On Tuesday, the (H) Energy & Utilities Subcommittee passed **HB 1043** after adopting **one amendment**. The amendment specifically provides that the commission shall not approve an electric utility's natural gas reserve investment, including a rate of return, for cost recovery over the life of the investment if it determines the investment is not prudent, nor shall it approve recovery of costs to operate and maintain the investment if those costs are not reasonable.

CS/HB 1043 will next be taken up in the (H) Government Operations & Technology Appropriations Subcommittee. **SB 1238** is currently in the (S) Rules Committee.

Construction (CS/HB 1021 & SB 1312)

Solar Energy Certification

Background: The Florida Solar Energy Center (FSEC) was set-up in 1976 to serve as the state’s main solar energy research institute. For decades, the FSEC has been charged with setting standards and testing criteria for solar energy devices sold in Florida.

In 2009, an OPPAGA study found a significant back-log in the number of solar energy systems awaiting FSEC certification.

Proposed Changes: This bill would remove the requirement that the FSEC certify all solar energy devices. It provides that a solar energy device may meet state certification requirements by meeting the standards of any “recognized certifying entity” that certifies such equipment pursuant to NREL standards. However, the NREL does not currently set such standards.

Construction Industry Workforce Taskforce

Background: In 2016, the Legislature created the “Construction Industry Workforce Taskforce” (CIWT) to address the construction industry labor force shortage in the state. The CIWT proposed a number of changes, including the expansion of apprenticeship programs and study to explore how current secondary and higher education programs might be utilized towards that goal.

Proposed Changes: This bill requires the DOE and DEO to create a study on how to implement the recommendations of the CIWT, which must be provided to the Governor, President of the Senate, and Speaker of the House of Representatives before January 9, 2018. The study must address:

- Expanding the definition of “local education agency,” as used in apprenticeship programs, to include nongovernmental entities, private training organizations, industry trade organizations, labor unions, or other community-based organizations;
- Determining the appropriateness of transferring apprenticeship programs from the DOE to DEO;

- Providing clarity on how current apprenticeship programs are funded from the state to the local educational agencies and what options such agencies have in how they spend apprenticeship funding;
- Requiring the State Board of Education to accept the curriculum developed by the NCCER or other comparable national curriculum, as satisfactory courses for high school credit, college credit, or state-supported scholarships;
- Providing additional support to K-12 programs to ensure construction-related education programs are offered through existing career and technical education programs; and
- Authorizing an alternative instructor certification process through the DOE which does not require certification through local educational agencies. The bill also requires Career Source Florida (CSF) to fund construction training programs using existing federal funds awarded to CSF for training purposes. CSF must use the Florida Rebuilds Initiative as the implementation model. Lastly, the bill requires the DBPR to provide funds of \$150,000 to the University of Florida School of Construction Management for the continuation of the CIWT. The funds will be provided from the DBPR Building Permit Surcharge trust fund. *Florida Building Code* **Background:** Section C408 of the 5th edition of the Florida Building Code (FBC) requires a commercial building to receive a commissioning report prior to receiving a passing mechanical final inspection. Heating, ventilation, air conditioning, and the lighting systems are tested in the report. Such standards are also required of HVAC engineers and technicians through their regulatory body, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHREA) **Proposed Change:** The bill provides that the FBC will eliminate duplicate commissioning reporting requirements for HVAC and electrical systems. The bill also authorizes electrical or mechanical engineers to provide commissioning reports in addition to a licensed design professional. *Local Government Fees* **Background:** With the exception of certain facilities, FBC enforcement of construction is the responsibility of local governments. Local governments are authorized to provide a schedule of consistent reasonable fees to be used solely for carrying out their responsibilities in enforcing the FBC. These fees include inspection fees, plan examination fees, site examination fees, building permit fees (based on square footage of the building), and various administrative fees including re-permitting fees, time extension fees, re-inspection fees, and licensing fees.

- **Proposed Changes:** This bill prohibits local jurisdictions from requiring payment of any additional fees for obtaining permits, if proof of licensure pursuant to ch. 489, F.S., and insurance coverage required by ch. 440, F.S., has been previously provided and recorded. The bill also prohibits a local jurisdiction from requiring an owner of a residence to obtain a permit to paint his or her residence regardless of whether the owner is a limited liability company.

Fire Prevention

Background: State law requires all municipalities, counties, and special districts with fire-safety responsibilities to enforce the Florida Fire Prevention Code (FFPC) as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Code. These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements

Proposed Changes: This bill prohibits local governments from requiring a separate water connection for a residential fire-sprinkler system for a dwelling if the dwelling's original water connection is adequate and prohibits a local government from charging certain fees for larger water meters.

Update: On Tuesday, the (S) Communications, Energy, and Public Utilities passed **SB 1312** without amendment. The Senate bill will next be taken up for consideration in the (S) Community Affairs Committee.

HB 1021 was passed by the (H) Appropriations Committee on Wednesday with **two amendments**. The 1st amendment removes an appropriation of \$150,000 in surcharge funds earmarked for the University of Florida M. E. Rinker, Sr., School of Construction Management for continuing the Construction Industry Workforce Task Force. The 2nd amendment prohibits any political subdivision of the state from adopting or enforcing any ordinance, building permit, or requirement that impairs or conflicts with advertising and signage. **CS/HB 1021** will next be heard in the (H) Commerce Committee.

Water Protection & Sustainability (CS/HB 573 & CS/SB 928)

Background: Counties, municipalities, or special districts may enter into an inter-local agreement to create a regional water supply authority (RWSA) for the purpose of developing, recovering, storing, and supplying water for county or municipal purposes. Priority in an RWSA is given to reducing the adverse environmental effects of excessive or improper withdrawals of water from concentrated areas. In June 2016, Polk County and 15 municipalities entered into an inter-local agreement to create an

RWSA known as the Polk County Regional Water Cooperative (cooperative).

Proposed Changes: This bill creates the “Heartland Headwaters Protection and Sustainability Act,” which does the following:

-
- Recognizes the 1979 designation of the Green Swamp area as a critical state concern for its regional and statewide importance in maintaining the quality and quantity of water supply and resources of the Floridian aquifer system;
 - Designates the headwaters of the Alafia, the Hillsborough, the Ocklawaha, the Peace, and the Withlacoochee rivers as being in the Green Swamp area and Polk County;
 - Designates the surface water and groundwater resources in the heartland counties of Hardee, Highlands, and Polk as integral to the health, public safety, and economic future of those regions;
 - Designates the Green Swamp and surrounding areas to be economically, environmentally, and socially defined by some of the most important and vulnerable water resources of the state;
 - Recognizes that the surface water and groundwater resources in the heartland counties of Hardee, Highlands, and Polk are integral to the health, public safety, and economic future of those regions;
 - Declares an important state interest in partnering with RWSAs and local governments to protect the water resources of the headwaters and surrounding areas;
 - Declares that priority-funding consideration must be given to solutions to manage the water resources of these headwaters and the local Floridian aquifer system; and
 - Finds that the cooperative was formed to protect the water resources of the headwaters and surrounding areas, is in the public interest, and complies with the intent and purposes of water supply policy. The bill also:
 - o Requires the cooperative to prepare an annual report identifying water resource projects within its jurisdiction for priority state funding, identify information

to be included for each listed project, and requires the cooperative to coordinate with the appropriate water management district (WMD) to ensure the annual report is included in the WMD consolidated annual report; and

o Expands the list of entities authorized to expend local government infrastructure surtaxes to include an RWSA, whose purpose is to develop, recover, store, and supply water, if the county is a member of the entity.

Update: On Tuesday, the (S) Environmental Preservation and Conservation adopted a **Strike-all** for **SB 928**. The strike-all conforms the Senate bill to changes made to the House bill during its last committee stop, except that two additional provisions were added to SB 928. The first the provision requires the cooperative to submit its comprehensive annual report by December 1, 2017, and each year thereafter, to the Governor, Legislature, DEP, and the appropriate water management districts. The second is a provision that allows a local government to transfer proceeds from its local government infrastructure discretionary sales surtax to an RWSA for purposes of developing, recovering, storing, and supplying water.

Tom Singleton, on behalf of the City of Winterhaven, spoke in support of the bill, explaining that the water resources in Polk County serve nearly half the state

Polk County also waived in support of the bill.

CS/SB 928 will next be taken up in the (S) Appropriations Subcommittee on the Environment and Natural Resources. **CS/HB 573** is currently in the (H) Agriculture & Natural Resources Appropriations Subcommittee.

Resource Recovery & Management (CS/HB 335 & CS/SB 1104)

Background: The DEP is charged with implementing and enforcing the state's solid waste management program. This program oversees the direct disposal of many different forms of industrial, agricultural, and residential waste. However, under s. 403.7045(1), F.S., certain wastes and activities are exempt from solid waste regulation. These generally consist of recoverable materials and the processes by which they are recycled and reused. Currently, to qualify for an exemption, a solid waste facility must meet the following requirements:

- A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within one year;
- The recovered materials handled by the facility or the products or byproducts of operations that process recovered materials are not discharged, deposited,

injected, dumped, spilled, leaked, or placed into or upon any land or water by the owner or operator of such facility so that such recovered materials, products or byproducts, or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwater, or otherwise enter the environment such that a threat of contamination in excess of applicable DEP standards and criteria is caused;

- The recovered materials handled by the facility are not hazardous wastes; and
- The facility is registered with the DEP. Furthermore, the DEP does not require solid waste *combustors* to obtain a solid waste permit if the facility operates under a current valid permit for a stationary source of air pollution, open burning, or electrical power plant and transmission line siting. In recent years, more and more solid waste management facilities have begun employing gasification and pyrolysis as means of converting solid waste into fuel. Neither process uses combustion, instead relying on the application of heat within an oxygen-starved environment to synthesize fuel from the resulting chemical reactions. The two processes are comparatively cleaner than traditional combustion methods. **Proposed Changes:** This bill expands the current exemption from the DEP's solid waste management program to include non-combustion gasification and pyrolysis facilities. The bill provides the following definitions:
 - "Gasification" is a process through which recovered materials are heated and converted to synthesis gas in an oxygen-deficient atmosphere, and then converted to crude oil, fuel, or chemical feedstock."
 - "Post-use polymer" is a polymer derived from any domestic, commercial, or municipal activity and recycled in commercial markets that might otherwise become waste if not converted to manufacture fuels or other raw materials or intermediate or final products using gasification, pyrolysis, or another thermal conversion process. A post-use polymer may contain incidental contaminants or impurities such as paper labels or metal rings.
 - "Pyrolysis" is a process through which recovered materials are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil, or other fuel, feedstocks, diesel and gasoline blend stocks, chemicals, waxes, or lubricants, or other raw materials, intermediate, or final products.

