

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>2011</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	○	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	○	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No X
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

NO FISCAL IMPACT INVOLVED.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Guil 4/4/07 *OFMB* *4407* *04-02-07* *Contract Dev. and Control* *9/14/07*
4/4/07

B. Legal Sufficiency:

David S. Wynn 4/5/07
 Assistant County Attorney

C. Other Department Review:

 Department Director

PBC Legislative Update

APRIL 2, 2007

VOLUME 2 NUMBER 8

IN THIS ISSUE:

State Issues

County Priority Issues

1. FAC Leg Day
2. Property Taxes
3. Appropriations
4. Library Funding
5. Mining Regulation
6. Wedge Property
7. Local Govt. Preemption
8. Trauma Care
9. Traffic Safety Enforcement
10. Stem Cell
11. Article V
12. Trans. Disad.
13. Hurricane Prep
14. SFRTA
15. Environmental
16. Lake O
17. Beach and Shore
18. Doc Stamps- Water Supply
19. Retinoblastoma
20. Moving Bill
21. Towing Bill
22. Public records Exemptions

Upcoming Events

1. Senate will not convene until 4/9.
2. House meets Wed. and Thurs.

State Issues – Week Four of Session

County Priority Issue Updates

Florida Association of Counties Legislative Day

By: County Staff

On Wednesday, County Commissioners and staff from around the state descended on the Capitol for the Florida Association of Counties annual Legislative Day. Representing Palm Beach County was County Commissioner Jeff Koons. While in Tallahassee, Commissioner Koons attended meetings with State Representatives Mike Davis, Susan Bucher, Carl Domino, and Dean Cannon to discuss affordable housing and transportation initiatives. Similar conversations were had in meetings with Senate President Ken Pruitt and Senator Jeff Atwater. Commissioner Koons also met with Governor's office staff to discuss property tax reform.

Property Taxes

By: County Staff, The Moya Group, Ericks Consultants and Foley & Lardner

The Senate Democratic office released their plan for property tax reform. The key elements of their package include:

- **Portability:** Folks wishing to downsize will be able to take their Save Our Homes tax savings with them. For people seeking more expensive homes, Save Our Homes will extend to an amount not to exceed \$250,000.
- **Assessment Protection:** Increases the Save Our Homes assessment limitation to 3% plus the change in the CPI, not to exceed 6 percent. This will protect homestead property owners from large increases in their property taxes from year to year.
- **Non-Homestead Protections:** Limit assessment increases for non-homestead real property to 10 percent. This will protect non-homestead property owners from large increases in their property taxes from year to year, but will keep assessments in line with just value over time based on anticipated real property growth rates. It will reduce the uncertainty facing investors, and help preserve community character in times of rapidly appreciating property values.
- **Business Tax Relief:** Provide a \$25,000 exemption for tangible personal property. This provides tax relief for businesses that own tangible personal property and eliminates the administrative burden small businesses face in filing returns on equipment worth less than \$25,000.
- **Property Tax Rollback:** Impose a statutory three-year property tax limitation on property tax increases for all cities and counties. Property tax revenues could grow by the amount of new construction plus the percentage change in the CPI plus 3%. To provide immediate relief, property taxes will be rolled back to FY 2005-2006 levels.
- **Local Government Revenue:** Require partial year assessments so that revenue lost through tax cuts is replenished by the timely addition of properties to the tax rolls. This not only ensures that new residents pay for those services they are receiving, but for those property owners who buy in mid-year, it also avoids sticker shock those owners traditionally

faced when their escrow accounts were billed for taxes accrued during that period.

- **Affordable Housing:** Tax affordable housing properties by basing their assessment on the properties' rental income. A change in the use of the property will subject it to a four-year recapture of the tax savings.
- **Waterfront Property:** Waterfront property used for water-dependent recreational and commercial purposes will be assessed on the basis of its income. Hotels will not qualify for the treatment. A change in the use of the property will subject it to a four-year recapture of the tax savings.
- **First Time Homebuyers Tax Breaks:** First-time homebuyers will be eligible for a tax exemption provided that the home is below the median just value of homestead property in the county of residence.

Later in the week, Foley & Lardner LLP facilitated a meeting between Palm Beach County staff, Commissioner Jeff Koons, and the Director of Policy, Executive Office of the Governor to further discuss the counties position on property tax reform.