- “Pyrolysis facility” is a facility that collects, separates, stores, and converts recovered materials using gasification, pyrolysis, or another thermal conversion process. A pyrolysis facility is not a waste management facility. The current statutory definitions for “recovered materials” and “recovered materials processing facility” are also expanded to include post-use polymers converted into crude, fuels or other raw materials, and facilities that use pyrolysis, gasification, other thermal conversion processes. **Update:** On Tuesday, the (S) Environmental Preservation and Conservation adopted a **strike-all**, along with **an amendment to the strike-all**, to **SB 1104**. The amended strike- all makes the following changes to the bill:
 - Rewords the definitions of “gasification,” “post-use polymer,” and “pyrolysis facility” for clarification purposes and makes minor technical changes to reflect the rewording of the definitions;
 - Changes the definition of “post-use polymer” from a plastic polymer that is recycled in commercial markets to a plastic polymer that is not recycled in commercial markets;
 - Removes post-use polymers that are converted to manufacture fuels, chemicals, feed stocks, or other raw materials or intermediate or final products using gasification or pyrolysis from the definition of “recovered materials” and makes minor technical changes to reflect this change in the definition;
 - Removes pyrolysis facilities from the definition of “recovered materials processing facility” and makes minor technical changes to reflect this change in the definition; and
 - Includes a pyrolysis facility with a recovered materials processing facility as facilities where a recovered materials dealer may process recovered materials to satisfy local government registration and reporting requirements for a recovered materials business; and
 - Changes the effective date from “on becoming a law” to July 1, 2017. **CS/SB 1104** will next be taken up in (S) Community Affairs Committee. **CS/HB 335** was passed last week in the House and is currently in Messages.

Recovered Materials (CS/HB 1133 & CS/SB 1288)

Background: Current law exempts certain wastes and activities from solid waste

regulations mandated by the state's solid waste management program, provided that the facilities where these materials are processed meet certain statutory criteria. This includes recovered materials such as metal, paper, glass, plastic, textiles, or rubber, all of which have recycling potential.

Proposed Changes: This bill adds wood, asphalt, and concrete to the list of materials deemed "recoverable" under this section of law.

Update: On Tuesday, the (S) Environmental Preservation and Conservation adopted a **strike-all** to **SB 1288**. The strike-all removes "organic materials" from the list of materials deemed "recoverable" in the bill. This makes the Senate bill identical to the House bill. **CS/SB 1288** will next be considered in the (S) Community Affairs Committee. **CS/HB 1133** will next be taken up in the (H) Government Accountability Committee, its last committee of reference.

Aquifer Replenishment (HB 755 & CS/SB 1438)

Background: Underground injection is one of a variety of methods for wastewater disposal or reuse utilized in Florida. Aquifer storage and recovery (ASR) is the injection of surface water, ground water, or reclaimed water into the aquifer for storage and recovery purposes at a later date. Aquifer recharge is similar to ASR, but the water is used solely to recharge the aquifer; it will not be withdrawn from the same facility at a later date.

A zone of discharge is a volume underlying or surrounding the site and extending to the base of a specifically designated aquifer, within which an opportunity for the treatment, mixture, or dispersion of wastes into groundwater is allowed. Institutional controls are intended to affect human activities in such a way as to prevent or reduce exposure to contamination.

Although permits must be granted by the DEP in order to carry out these activities, as with any activity involving large water withdrawals or discharges, there are no additional statutory requirements for advanced water treatment for reclaimed water, stormwater, or other water sources (e.g., excess surface water).

Proposed Changes: This bill would require underground injection control permits that are intended to protect, augment, or replenish the state's ground water resources to include additional conditions, including the establishment of a zone of discharge for groundwater standards and any associated institutional controls necessary to promote the conservation, reclamation, and sustainability of the state's ground water resources.

The bill provides that the DEP may develop rule criteria for operation permits for these

advanced water treatment facilities, which must consider, at a minimum:

- The intended water use or uses;
- Conditions that may be specifically applicable to the treatment of reclaimed water, stormwater, or excess surface water, as applicable; and
- Requirements for providing monitoring, protection, augmentation, or replenishment of the state's water resources. The bill provides that the authorized use of reclaimed water by an advanced water treatment facility satisfies any requirement to implement a reuse project as part of a reuse program and must be given significant consideration by the water management district in an analysis of the economic, environmental, and technical feasibility of providing reclaimed water for reuse. The bill also authorizes the DEP to develop rules for any necessary additional permit conditions for the construction of advanced water treatment facilities and underground injection, for the purposes of monitoring, protecting, augmenting, or replenishing the state's water resources.

Update: On Tuesday, the (S) Environmental Preservation and Conservation adopted a **strike-all amendment** to **SB 1438**. The strike-all makes the following changes to the Senate bill:

- Adds examples of what would constitute “institutional controls”;
 - Deletes provisions related to the regulation of advanced wastewater facilities; and
 - Authorizes DEP to establish voluntary facility classifications and associated operator licensing requirements for treatment facilities. **CS/SB 1438** will next be heard in the (S) Appropriations Subcommittee on the Environment and Natural Resources. **HB 755** is currently in the (H) Appropriations Committee.
- Coral Reef Protection (CS/SB 1624 & HB 1143) Background:** Coral reefs are valuable natural resources. They protect coastlines by reducing wave energy from storms and hurricanes. They serve as a source of food and shelter and provide critical habitat for over 6,000 species, including commercially important fisheries. Many medicines, as well as other health and beauty products, are derived from marine plants, algae, and animals found on coral reefs. Florida’s reefs also draw divers, fishermen, and snorkelers from all parts, providing a indispensable pillar of the state’s tourist economy. However, Florida’s reefs, like coral reefs all over the world, are in danger of disappearing from a host of environmental changes stemming from human activity.

Proposed Changes: This CS creates the Southeast Florida Coral Reef Ecosystem Protection Area. The proposed area would cover all the sovereignty submerged lands and state waters offshore of Broward, Martin, Miami-Dade, and Palm Beach Counties from St. Lucie Inlet to the northern boundary of the Biscayne National Park.

Update: On Tuesday, the (S) Environmental Preservation and Conservation adopted a **strike-all amendment** to **SB 1624**. The strike-all removed provisions related to the development of a comprehensive management plan for coral reefs, leaving only the one provision that creates the protection area. **CS/SB 1624** will next be heard in the (S) Appropriations Subcommittee on the Environment and Natural Resources. **HB 1143** is currently in the (H) Agriculture & Natural Resources Appropriations Subcommittee.

Procurement of Professional Services (CS/HB 789)

Background: In 1973, the Florida Legislature enacted the Consultants' Competitive Negotiation Act (CCNA), which requires state and local government agencies to procure the "professional services" of an architect, professional engineer, landscape architect, or registered surveyor and mapper using a qualifications-based selection process. Qualifications-based selection is a process whereby service providers are retained on the basis of competency, qualifications, and experience, rather than price. The CCNA establishes a three-phase process for procuring professional services:

- Phase 1 – Public announcement and qualification;
- Phase 2 – Competitive selection; and
- Phase 3 – Competitive negotiation **During Phase 1**, state and local agencies must publicly announce each occasion when professional services will be purchased for certain projects and activities. A consultant who wishes to provide professional services to an agency must first be certified by the agency as qualified to provide the needed services. **During Phase 2**, an agency must evaluate the qualifications and past performance of interested consultants and conduct discussions with at least three consultants regarding their qualifications, approach to the project, and ability to furnish the required services. The agency must then select at least three consultants, ranked in order of preference, that it considers the most highly qualified to perform the required services. **During Phase 3**, the competitive negotiation phase, an agency must negotiate compensation with each consultant in order of rank, beginning with the highest ranked, until an agreement is reached. If the agency is unable to negotiate a satisfactory contract with a consultant, negotiations

with that consultant must be formally terminated. Once the agency terminates negotiations with a consultant at any point in the process, the agency may not resume negotiations with that consultant for that particular project. **Proposed Changes:** The bill amends the current CCNA process to replace the competitive negotiation phase with a best value selection process. Under the new process,

each firm that has been deemed most qualified during the competitive selection phase must submit a compensation proposal for the proposed work. The agency must evaluate each compensation proposal, the information provided during the competitive selection phase, and any other information the agency requests in order to make a best value selection. However, the bill provides that compensation may not exceed 50 percent of the total weight of the published evaluation criteria.

The bill would also authorize agencies to reject any or all submissions received in response to the public announcement for a proposed project.

Lastly, the bill removes a current requirement that each agency encourage design consultants desiring to provide professional services to the agency to annually submit statements of qualifications and performance data. Instead, an agency would be authorized to determine whether a candidate is qualified on an individual project basis.

Update: On Tuesday, the (H) Oversight, Transparency & Administration Subcommittee passed **HB 789** after adopting **one amendment**. The amendment exempts federally funded transportation projects from the CCNA process. Such projects must be procured in accordance with federal law.

Public testimony on the bill was lengthy, with many questions asked of both opponents and proponents of the bill. Opponents of the bill, a group mainly comprised of architectural firms that do regular business with the state, stated that they were content with the current process, which allowed them flexibility in determining the proposed cost and true scope of the projects during the negotiation phase instead of making their best estimate based on summaries provided in a average RFQ. They argued that changing the process would make it more expensive to both firms and state agencies due to unforeseen change orders that cannot be anticipated through a blind auctioning process.

The bills proponents, local governments, school districts, state agencies, and their advocate groups, argued that the current process allows state entities very little flexibility to the government side in negotiating the cost of public projects. They singled out the requirement that a state entity cease all further negotiation with the first

chosen bidder upon rejecting its initial bid, even if that bid prove a better bid than the following two reviewed. Committee members speaking in favor of the bill also noted that by requiring local governments to either pick the first bid or reject it outright, they also rob the other two bidders of their chances to make their case. Lastly, the bill's proponents on the committee noted that there may be a bias in the process towards contractors that have already been awarded public contracts in the past and therefore are more likely to be awarded the next contract at the expense of junior bids through this process.

Whatever their differences, both sides acknowledged that allowing a state entity to negotiate with all three bids simultaneously was not in the best interests of any party and agreed to work out the language of the bill to put some manner of safeguard in place, either a sealed bidding process or something of that nature. The bill's proponents remain

adamant that government entities should not be completely barred from reconsidering a bid that they have previously passed over.

CS/HB 789 was passed 10-5. It will next be taken up in the (H) Governmental Accountability Committee.

Environmental Regulation Commission (CS/HB 861 & CS/SB 198)

Background: The Environmental Regulation Commission (ERC) is an independent review body that exists within the DEP. Seven members appointed by the Governor and approved by the Senate serve on the ERC. When making appointments, the Governor must provide reasonable representation from all sections of the state. Membership of the ERC must be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community. The ERC members serve for four years. The Governor may fill a vacancy on the ERC at any time.

The ERC is charged with reviewing all proposed rules by the DEP, including new environmental standards that the committee may approve, disapprove, or modify at its discretion.

Proposed Changes: This CS restricts the time period during which the Governor may fill a vacant position and revises the voting requirements for approval or disapproval of a proposed rule containing standards. It requires the Governor appoint a new member to the ERC within 90 days of a vacancy occurring. It also modifies the approval threshold for proposed rules containing new environmental standards submitted to the ERC for review. With only two exceptions, all rules would require only a simple

majority vote of the board's 7 members to approve. Those two exceptions are rules that modify air and water quality & quantity standards, which must be approved by a supermajority of 5 votes.

Update: On Tuesday, the (H) Oversight, Transparency & Administration Subcommittee took up consideration of **CS/HB 861**.

Rep. Edwards put forth an amendment which would have removed water quantity from the list of standards that would require a supermajority vote of 5 ERC members, however this amendment was quickly followed by an late filed amendment to this amendment by Rep. Roth. The amendment would remove the supermajority requirements of the original bill entirely.

The committee, however, ran out of time before a vote could be taken on either of these amendments.

Public Works Projects (CS/SB 534 & CS/CS/HB 599)

Background: Current state law provides local preferences and wage standards for all work done with state agencies and political subdivisions. The procurement of contract construction services is generally overseen by the Department of Management Services (DMS), which is charged with rulemaking procedures for the procurement of such services. The DMS also maintains a list of vendors who are prohibited from being awarded public contracts because of public entity crimes or discriminatory work practices.

There is currently no statute in state law that explicitly prohibits either the state or a local government from imposing its own restrictive conditions for contractors.

Proposed Changes: This bill would prohibit the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, material suppliers, or material carriers, except as otherwise required by federal or state law. Specifically, the state or political subdivision that contracts for a public works project may not require that a contractor, subcontractor, or material supplier or carrier engaged in a state-funded project:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or

- Recruit, train, or hire employees from a designated, restricted, or single source.

This bill would also prohibit the state or a political subdivision from restricting a contractor, subcontractor, material supplier, or material carrier from submitting a bid on any public works project that it is licensed, qualified, or certified to do. This prohibition would not apply to contracts made under ch. 337, F.S., which generally covers state and county roads. It also does not apply to vendors who have been convicted of a public entity crime and placed on the DMS blacklist, or that have been found liable for discriminatory practices under s. 287.133, F.S. Under the bill:

- “Political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works; and
- “Public works project” means activities for which 50 percent or more of the cost will be paid from state funds appropriated at the time of competitive solicitation, and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof that is owned in whole or in part by any political subdivision.

Update: On Wednesday the (H) Government Accountability Committee passed **CS/HB 599** after adopting **one amendment**. The amendment makes the same changes to the House as was made to Senate bill last week, removing the bill’s prohibition on a local government restricting a contractor from submitting a bid on any contract, subcontract, material order, or carrying order that it is licensed, qualified, or certified to do; thus restricting the scope of the bill to public works projects only. This was the last committee of reference for **CS/CS/HB 599**. **CS/CS/SB 534** is currently in (S) Appropriations.

Contaminated Site Clean-Up Program (CS/SB 1018 & CS/CS/HB 753)

Background: Petroleum is stored in thousands of underground and aboveground storage tank systems throughout Florida. Releases of petroleum into the environment

may occur as a result of accidental spills, storage tank system leaks, or poor maintenance practices.

Since 1983, the DEP has been in charge of regulating storage tanks for petroleum products. Of particular concern are tanks that have been abandoned or are out of service. These tanks sometimes leak into the ground and pose a risk to groundwater. In 1986, the Legislature passed the State Underground Petroleum Environmental Response (SUPER) Act. One program created under SUPER was the Early Detection Incentive Program (EDI), which allowed owners of abandoned tank sites the option of either performing site cleanup themselves and then receiving reimbursement from the DEP's Inland Protection Trust Fund (IPTF), or of having the state perform the cleanup themselves in priority order. The financial costs attached to this program quickly skyrocketed past what had been originally projected. In response, the Legislature has shifted emphasis towards funding pre-approved cleanups, with priority placed on those contaminated sites identified before 1995, and with spending limited to what is within the confines of the program's funding.

The Preapproved Advanced Cleanup Program (ACP) was also created, allowing owners of critically contaminated sites who did not take advantage of the EDI program before 1995 to bypass the priority ranking list and receive funding in order to facilitate a timely rehabilitation. Participants in this program are required to share at least 25% of the cost of rehabilitation and prepare limited scope assessments at their own expense. Applications are submitted to the DEP twice a year (between May 1 and June 30 and between November 1 and December 31). The applications are ranked based on the percentage of cost-sharing commitment proposed by the applicant, with the highest ranking given to the applicant that proposes the highest percentage of its share of costs. Different projects at different sites may also be bundled for greater cost effectiveness.

Two other programs affected by this bill are the Abandoned Tanks Restoration Program (ATRP) and the Petroleum Clean-up Participation Program (PCPP).

The Abandoned Tanks Restoration Program (ATRP) was created in 1990. In order to be eligible for the ATRP, applicants must certify that the petroleum system has not stored

petroleum products for consumption, use, or sale since March 1, 1990. They must also have filed a claim before June 1, 1996.

The Petroleum Cleanup Participation Program (PCPP) was created in 1996 for sites that had missed the opportunity for state funding assistance but had reported contamination before 1995. Responsible parties in the PCPP cost share the cleanup and

prepare a limited scope assessment at their expense. Sites that qualify for this program are eligible for \$400,000 in rehabilitation funding and the owner, operator, or responsible party is required to pay 25% of the costs.

Somewhat related to the family of petroleum cleanup programs is the Drycleaning Solvent Cleanup Program, which focuses on cleaning up the former sites of Laundromats or wholesale supply facilities where massive amounts of cleaning chemicals were used and have leached into the soil. The program limits the liability of site owners who participate in the cleanup so long as the parties meet the conditions stated in the law. The application period for entry into the program ended December 31, 1998; applications are no longer being accepted. That same year, the Florida Legislature established the Voluntary Cleanup Tax Credit (VCTC) program to provide an incentive for the voluntary cleanup of dry-cleaning solvent contaminated sites and brownfield sites in designated brownfield areas.

DEP rules establish criteria for the purpose of determining, on a site-specific basis, a site rehabilitation program and the level at which a site rehabilitation program may be deemed completed. These rules incorporate, to the maximum extent feasible, risk-based corrective action principles to achieve protection of human health and safety and the environment in a cost-effective manner. For site rehabilitation to reach a status of site closure or “no further action,” appropriate institutional controls must be agreed to by the owner and applicant and implemented for the site

Proposed Changes: This bill makes the following changes:

- Provides a legislative finding regarding the necessity to advance site rehabilitation on a limited basis to encourage property redevelopment;
- Creates a separate procedure and criteria for the advancement ahead of its priority ranking of an individual contamination site slated for property redevelopment;
- Increases the dollar amount of the contracts for advance cleanup work into which DEP is authorized to enter from \$25 million to a total of \$30 million in each fiscal year. DEP is authorized to designate up to \$10 million of those funds for the advance cleanup of individual contaminated sites that meet the criteria in the bill for redevelopment. A single facility or applicant for advance cleanup of an individual contaminated site slated for redevelopment may not be approved for more than \$1 million of cleanup activity per fiscal year;
- Makes a legislative finding that it is in the public interest for the state to conduct site

assessments on a limited basis at sites contaminated with dry-cleaning solvents in advance of the priority ranking of contaminated sites;

- Provides that a property owner who is eligible for site rehabilitation under the dry-cleaning solvent cleanup program may request, and DEP may authorize, an advanced site assessment so long as they meet certain requirements;
- Requires an advanced site assessment under the dry-cleaning solvent cleanup program to incorporate risk-based corrective action principles to achieve protection of human health & safety and the environment in a cost-effective manner and in accordance with DEP rules for site rehabilitation. The advanced site assessment must also be sufficient to estimate the cost of cleanup, the proposed course of action for site cleanup, and that the site is appropriate for one of the following:
 - Remedial action at the site to mitigate risks that, in the judgment of DEP, are threats to human health or where failure to prevent migration of dry-cleaning solvents would cause irreversible damage to the environment;
 - Additional groundwater monitoring at the site to support natural attenuation monitoring or long-term groundwater monitoring; or
 - A recommendation of “no further action,” with or without institutional controls or institutional and engineering controls, if the site meets the “no further action” criteria in accordance with DEP rules for site rehabilitation.
- If the site is not appropriate for one of these actions, it is not eligible for advanced site assessment;
- Requires that the dry-cleaning solvent cleanup program assign advanced site assessment program tasks;
- Limits available funding for advanced site assessments to 10% of the annual Water Quality Assurance Trust Fund appropriation for the dry-cleaning solvent cleanup program. The total funds that may be committed to any one site are capped at \$70,000. DEP must prioritize requests for advanced site assessment at sites under the dry-cleaning solvent cleanup program based on the date of receipt and the environmental and economic value to the state until the available funding for advanced site assessments has been obligated.

- Increases the annual cap for the VCTC from \$5 to \$10 million **Update:** On Wednesday, the (H) Ways & Means Committee passed **CS/HB 753** after adopting **three amendments**. The first amendment provides an exception to payment requirements for subcontractors and suppliers, allowing contaminated site contractors to pay their sub-contractors within 30 days instead of the statutory 7 days required of other works. The second amendment revises the application requirements for the advanced clean-up program, among other things removing the 25% cost share requirement, the ranking requirement (allowing the sites to apply on a first come, first served basis), and imposing a number of inspection and documentation requirements for such sites, as well as an administrative review fee of \$250. An applicant applying to clean-up an individual site may not be approved for more than \$1 million in clean-up funds for any fiscal year. The third amendment removes the provision authorizing the DEP to allocate up to \$5 million in tax credits under the program for the 2016-2017 fiscal year and \$10 million for every year thereafter.

CS/CS/HB 753 will next be taken up in the (H) Government Accountability Committee. **CS/SB 1018** is currently in the (S) Appropriations Subcommittee on the Environment and

Natural Resources.

Natural Hazards (SB 464 & CS/HB 181)

Background: In order for state, tribal, and local governments to receive a FEMA mitigation grant, the applicant must produce a hazard mitigation plan approved by FEMA that conforms to certain requirements. At a minimum, the plan must outline processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government. Jurisdictions must update their plans and re-submit them to FEMA every five years to maintain eligibility.

Florida's Division of Emergency Management (FDEM) is responsible for updating and maintaining the state's Enhanced Hazard Mitigation Plan in order to comply with FEMA requirements. The FDEM accomplishes this with the collaboration and coordination of an advisory team known as the State Hazard Mitigation Plan Advisory Team (SHMPAT). SHMPAT participants include numerous state agencies, regional planning councils, water management districts, state universities, government entities, and other community stakeholders. The primary function of SHMPAT is to assist the FDEM with the development, implementation, and maintenance of the state hazard mitigation plan, comment on draft versions, and maximize the leveraging potential of all state mitigation related resources.

Proposed Changes: This bill creates a natural hazards inter-agency workgroup for the purpose of sharing information on the current and potential impacts of natural hazards throughout the state, coordinating ongoing efforts of state agencies towards addressing the impacts of natural hazards, and collaborating on statewide initiatives to address those impacts. The work-group would be comprised of liaisons from each agency within the state executive branch, each water management district, and a representative from the Florida Public Service Commission, as well as a representative from the FDEM to act as the main coordinator of the group.

The FDEM would be charged with preparing an annual report on behalf of the workgroup, starting on January 2019 and continuing every year thereafter, regarding implementation of the state's enhanced hazard mitigation plan as it relates to natural hazards.

The term "natural hazards" in the bill includes, but is not limited to: extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

The House version of this bill provides an appropriation of \$84,738 in recurring funds and \$4,046 in non-recurring funds from the Grants & Donations Trust Fund to the FDEM

and one full-time position and associated salary rate of \$47,000 for the purpose of implementing the act.

Update: On Wednesday, the House rolled **CS/HB 181** to Third Reading without amendment. It was passed the next day. **SB 464** is currently in the (S) Rules Committee.

Ericks Consultants Week of March 27th Report
By Ericks Consultants

BUDGETS

House and Senate released their initial budgets this week, which sharply depart from one another on a number of issues that must be resolved in order to Sine Die from business incentive funding to teacher bonuses and hospital cuts. We have multiple projects in play for the budget conference.

INTERGOVERNMENTAL RELATIONS

SENATE PASSES PUBLIC RECORDS ATTORNEYS FEES BILL

The Senate unanimously passed a bill to give judges discretion in awarding attorneys fees in public records cases after adopting a compromise amendment that would establish guidelines for judges to follow in their determination. The bill is to crack down on a cottage industry of public records "gotcha" litigation plaguing local governments and burdening taxpayers. Meanwhile, House Oversight, Transparency and Administration also voted unanimously to move the bill out of its first House

committee. The League of Cities, Florida Association of Counties, special districts, local law enforcement and many other public entities support the legislation.

The House bill has one more committee of reference.

HOUSE PASSES ETHICS REFORM

The House voted 114-1 to pass the local government ethics package (HB 7021) after adopting some amendments. The bill would require a municipal officer in a municipality with revenues of \$10 million or higher for three consecutive years to file a Form 6 financial disclosure. It would expand conflict of interest provisions to include contractual relationships held by an entity that a public officer or employee is an officer of, manages, directs, or holds 5% or above interest in, not including publicly traded companies. Additionally, voting members would have to disclose conflicts prior to participating on the conflicted measure. The bill requires ethics training to be reported within 7 days and include the time of the training and name of trainer. Finally, the bill would create a centralized local government lobbyist registration system under the Commission of Ethics. Local entities with their own systems in place must supply their ordinance to the commission by January 1, 2018 and conform their system to receive info from the Commission of Ethics in a way that is meant to supplement the current system. The liability burdens for registration are placed on the lobbyists rather than the local entities and requires disclosure of financial ties to officers of the local entity. There is a linked bill that creates a trust fund for the centralized system. The bill will be sent to the Senate in messages, where it does not currently have a companion.

SMALL CELL WIRELESS

Senate Governmental Oversight and Accountability to approve the preemption of local governments in setting up infrastructure for the creation of a “5g” network. The committee adopted an amendment that actually made the bill worse for local governments despite compromise negotiations with the Florida Association of Counties and Florida League of Cities. Negotiations are still ongoing, particularly regarding local control over aesthetics. Sen. Rader offered an amendment that would put the Department of Transportation back into the bill to show that if policies that are not good to place on state agencies should not be placed on local governments. He argued that local governments have spent time working with the industry in their jurisdictions on the process and that those efforts shouldn’t be wasted. Proponents of the bill argued that local governments across the state vary too much and can take a long time in negotiations with private telecommunication providers. They argued that 5g will spur economic development and is being demanded by the constituents. Opponents countered that the bill goes too far in favor of the industry by taking away local authority over location, number and aesthetics of the infrastructure. The bills each have one more committee of reference in the House and Senate.

MUNICIPAL ELECTIONS

House Government Accountability voted 22-1 to approve an elections package that, among other items, includes forcing municipalities to choose from one of two dates on which to hold their elections- in November or in April. The bill has not yet received committee references and does not have a n Senate companion.

SELECTION AND DUTIES OF COUNTY OFFICERS

Senate Judiciary voted 5-1 to approve two bills that would place a constitutional amendment on the ballot to require that the county sheriff and property appraiser be an elected position. The bill is directly targeted to Miami-Dade County, which is the only

county in the state without an elected sheriff or property appraiser. However, the bill would have the entire state vote on the issue. The bill could still potentially affect charter counties with elected sheriffs as some duties have been transferred to other offices or as non-partisan election ordinances have been passed. The bill has one more committee of reference in the House and the Senate

DRONES

House Careers & Competition voted unanimously to preempt local governments in regulations of drones, with the exception of illegal acts arising from the use of drones. The Florida Association of Counties and Florida League of Cities oppose the bill but stated that local authority over unmanned is a gray area in Federal law. Proponents contended that the bill is necessary for public safety and consistency. The bill has one more committee of reference in the House and its Senate companion is scheduled for its second of four committees next week.

GOVERNMENTAL ACCOUNTABILITY

House Governmental Accountability Committee unanimously approved a bill that requires local governments to establish internal controls to prevent fraud, waste and abuse. It also requires that tentative budgets be posted online for 45 days and that final budgets and amendments to final budgets be posted online for 2 years. The sponsor stated when asked that the bill does not have much of a fiscal impact as most local governments already have established controls in place. The bill has one more committee of reference in the House. The Senate bill has two more committees of reference.

MEDICAL MARIJUANA

House Health Quality voted 14-1 to approved its Medical Marijuana package to implement Amendment 2 language passed by the voters in November. Unlike the Senate, the House has only one bill and is being run by House majority leadership. The House bill is on the conservative end of the spectrum of proposals and strives to treat marijuana as a strictly regulated medicine, banning edibles and consumption through smoking and holding doctors accountable. The sponsor made clear that the House was seeking to avoid another pill-mill experience while still being true to the constitution. The bill has one more committee left in the House. In the Senate, the Health Policy Committee will begin to craft its package next week. They are starting with SB 406 by Bradley and combining elements from all five Medical Marijuana bills.

VACATION RENTALS

House Careers and Competition voted 9-6 to re-preempt local governments from regulating vacation rentals. The sponsors argue local governments can address issues through ordinances restricting activities on the properties applied equally to properties within the same zoning but not targeting use of the properties. Vacation rental owners and managers testified that 25 local governments went too far after the 2014 law that slightly reversed the 2011 preemption, listing regulations from soundproofing pools to other noise ordinances placed solely on vacation rentals. Since non-rental property owners could also be disruptive neighbors, ordinances should apply across the board. The Greater Miami and the Beaches Hotel Association, Florida Association of Counties, and other local governments argue vacation rentals act as commercial enterprises and, as commercial enterprises that generate a lot of revenue, vacation rentals are not as easily deterred by fines as other properties within the same zoning and need a different type of regulation as a result. The committee limited public testimony due to time constraints. The bill has two more committees of reference in the

Senate. The House bill has one more committee of reference.

CONSTRUCTION

House Appropriations unanimously approved a construction related package that would, among other things, create a certifying entity for solar energy, implement recommendations of the Construction Industry Workforce Taskforce, change some requirements in the Florida Building Code, and prohibit local governments for charging different water and sewer rates or requiring separate water connections for larger water meters and for sprinkler systems in single family units. The committee adopted an amendment that preempts regulations on franchise signage and gasoline station signage. The bill has one more committees in the House. Its Senate companion also passed its first of three committees unanimously but does not contain the signage preemption.

PREEMPTION ON LOCAL ORDINANCES FOR PUBLIC WORKS CONSTRUCTION

House Government Accountability voted 15-8 to approve a bill that would preempt all local ordinances for public works construction if 50% of the project is funded with state dollars. The bill is opposed by local governments and unions. Opponents argue the bill would impact ordinances related to important ordinances and programs that help local economic development and protects workers. In pointing out that FDOT is exempt from the bill's requirements, opponents also argued if a policy isn't good for the state, it is also not good for local governments. Proponents, such as The Associated Builders and Contractors, claim that local ordinances increase cost and impede businesses ability to grow and compete. The Senate bill has one more committee of reference. The House bill is now ready to go before the full House.

HOUSE PASSES LABOR ORGANIZATIONS

The House voted to approve a bill that would require unions that represent less than 50% of eligible employees within a bargaining unit recertify or have certification revoked. The bill sponsor believes it will make labor unions more democratic. Many labor organizations opposed the bill, arguing that low amount of dues paying members within a bargaining unit is less about democratic structure and more because low income workers cannot afford to pay dues. Opponents suggested the bill was part of the Speaker's fight with the teachers' union and is unconstitutional. The bill is now ready to go before the full House. Its Senate companion has not yet been heard.

HOUSE PASSES RED LIGHT CAMERA BILL

The House voted 91-22 to pass a repeal of the local authorization of red light cameras. The bill has long been a priority for House leadership. Its Senate companion has not been heard in committee.

FLORIDA BUILDING CODE

House Careers & Competition unanimously approved a bill that makes several revisions to the Florida Building Commission and its process to update the Florida Building Code. The bill has one more committee of reference. Two similar Senate bills have two more committees of reference in the Senate.

PUBLIC RECORDS EXEMPTION FOR FORMER FIREFIGHTERS

Senate Governmental Oversight and House Government Accountability voted unanimously to approve a bill that would exempt identifying and location information

of former firefighters and their spouses and children. Current law only applies to current firefighters. The House bill is now ready to go to the House floor. The Senate bill has one more committee of reference.

FINANCE & TAX

LOCAL BUSINESS TAX

House Ways & Means voted unanimously to pass a local business tax bill. Both the House and Senate proposals were amended to remove the financial cap on Local Business Taxes levied by local governments, however the House bill would still prohibit county levies adopted after January 1, 2017. The bills now only include exemptions for veterans and active duty spouses and low income individuals (those who receive public assistance or whose household income is less than 130% of the Federal Poverty Level.) The bill has one more committee of reference in the House. Its Senate companion, which only contains the exemptions, has two more committees.

HOUSE TAX PACKAGE

House Ways & Means workshopped a tax package proposal worth \$296.8 million with recurring costs potentially reaching \$949 million or \$2.2 billion if also combined with a constitutional amendment proposal to increase homestead exemption by \$25,000. The package has a number of cuts, sales tax holidays, tax credits and exemptions, including ones to benefit affordable housing. The proposal was praised by both Republican and Democrat committee members as fair and impactful for average Floridians. The committee will likely vote on the draft next week.

FLORIDA RETIREMENT SYSTEM (FRS) REFORM

House Government Accountability voted 14-8 to file an FRS reform package. The package would change the default plan to the investment plan starting on January 1, 2018; require the investment plan for new Elected Officers Class enrollees, reduce accrual rates for Elected Officers Class from 3.3 to 3.0; establishes a new line-of-duty death benefit; and authorizes renewed enrollment in the investment plan. The bill is estimated to have a negative fiscal impact of \$17.3 million (which includes \$8.4 million for counties and \$0.9 million for other local governments) for this fiscal year, rising to a projected \$21.4 million fiscal impact in FY 19-20. Opponents cite numerous rankings and studies that puts Florida's FRS system at the top compared to other states. They argued that reform would harm a system that is working. Proponents argue that unfunded liabilities are not sustainable and that the workforce has evolved to a point where the investment plan makes more sense (i.e. no one works at the same employer for 20 years anymore). The bill has not yet received committee references.

PUBLICALLY FUNDED DEFINED BENEFIT RETIREMENT PLANS

House Oversight, Transparency and Administration voted 9-5 to require publicly funded retirement plans to develop a "long range return rate," calculated by what it takes to be funded 50% of the time over a thirty-year period. If the actuarial rate deviates from the long range return rate, the triennial report must include: the difference between the two, steps taken to reduce the actuarial assumed rate, an explanation of how the long range rate could be more expensive than the actuarial rate, and any changes to the investment strategy. The bill has two more committees in the House. Its Senate companion has not yet been heard in committee.

LOCAL FINANCIAL EMERGENCIES

House Local, Federal & Veterans Affairs voted unanimously to approve a local financial emergency package. The bill would expand oversight of local governments, charter schools, school districts and technical career schools to include the House, Senate, and Joint Legislative Audition Committee. It has one more committee of reference in the House. Its Senate companion has not yet been heard.

PUBLIC SAFETY

DRUG OVERDOSES

Senate Health Policy voted unanimously to approve a bill that would require EMTs and paramedics who treat individuals in response to emergency call for suspected or actual overdoses to report the incident to the Department of Health. The report includes information on the location, date and time, gender, age, treatment used and suspected substances involved. DOH must make the report available to law enforcement, public health, EMS and fire rescue within 120 days. DOH would also report the information quarterly to DCF to compile data to help maximize resources. A reporting individual would be exempt from civil and criminal liability if making a report in good faith. The Senate bill has two more committees of reference. The House bill is ready to go before the full House after a committee reference was removed.

TRANSPORTATION

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

Senate Transportation and House Transportation & Infrastructure unanimously passed the Department of Transportation legislative package, however amendments sponsored by Rep. Kristin Jacobs and Sen. Kevin Rader to remove detrimental language regarding the South Florida Regional Transportation Authority (SFRTA) failed. The package contains language from the Governor's budget recommendations regarding an operations contract that the Authority entered into earlier this year and would force SFRTA to rebid the contract despite an administrative law judge's ruling that the Authority acted in the right and that rebidding the contract would be detrimental to the public. The language would zero out funding unless the contract is thrown out, setting a dangerous precedent for the state interfering in local procurement projects on behalf of disqualified vendors. It would also require written approval and review by DOT for entering into, renewing or extending contracts and review of expenditures before getting state funding. The House committee narrowly approved the amendment initially, however the vote was reconsidered upon the return of another committee member and failed in a 6-7 vote. The Senate budget also contains proviso stating that no funding will be provided to any contracts entered into, renewed or extended after January 1, 2017 without written approval of the Department. The proviso is not found in the House budget. The Authority is working with the Governor's office in hopes of a compromise.

TRANSPORTATION NETWORK COMPANIES

Senate Judiciary voted unanimously to approve a bill that would preempt local governments and provide uniform statewide regulations for ride hailing app companies (Uber, Lyft) separate and apart from taxis. The bill is a compromise negotiated and backed by TNC companies and the insurance industry. The bill defines TNCs and sets requirements for: insurance, background checks, anti-discrimination and zero tolerance drug policies, paratransit services, fare collection methods, etc. The bill has one more committee stop in the Senate. The House bill is ready to go before the full House.

TRANSPORTATION DISADVANTAGED

The Senate budget contains proviso regarding the a competitive grant program for transportation coordinators:

From the funds in Specific Appropriation 1868, \$1,750,000 in nonrecurring funds are provided to award competitive grants to community transportation coordinators to support transportation projects that: (1) enhance the access of older adults, persons with disabilities, and persons with low income to health care, shopping, education, employment, public services, and recreation; (2) assist in the development, improvement, and use of transportation systems in nonurbanized areas; (3) promote the efficient coordination of services; (4) support intercity bus transportation; and (5) encourage private transportation provider participation.

The proviso also lays out how competitors are to be ranked including vehicle miles traveled, population of elderly, disabled and low-income.

EXPRESS LANES

House Transportation and Infrastructure unanimously passed a bill that would require DOT to ensure reasonable entry and exit points for express lanes. The bill came from frustrated Miami-Dade locals that are forced to use a more crowded I-95 due to the lack of entry and exit points in the County. DOT testified that the lack of entries and exits is due to engineering constraints on I-95. The bills have two more committees in the House and Senate each.

ENVIRONMENT

BEACHES

House Agriculture and Natural Resources Appropriations unanimously passed bills that would revise DEP's ranking system for beach re-nourishment projects. The state currently has 411 miles of critically eroded beaches. Among other funding changes, the bill creates four tiers with various criteria that must be weighed equally by the department. The bills also authorize DEP to pay up to 75% of construction costs for an initial major inlet management project but can equally share costs with local sponsors for other components. It also updates how DEP develops its comprehensive long-term beach management plan. Palm Beach, Broward and Miami-Dade Counties along with beach associations support the bill as it will help streamline and fund critical projects. The bill has one more committee in the House. The Senate bill has two more committees of reference.

CONTAMINATED SITE CLEANUP

House Ways and Means voted unanimously to pass a bill that would increase funding to DEP for petroleum rehabilitation advance cleanup, remove the 25% cost share required for advanced cleanup and allow for priority cleanup of sites proposed for redevelopment. The bill has one more committee of reference in the House. Its Senate companion has two more committees.

CORAL REEFS

Senate Environmental Preservation and Conservation voted unanimously to pass a bill that would create the Southeast Florida Coral Reef Ecosystem Conservation Area from

St. Lucie Inlet to Biscayne Bay. The bill is in response to a spreading coral reef health crisis as the reefs are extremely vulnerable yet valuable to the environment. The bill has two more committees in the House and Senate.

RECOVERED MATERIALS

Senate Environmental Preservation and Conservation approved a bill that would add wood, asphalt and concrete to the classification of “recovered materials,” meaning they would be removed from the waste stream and recycled and exempt from local regulation. The bill is opposed by local governments and the waste industry because of the increased costs and effect on existing contracts. Members voted for the bill but asked that the sponsor work with all of the stakeholders to reach an agreement on current contracts. The bill has two more committees in the Senate. Its House companion has one.

GAMING

SENATE AND HOUSE GAMING PACKAGE

The Senate passed its gaming package in a 32-6 vote. The dissenting votes were in opposition to expansion. Meanwhile, the House Commerce Committee voted 19-11 along party lines to approve the House gaming package. It is essentially a reenactment of the current Seminole Compact agreement for 20 years. Democratic members oppose the bill for not allowing slots in counties other than Broward and Miami-Dade and also object to some of the funding being allocated to charter school capital outlay. With the Senate bill in House messages and the House bill ready for the floor, some are optimistic of a compromise between the two chambers. However, the bills are so completely at odds that a compromise will be difficult.

HEALTH CARE

TRAUMA

House Health Innovation voted 10-5 to approve a bill that would transfer local trauma region responsibility to the Department of Health to coordinate a statewide system, remove limits on the number of trauma centers, and require verification of centers by 2022. Opponents contend that proliferation of trauma centers will downgrade the quality of current trauma centers without increasing access. Proponents claim that the bill would increase access and that significant startup costs would regulate the number of trauma centers. The bill has two more committees of reference. It's Senate companion has not been heard in a committee. Meanwhile, a Senate bill declaring April 4th as Trauma Care Day was filed and includes Broward Health's Trauma Center in its recognition for its “heroic response” to the mass casualty at Fort Lauderdale Airport.

DOC INMATE TRANSFER TO COUNTY JAILS

Senate Criminal Justice Subcommittee voted unanimously to allow county sheriffs the option of contracting with the Department of Corrections to transfer inmates to serve up to 24 months in jail in the county in which the crime was committed. Eligible inmates must have between 44-60 points, not be sentenced to serve more than 24 months, and not be convicted of a forcible felony as a primary offense, with the exception of third degree burglary or trespassing. The intent of the bill is to keep offenders closer to their families in hopes of reducing recidivism as well as lessen the prison population. In order for the program to take place, DOC must enter into a contractual agreement with the county's chief correctional officer, at the chief correctional officer's request, that establishes a validated per diem rate based upon past

annual audits and the maximum number of beds. The program is also subject to an appropriation by the Legislature. The committee adopted an amendment that incorporates the substance of another bill to require written findings for upward departures on sentences that exceed 25% of the Criminal Punishment Code. Some members expressed concern that the bill was too important to distract its substance with another bill. The Florida Sheriffs Association testified that they did not take a position on the amendment but they are reviewing it. Members of the committee stated they had been in contact with their local county sheriffs regarding the bill and that all had stated that they would be amenable to an agreement if capacity is available. The bill has two more committees of reference in each Chamber.

House Ready To Move On Stand Your Ground

By The News Service of Florida

After senators quickly approved the proposal, the Florida House could be poised to pass a bill that would shift a key burden of proof in "stand your ground" self-defense cases. The House could take up the issue (HB 245 and SB 128) during a floor session Tuesday. The Senate approved its version of the bill in a 23-15 vote March 15. The proposal, backed by the National Rifle Association, stems from a Florida Supreme Court ruling in 2015 that said defendants have the burden of proof to show they should be shielded from prosecution under the "stand your ground" law. In "stand your ground" cases, pre-trial evidentiary hearings are held to determine whether defendants should be immune from prosecution. The bill would shift the burden from defendants to prosecutors in the pre-trial hearings. The House version easily cleared the Criminal Justice Subcommittee and the Judiciary Committee on party-line votes, with Republicans in support and Democrats opposed.

Muniz Tapped For Top Federal Education Post

By The News Service Of Florida

Carlos Muniz, a former top deputy to Florida Attorney General Pam Bondi, will be nominated to serve as general counsel of the U.S. Department of Education, the White House announced Friday. Muniz served three years as deputy attorney general and chief of staff to Bondi before going to work for the firm McGuireWoods, according to biographical information on the law firm's website. Among other previous positions, Muniz was a deputy general counsel to former Gov. Jeb Bush.

Formal Ceremony Set For New Justice

By The News Service of Florida

About three months after Justice Alan Lawson moved into a seat on the Florida Supreme Court, he will formally join the court during a ceremony Wednesday. Gov. Rick Scott is expected to present Lawson's credentials to Chief Justice Jorge Labarga during an investiture ceremony that also is expected to include a processional of more than 50 black-robed judges from throughout the state, according to an announcement from the Supreme Court. Lawson, a former judge on the 5th District Court of Appeal, was appointed by Scott in December to replace retiring Justice James E.C. Perry. Lawson, 55, began serving on the court Dec. 31.

University Leaders Preparing For 'Block' Tuition

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 31, 2017 Florida university presidents said they are ready to deal with a developing legislative mandate to have block tuition on their campuses by the fall of 2018, but warned the new system won't come without challenges.

In interviews at the Florida Board of Governors meeting this week, a half-dozen of the university leaders expressed reservations about the cost, the impact on part-time students, and the unique characteristics of their schools as they switch from charging students on a per-credit-hour basis for classes to charging a flat, per-semester fee.

The basic idea behind block tuition is to provide a financial incentive for students to take more classes and earn undergraduate degrees in four years. For instance, they could pay a flat fee representing 12 credit hours but take 15 or more credit hours in classes each semester, more quickly reaching the 120 credit hours needed for most baccalaureate degrees.

Tying to apply the block-tuition system to a 12-university system with more than 400,000 students involves many nuances and complications, the university presidents said.

"I support block tuition as long as it doesn't hurt part-time students and as long as it doesn't hurt working students," said Mark Rosenberg, president of Florida International University.

FIU --- with 55,000 students, the second-largest school in the system --- classifies 41 percent of its student body as part-time. And Rosenberg estimated 85 percent of his students are working part-time or full-time.

He said those students may not be able to take advantage of a block tuition plan, which would drive down costs for students who load up on credit hours.

"In essence, they will not be able to benefit from the block tuition because they have to work," Rosenberg said.

And, like the other presidents, Rosenberg is worried about the financial consequences of a tuition plan that allows students to take more classes than they pay for.

An analysis of a plan where students paid a flat fee representing 12 credit hours per semester but enrolled in 15 or more credit hours would represent a \$40 million cost for Florida State University. It would mean the loss of \$20 million in tuition and fees and result in a \$20 million cost to expand classes and add faculty to accommodate the heavier student class loads.

"The issue is how much more will it cost in terms of the additional overhead we will have to take on? We will definitely have to schedule a lot more classes," Rosenberg said. "Overall, I like the idea. But let us try to fit what works for our demographic. One size will not fit all."

Senate President Joe Negron, a Stuart Republican who is the leading advocate for the Senate higher-education initiative (SB 2), said each school can develop its own block tuition plan and thus far he is "very encouraged" by the reports he is hearing.

"Different approaches are percolating through the process and so by the time it gets back to the Legislature (next year) we'll have a good plan," Negron said. "And ultimately, the plan could look different at the different universities."

Larry Robinson, interim president of Florida A&M University, said there are benefits to a block tuition plan, but warned that it could hurt overly ambitious students.

"You don't want to encourage students who might otherwise take a reasonable number

of hours where they can succeed to bite off a little more than they can chew," he said.

Rather than reaping financial benefits, students who struggle with a class overload could end up being penalized by having to repeat classes or pay extra charges by ending up with "excess hours," Robinson said.

"Those are some of things you have to safeguard against," Robinson said.

John Hitt, president of the University of Central Florida --- the system's largest school, with 64,000 students --- also struck a note of caution on issues such as part-time students and the financial impact caused by a loss of tuition.

"I don't think block tuition has historically benefited urban universities particularly well, but I'm confident whatever the Legislature adopts, we'll make it work," he said.

Hitt also said if the block tuition plan dramatically increases the number of students seeking additional classes, it could stretch the classroom space on his campus.

"You don't have that much empty space. We would have some capacity problems," Hitt said.

New College of Florida is the one state university that essentially has already adopted a block-tuition plan.

Donal O'Shea, president of New College, said all of the 860 students on the Sarasota campus are full-time students and are charged for 16 credit hours per semester, with many taking heavier class loads.

He said he expects a smooth adjustment to the block tuition mandate if the New College plan can conform to a provision in the House's higher-education bill (HB 3) that would prohibit schools from charging students for more than 15 credit hours a semester.

Randy Avent, president of Florida Polytechnic University who previously served as a vice chancellor for research at North Carolina State University, said he is very familiar with block tuition plans, but is waiting to see more details on the Florida proposals.

"I came from a state that had block tuition," Avent said. "The devil is in the details."

Weekly Roundup: Got Any Summer Plans

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 31, 2017..... Speculation about lawmakers needing a special session is nothing new in Tallahassee; the ratio of legislative sessions to rounds of overtime rumors is roughly 1-to-1.

But with House Speaker Richard Corcoran, R-Land O' Lakes, implicitly raising the prospect of a special session in his opening-day speech this year, the rumors were already in overdrive. And the release of budget plans this week is likely only to fuel speculation that lawmakers won't finish by the scheduled May 5 end of the regular session.

On the bottom-line figure, the House and Senate are roughly \$2 billion apart on how much to spend in the budget year that begins July 1.

There's more where that came from. The Senate apparently doesn't count another \$2

billion in university tuition toward its bottom line, while the House does. So what looks like a dispute between \$83.2 billion in the Senate and \$81.2 billion in the House might in fact be something more.

All of this in a session where the governor and Corcoran are essentially at war with each other over business incentives. Also, the timeline for negotiating the spending plans is tougher than usual.

The rumors of a special session aren't new, but every so often they're right --- and this year could be the latest example.

DOLLAR DAZE

The tightness of the calendar goes something like this: The House and Senate's budget-writing committees are expected to vote on their spending plans next week. The week after that is when floor votes are likely to happen.

That gives lawmakers a little more than two weeks to close the \$2 billion or \$4 billion gap, depending on how you want to count it, then decide how to spend what's left over, then get the agreement printed in time for a 72-hour cooling-off period before lawmakers vote on the final package. That's not a lot of time in legislative terms.

There are some philosophical differences that make the debate that much more difficult. The House and Senate are deeply divided, for example, on whether to fund the business incentives that Gov. Rick Scott loves, but House lawmakers hate.

The Senate wants more than \$80 million for programs tied to Enterprise Florida, the state's economic development agency; the House has already voted to abolish Enterprise Florida. The Senate wants \$76 million for tourism-marketer Visit Florida; the House is pitching \$25 million.

House Transportation & Tourism Appropriations Chairman Clay Ingram, R-Pensacola, said the budget proposal is "basically following the tenets" of the House bill that included abolishing Enterprise Florida.

"Being a policy bill, I know there are negotiations going on between the House and Senate on the policy of that bill," Ingram said.

Senate Appropriations Chairman Jack Latvala, R-Clearwater, said Tuesday he doesn't support the House approach on the agencies but that his focus is "getting what we have over here done first."

"The House does its thing, the Senate does its thing, then we see where it goes," Latvala said.

Another philosophical divide is on local property taxes for education. The House argues that allowing property taxes to rise with the values of the underlying properties is a tax increase. The Senate doesn't see it that way, because the rate of the tax --- called the millage --- doesn't change.

"We've kept that at the same (level) and believe that keeping the millage rate the same is not a tax increase," said Sen. David Simmons, an Altamonte Springs Republican who oversees the public-schools budget in the Senate.

Asked whether there might be room to negotiate, Simmons' House counterpart pointed to something Corcoran told a reporter for the Tallahassee bureau shared by the Tampa

Bay Times and Miami Herald.

"I think the speaker was quoted as saying 'hell no' on raising taxes, so I'm just going to defer to his quote," said Rep. Manny Diaz Jr., R-Hialeah.

And that's before getting to different priorities. The Senate wants to boost funding for higher education, a chief priority for Senate President Joe Negron, R-Stuart, while the House is seeking less. There are also differences over which employees should get raises, and how much.

SEE YOU IN COURT --- OR MAYBE NOT

Scott and Corcoran shared something in common this week: They both earned victories in trying to get someone out of the courtroom.

A circuit judge sided with Scott on Tuesday in a dispute over the removal of Central Florida State Attorney Aramis Ayala in the high-profile case of accused cop-killer Markeith Loyd.

Orange County Circuit Judge Frederick Lauten's ruling came after Scott yanked Ayala, the elected prosecutor for Orange and Osceola counties, from the case because she refuses to seek the death penalty for Loyd or any other defendant.

Ruling from the bench, Lauten refused to reinstate Ayala as prosecutor in the case after Scott reassigned it to Ocala-area State Attorney Brad King, an outspoken proponent of the death penalty.

Ayala had asked the court for a temporary stay of the proceedings in Loyd's case while she challenged whether Scott has the authority to oust her.

Ayala immediately pledged to appeal Lauten's ruling.

"By inserting his personal politics into this case, Governor Scott's unprecedented action is dangerous and could compromise the prosecution of Markeith Loyd and threatens the integrity of Florida's judicial system," Ayala said in a statement Tuesday. "We will move forward to expose the governor's action as unlawful and unconstitutional in a way that does not compromise the successful prosecution of Markeith Loyd."

Scott wasn't backing down. His office issued a statement after Lauten's ruling that said the governor "stands by his decision to assign State Attorney Brad King to prosecute Markeith Loyd after State Attorney Ayala refused to recuse herself."

"As Governor Scott has continued to say, these families deserve a state attorney who will aggressively prosecute Loyd to the fullest extent of the law and justice must be served," the statement said.

Corcoran's victory, meanwhile, came on a House bill that would limit Supreme Court justices and appeals-court judges to two consecutive terms in office.

House members voted to approve the measure (HJR 1) on a 73-46 vote nearly along party lines. The defection of six Republicans was almost enough to kill the amendment, which needed 72 votes to get through the chamber.

Legal organizations across the political spectrum have opposed the legislation, but Corcoran brushed that off.

"That tells you we are doing what is right," Corcoran said. "And neither special interest hand-wringing nor political influence will stop the House from doing what is right. It boils down to this --- we believe that no government job should be for life."

But opponents argued that the measure was aimed at weakening the judicial branch after a string of Supreme Court rulings that have stymied Republicans who dominate state government. Many of those rulings have been issued by majorities featuring long-serving Democratic appointees.

"At the end of this day, the bill will have one major chilling effect: a less-independent judiciary beholden to the executive and legislative branches," said Rep. Evan Jenne, D-Dania Beach.

Right or not, the proposal faces long odds in the Senate, which has traditionally watered down or rejected House bills that take on the courts.

ON THE TURN?

The years-long quest to pass a new gambling package continued this week, as the House and Senate both moved forward gambling bills, setting the stage for the first serious negotiations in years between legislative leaders --- and the Seminole Tribe of Florida --- on the thorny issue.

That's the optimistic version, because the proposals are essentially diametrically opposed to each other.

The Senate overwhelmingly approved a measure (SB 8) that is friendly to the pari-mutuel industry. The bill would allow slot machines in eight counties where voters have approved them, legalize controversial card games at the heart of a legal battle with the Seminoles and allow nearly all tracks and jai alai frontons to do away with live racing or games, a process known as "decoupling."

Hours later, a major House committee supported a more status-quo measure (HB 7037) focused on a 20-year agreement with the Seminoles, called a "compact." A portion of a 2010 compact that gave the tribe exclusive rights to operate banked card games, such as blackjack, at most of its casinos expired in 2015, prompting a new round of negotiations --- and litigation --- with the state.

But discussions about a new compact failed to gain traction last year, after lawmakers did not approve a deal struck by Scott and the tribe late in 2015.

While the House and Senate now are coming from opposite ends of the spectrum, Republican legislative leaders acknowledged Thursday the packages provide a starting point for lawmakers to work toward a consensus during negotiations.

"Right now, I think we've demonstrated the two bodies can disagree as to what the fundamentals of a bill can look like, but that doesn't mean the idea is dead," House Commerce Chairman Jose Felix Diaz, R-Miami, told reporters after his committee supported the House version Thursday. "We're very far apart. That's for sure. They're almost like alternative bills. I don't know what our pressure points will be."

Senate bill sponsor Bill Galvano, a Bradenton Republican slated to take over as president of the chamber after the 2018 elections, said lawmakers need to act to provide certainty for the industry and to maximize revenue from the tribe and the pari-mutuels.

"We have this ambiguous, unpredictable state of flux out there that needs to be

wrangled in," Galvano told reporters.

If nothing else, perhaps gambling could be resolved in a special session.

STORY OF THE WEEK: Lawmakers unveiled budgets separated by billions of dollars, beginning the long process of coming to an agreement on the annual spending plan.

QUOTE OF THE WEEK: "Obviously, searches of EDRs (electronic data recorders) in motor vehicles were not on the minds of the first United States Congress when the Fourth Amendment was introduced in 1789, and the United States Constitution's right to privacy sheds no light on the subject (particularly since there is no provision actually describing such a right to privacy)."---4th District Court of Appeal Judge Alan Forst, dissenting from a ruling that said authorities needed a warrant before they could download information recorded in a car's "black box."

Questions Remain About Negron Water Priority

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, March 31, 2017..... Senate President Joe Negron's priority of creating a reservoir to protect rivers and estuaries east and west of Lake Okeechobee appears to have a murky future.

The Senate Appropriations Committee on Wednesday will discuss the \$2.4 billion proposal (SB 10), which would advance work on a part of planned Everglades restoration projects. The proposal to build a reservoir south of Lake Okeechobee has drawn extensive resistance from Glades-area residents, politicians and landowners, including influential sugar farmers.

When asked Thursday if his chamber would take up the reservoir proposal, House Speaker Richard Corcoran said ambiguously "we're all waiting with bated breath" for the Senate bill.

"We're never concerned with the fact that something is not moving in the Senate," Corcoran, R-Land O' Lakes, said. "We keep sending stuff to them. They should follow our lead."

The fight over the reservoir comes as Senate budget proposals released this week included \$22.6 million for state land-buying programs --- something that has no matching money in the House proposal --- and \$275 million for ongoing Everglades restoration projects.

House Appropriations Chairman Carlos Trujillo, R-Miami, said the state shouldn't "run out and purchase land" as it currently has more than can be managed.

"I think if you look at our budget, we have to make informed decisions and we have to make tough decisions," Trujillo said. "We can't be all things to all people. So just going out and saying we're going to buy a bunch of land, that we can't maintain, when we have rivers that are polluted, when we have all sorts of issues with our beaches that need sand, we're just going to go buy more land, I don't think that's the best use of taxpayer money."

The House is pitching \$166 million for Everglades restoration projects.

Negron, R-Stuart, is pushing the reservoir plan after widespread problems with polluted water being released from Lake Okeechobee into the St. Lucie and Caloosahatchee

estuaries. Under the proposal, water would move south from the lake instead of going east and west into the other water bodies, preventing toxic algae outbreaks that have inundated Negron's Treasure Coast district.

Negron's bill seeks to bond \$64 million next year through the state's Land Acquisition Trust Fund, which receives money from taxes generated by real-estate documentary stamps. The state's annual debt service payment would grow to \$100 million through the 2037-2038 Fiscal Year.

House Republican leaders have been opposed to borrowing money for projects. Under Negron's proposal, the federal government also would foot half the bill for the reservoir.

"The president has made it clear that the Senate considers the environment and water issues critical to the future of our state, and the budget reflects that," said Senate Environment and Natural Resources Appropriations Chairman Rob Bradley, a Fleming Island Republican who is sponsoring Negron's water bill.

Wednesday's meeting in the final committee Negron's proposal would have to clear before appearing on the Senate floor. The bill also includes \$35 million annually for the St. Johns River, its tributaries or the Keystone Heights lake region in North Florida, as well as \$2 million annually for water issues in the Florida Keys and \$20 million to help with the Indian River Lagoon.

Negron remained optimistic about the issue this week.

"I think we've made tremendous progress on Senate Bill 10," Negron said Thursday. "I'm confident that we're going to at the end of session have additional storage capacity south of Lake Okeechobee."

Negron said talks continue with the governor's office and the House on the proposal.

Under Negron's plan, if willing land sellers can't be found, Gov. Rick Scott and the Cabinet would be directed to exercise an option from a 2010 agreement signed by former Gov. Charlie Crist and U.S. Sugar that requires the state to purchase 153,209 acres.

"I don't know if it's a hammer, but it's a fact that exists and it's an option that they entered into willingly and since it's there, I think it needs to be part of the discussion going forward," Negron said of the U.S. Sugar option. "I think ultimately we'll come up with something."

A group of large landowners from the Everglades Agricultural Area --- calling themselves the EAA Landowners --- have questioned Negron over his assertion that there are willing sellers.

Negron said the plan could combine existing state-owned land in the Everglades along with some farmland via outright purchases and land swaps.

WEEK 4: INITIAL HOUSE AND SENATE BUDGET NUMBERS AND HB 1213 PASSES ITS SECOND COMMITTEE STOP

By Florida Shore and Beach Preservation Association

HB 1213 and SB 1590 are on schedule which is no small feat this year—bills were filed late, committee referrals were slow, and during the two months set aside for committee meetings, agendas were light or meetings cancelled. Never have been

overly concerned about the Senate, they have more flexibility and our sponsor is Chair of the Full Appropriations Committee, the bill's last stop. The last two weeks have been especially encouraging for Representative Peter's bill (HB 1213). This week's stop was the House Agriculture & Natural Resources Appropriations Committee. Like the substantive committee last week, these were both big committees, members were supportive, and not a single negative comment or vote. Once again our BeachWatch team was there in full force along with FAC and the League of Cities. Don't be surprised to see a mix of ranking criteria and incorporation of a three year work plan for other resource management programs despite the inherent challenges. Decision-makers seem to love it! With the pressure on DEP to implement both of these sections effectively, both The House and Senate bills were amended to delay the effective date until July 1, 2018. Except for a few wording tweaks and removal of archaic statutory references, both technical, the bills have avoided unfriendly or questionable amendments. Next and last committee stop on HB 1213 is in Representative Caldwell's Governmental Accountability Committee—the committee has received the committee substitute. It could be up as early as next Thursday. No celebration yet. The bill still needs to get on the Calendar and be heard on the House Floor. One other caution, just in the last few days our bill is receiving attention as a viable vehicle, and they are in short supply in the environmental area. What if anything goes on the bill is solely at the sponsor's discretion. Then there are a few coastal municipalities and interest groups that want bill changes to accommodate their exceptions. This is not how to produce an improved statutory framework to protect and manage our beaches. Still very pleased with our progress, we won't let up, and are counting on each of you to advance the cause.

HOUSE AND SENATE APPROPRIATIONS SUBCOMMITTEE

By Florida Shore and Beach Preservation Association

Wednesday following HB 1213's favorable consideration by the House ANRA Committee, the Chair (Rep. Albritton) went through his major budget line items for Agriculture, Citrus, DEP and FWC. It was revealing and troubling. As we work together to secure **recurring dedicated trust funds** from the Amendment 1 trust fund (LATF) for beaches, following the lead of last session's Legacy bill for the Everglades and Springs, the House proposal eliminated all recurring LATF trust funds, making them LATF non-recurring, and then at lower levels than the current fiscal year. As examples—Florida Forever zeroed out—Everglades substantially reduced— water projects down from \$64M to \$20M, and springs down \$10M. Even beaches lost its \$10M recurring LATF just secured last year but kept it as non-recurring LATF. Not certain it mattered except we held our own, but the Chair recognized beaches as "Essential Core Government Functions" and provided just over \$30M, including \$10M not recurring LATF. The rest is from General Revenue. As a frame of reference, the Governor's recommendation of \$50M for FY 17/18 was \$40M GR and again \$10M in trust funds.

House budget documents were just released. I have counted to "10". While we are advancing the program's structure and ranking process with substantive legislation (HB 1213, SB 1590), the House is back to recent efforts, some successful, to treat a statewide beach program as member projects—hopping and skipping over projects, even adjusting amounts requested. Just a list of beach projects, like water projects. Sadly, to avoid this recurrence, is the very reason the Association has worked toward this year's substantive legislation over the past few years. The statewide beach program to effectively manage our beaches needs the statutory framework and the project selection process to determine annual priorities!

Senator Bradley's subcommittee budget recommendation early Wednesday was music to my ears, and hopefully yours, when he said "\$100 million" for beaches. That is \$50M for the traditional 2017/18 program funding in project **priority order**, all of it RECURRING LATF. For those of you that review budget docs, it shows just \$39.9M;

the \$10M in recurring is properly in the base budget. Proviso is specific, but I urge you not to spend an inordinate amount of time trying to figure out how the money will be allocated until we have the final conference numbers, especially given the House member-project approach.

The Senate beach allocation also includes a specific appropriation item for **Beach Recovery**, Hurricanes Matthew and Hermine. We will need to help identify for House members what they might be leaving without for the maintenance and repair of their beaches, and nothing is bigger than the **\$50M storm damage recovery funding in SB 2500**. Currently there is no corresponding House provision. With the Senate hosting the upcoming Appropriations Conference Process, we can expect both the major funding differences and disparate approaches to identifying project priorities to be the subject of the entire conference process. (Also don't be surprised if our beach LATF funding of \$50M in SB 1590 shows up in other substantive bills, keeping in mind the House beach bill (HB 1213) does not include the dedicated funding section.)

Both recommendations will be up in their respective full appropriations meetings next Wednesday. Floor votes, at least in the House, the 6th Week. Then the fun begins—budget appropriations conference. We will need each of you as BeachWatch members to contribute your in-house and contract lobbyists to the cause! They need to be engaged. We must target each delegation member by project. It is their beach community that has the most to lose. We have already prepared the member lists, and will start on side-by-side comparison at the end of next week. Most importantly is the larger message we all must bring to the discussion—the need for storm damage recovery funding, and recognition of DEP project ranking and amount of funding requested by local government sponsors!

Before we advance our efforts, we have to consider the overall reality that our beaches initiative can't overcome— not so affectionately called the "\$2 Billion Divide". That is the considerable difference in the two Chamber's budgets (Senate \$83.2B, House \$81.2B). Making progress toward that "compromise" number will be necessary to get us to Conference, and puts a May 5 end of session in question.

Personnel File- People On The Move, March 31, 2017

By The News Service of Florida

PAM BONDI has been named to President Donald Trump's Opioid and Drug Abuse Commission. Bondi has been Florida attorney general since 2011.

JEB BUSH has joined the board of directors of Vertical Bridge, an owner and manager of communication towers across the country. Bush served as Florida governor from 1999 to 2007.

HAROLD "TREY" PRICE has been named executive director of the Florida Housing Finance Corp. Price began Price Point Strategies, LLC in 2015 after working more than 14 years at Florida Realtors.

DEAN COLSON has been appointed by the state university system 's Board of Governors to the Florida International University Board of Trustees. Colson is a partner at the Coral Gables-based law firm Colson Hicks Eidson.

SAM VERGHESE has joined One Eighty Consulting. Verghese is a former secretary of the Florida Department of Elder Affairs.

MEREDITH BEATRICE has been named director of external affairs for the Florida Constitution Revision Commission. Beatrice previously served as director of communications at the Florida Department of State.

KELLI WELLS AND CINDY DICK have been appointed to leadership positions at

the Florida Department of Health. Wells, who was named deputy secretary for health, is a family physician who serves as director of DOH-Duval. Dick, who will serve as assistant deputy secretary for health, most recently oversaw the Bureaus of Preparedness and Response, Emergency Medical Oversight, Radiation Control and Public Health Pharmacy and previously was Tallahassee fire chief.

RONALD LIEBERMAN has been appointed by Gov. Rick Scott to the Florida Housing Finance Corporation. Lieberman, of Ocala, is president of Steel Structures of Florida, Inc.

Legislative Stalemate Kills Fracking Bill

By Naples Daily News

TALLAHASSEE - A bill that would ban fracking in Florida is dead this year, with the state House and Senate unwilling to agree on whether a scientific study is needed before considering an all-out prohibition.

House bill sponsor Rep. Mike Miller, R-Orlando, said he still thinks the state should have some sort of a fracking ban, but the study would ward off lawsuits brought by property owners who feel their rights have been violated. He said House leadership would not let his bill move forward without the study.

"I think there's a leadership situation where we have concerns about property rights issues and things the Senate sponsor may not agree with," Miller said.

There is no chance the bill could be revived this session, he said.

"You never say never, but now we're saying it looks like that will be next year," Miller said.

Sen. Dana Young, the Tampa Republican who sponsored the Senate version, said the state's delicate geology and its reliance on massive aquifers for drinking water call for a complete prohibition.

"There's just no place for it here," Young said.

But House Majority Leader Ray Rodrigues thinks the study would justify why property owners could not file a claim under the Bert J. Harris Jr. Private Property Rights Protection Act.

"One way to get around a Bert Harris claim is you put in an appropriation to buy the land or you demonstrate that overriding need that trumps the property right," Rodrigues said. "The only way you can show that overriding need is the study."

Young said she had vetted the bill and determined the rights of property owners would not be violated.

"The bill doesn't stop property owners from accessing those minerals; it just forecloses one method of doing so," Young said. "Property rights are not impacted at all."

Advocates for the fracking ban said they think there still is hope for the bill.

"We are going to keep trying everything we have," said Rob Moher, president of the Naples-based Conservancy of Southwest Florida.

The bill to ban fracking was a change from the approach lawmakers took during last year's session, which was to propose regulations from the study Rodrigues requested.

A stumbling block for Rodrigues' bill was it would have overturned a long list of fracking bans that were passed by county and municipal governments in the state.

Opponents of the bill saw it as an open door for the oil industry to begin fracking in environmentally sensitive areas such as the Everglades.

Rodrigues said his bill was not meant to regulate fracking.

"The bill that I want is a bill that determines if fracking is safe in Florida," he said. "Once we have that determination, we make a decision to proceed and regulate, or proceed and ban.

"But you can't do anything without the information."

Proposals to regulate fracking began after an oil driller initially refused to cease operations in eastern Collier County in December 2013 despite demands from the state. The Dan A. Hughes Co., based in Texas, eventually stopped, but the incident raised concerns.

The Hughes Co. faces a \$1 million state fine through a complaint process that is ongoing.

Young's bill received support from Senate leaders such as Sen. Jack Latvala, R-Clearwater, who had said the backlash from last year's bill led him to think a ban is necessary.

Young, as the former House majority leader, threw her support behind Rodrigues' bill last year, but she said subsequent research changed her mind.

LOCAL ISSUES

SWA Maintains Stellar Bond Rating

By PBC News

Moody's Investor Service recently announced that the Solid Waste Authority of Palm Beach County has maintained its Aa2 rating on its revenue bonds. Bond ratings are an evaluation of a bond issuer's financial strength, and the Aa2 rating indicates that SWA obligations are, "judged to be of high quality and are subject to very low credit risk."

"This rating is a reflection of our dedication to serving the citizens of Palm Beach County in the most fiscally-responsible way possible," said Mark Hammond, SWA Executive Director. "By maintaining sound business practices, we are able to construct world-class facilities at the lowest possible cost."

The bonds are secured by an unlimited non-ad valorem assessment on property throughout Palm Beach County, which accounted for 65% of total systems revenue in Fiscal Year 2016, as well as other operating revenue of the system.

Moody's Investors Service is a leading provider of credit ratings, research and risk analysis. Moody's commitment and expertise contributes to transparent and integrated financial markets. The firm's ratings and analysis track debt covering approximately 120 sovereign nations, 11,000 corporate issuers, 21,000 public finance issuers and 72,000 structured finance obligations.

The Solid Waste Authority of Palm Beach County is a Dependent Special District that was created by the Florida Legislature in 1975. Since then, the SWA has developed an award-winning integrated solid waste management system to handle the county's waste and recyclables. We call ourselves AWAY: whether you throw it, recycle it or flush it AWAY, we put your waste to work. Each year, we:

- Process almost 100,000 tons of recyclables each year
- Burn approximately 1.6 million tons of trash each year to generate electricity at renewable energy facilities
- Produce enough electricity to power 70,000 homes
- Recycle more than 130,000 tons of wastewater treatment residuals (sludge from flushes) into environmentally-friendly fertilizer
- Safely dispose of more than 3.6 million pounds of home hazards year
- Collect water off of the roofs of Renewable Energy Facility 2< and store it in a 2 million gallon cistern, which is used as part of the energy making process



Appropriations

The House and Senate released their budget proposals this week. Compared to the current year estimated expenditure for FY 2016-2017 of \$82,285,276,649, the proposed House budget has reduced its budget numbers by \$1,048,245,022. The Senate has increased its current year estimated expenditure for FY 2016-2017 of \$82,285,276,649 by \$878,759,393.

Below are comparisons of the proposed budgets released by both Chambers:

	House Proposal APC1 (2017)	Senate Proposal SB 2500 (2017)	DIFFERENCE
From General Revenue Fund	\$30,193,814,702	\$31,573,293,406	-\$1,379,478,704
From Trust Funds	\$51,043,216,925	\$51,590,742,636	-\$547,525,711
Total Approved Salary Rate	\$4,956,714,208	\$5,009,301,939	-\$52,587,731
Total Positions	112,095.57	113,548.32	-1,452.75
Total All Funds	\$81,237,031,627	\$83,164,036,042	-\$1,927,004,415

	House Proposal APC1 (2017)	Governor's Budget Recommendations (FY 2017-18)	DIFFERENCE
From General Revenue Fund	\$30,193,814,702	\$30,845,873,701	-\$652,058,999
From Trust Funds	\$51,043,216,925	\$52,628,549,771	-\$1,585,332,846
Total Approved Salary Rate	\$4,956,714,208	\$5,039,055,946	-\$82,341,738
Total Positions	112,095.57	113,757.82	-1,662.25
Total All Funds	\$81,237,031,627	\$83,474,423,472	-\$2,237,391,845

	Senate Proposal SB 2500 (2017)	Governor's Budget Recommendations (FY 2017-18)	DIFFERENCE
From General Revenue Fund	\$31,573,293,406	\$30,845,873,701	\$727,419,705
From Trust Funds	\$51,590,742,636	\$52,628,549,771	-\$1,037,807,135
Total Approved Salary Rate	\$5,009,301,939	\$5,039,055,946	-\$29,754,007
Total Positions	113,548.32	113,757.82	-209.50
Total All Funds	\$83,164,036,042	\$83,474,423,472	-\$310,387,430

Palm Beach County

Board of County

Commissioners

Paulette Burdick, Mayor

Melissa McKinlay,

Vice Mayor

Hal R. Valeche

Dave Kerner

Steven L. Abrams

Mary Lou Berger

Mack Bernard

County Administrator

Verdenia Baker

**Palm Beach County
Legislative Affairs**

301 North Olive Avenue
Suite 1101.3
West Palm Beach, FL
33405

**Rebecca DeLaRosa
Director of Legislative
Affairs**

Phone

Office: (561) 355-3451

Fax

(561) 355-3982

E-mail

rdelarosa@pbcgov.org

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West Palm Beach Police Pension Fund

On Tuesday, HB 1135 a local bill by Representative Matt Willhite passed out of the House Oversight, Transparency & Administration Subcommittee. The bill incorporates agreed upon changes to the police pension plan between the City of West Palm Beach and the Palm Beach County Police Benevolent Association

HB 1135 is now in the House Government Accountability Committee.