Appropriations

By: The Wren Group

The appropriations, conforming, and implementing language for the budget passed out of the **Senate General Government Appropriations Committee** on Wednesday. Included in the appropriations package was the long awaited Water Projects list. See below for summary list of Palm Beach County's Water Projects and Senate funding levels. An amendment passed on Wednesday which included \$100,000 for the Phase II of the Lake Okeechobee Scenic Trail Connections. We have been visiting with the sponsors of our projects in both the House and Senate and will continue to meet with the members as we move forward in the budget process. The House passed their Appropriations bill (PCB PBC 07-06) on Friday in the **Policy & Budget Council**. The House will not release its Water Project list until April 9th.

Project Description	Amount Requested	Senate Funding Level
Lake Worth Lagoon Restoration	\$3,500,000	\$3,500,000
Lake Region Water Treatment Plant	\$3,500,000	\$1,500,000
Loxahatchee Slough Bridge Over Northlake Blvd.	\$1,700,000	\$1,700,000
Chain of Lakes Restoration	\$2,000,000	\$1,000,000
C-51 Sediment Management Program	2,000,000	\$500,000
Canal Point Sanitary Sewer Expansion	\$600,000	\$200,000

Other Appropriations

By: Pittman Law Group and County Staff

Lake Okeechobee Scenic Trail: In the Senate and the House budget with \$1 million at line 1920 and \$100,000 for Lake Okeechobee Scenic Trail Connections at line 1928A.

Homelessness Funding: Line item 444 in the Senate Health & Human Services budget contains \$7 million for Homeless Housing Assistance grants.

Within the Senate Budget:

- \$3,254,000 Loxahatchee River Preservation Initiative
- \$6.2 million Lake Okeechobee Projects
- \$100,000 Juvenile Assessment Center
- \$400,000 Juvenile Detention Center Portable Classrooms

Palm Beach County Library Funding

By: Corcoran Associates and County Staff

We met with House Leadership to ensure additional funding for library projects. To date the House budget falls short of the Senate budget by providing \$1.5 million less for State Aid to Libraries, cutting in half the funds earmarked for library cooperatives, and providing no funding for library construction projects.

Mining Regulation

By: The Wren Group

On Wednesday, The House Environment and Natural Resources Council approved **PCB ENRC -7-12**, relating to **construction aggregate materials**. The bill contains provisions that would preempt local authority to prohibit or prevent the construction or operation of a limestone mine on lands where mining is a permissible use or on land zoned or classified as mining lands as of March 1, 2007. Local government representatives, including Palm Beach County, opposed the preemptive language in committee, but the committee passed the bill out. Compromise language that would soften the preemption and move the House bill significantly closer to the language in the Senate version of the legislation is now being discussed by the interested parties.

Wedge - Boundary Adjustment - Palm Beach County/ Parkland

By: County Staff

This week, representatives from the Boca West residents, wedge property owners, Parkland, and Coral Springs proposed an amendment to the Boundary Adjustment bill that will provide for the boundary change only in the circumstance that University Drive is removed from the Comprehensive Plan or if the right of way is abandoned by the Palm Beach County Board of County Commissioners. The language will be rolled into a strike all amendment and presented when the bill is placed on its first committee agenda.

Local Government Preemption

By: Akerman Senterfitt and County Staff

County Staff and Akerman Senterfitt met with Rep. Gonzalez to discuss Palm Beach County's opposition to the bill including the elimination of regional planning choices including growth management and voluntary annexation, and the requirement that amendments to the charter already approved by voters be resubmitted to a vote of the entire county and municipalities. We specifically informed Rep. Gonzalez that Palm Beach County was opposed to the bill and that the county continues to work with its municipal partners to create innovative solutions and processes to deal with any differences with municipalities at the local level.

Trauma Care

By: County Staff and Akerman Senterfitt

County staff continues to work with Rep. Richard Machek, the Health District and Amy Maguire, director of the Alliance to Save Florida's Trauma Care to begin to develop a strategy to reconcile trauma care patient reimbursements. County Staff and Akerman Senterfitt met with Representative Machek to present draft legislative language that establishes a reimbursement formula through an interlocal agreement with neighboring counties based on the percentage of county residents transported to Palm Beach County's Trauma Care facilities.

Traffic Safety Photo Enforcement

By: County Staff, Akerman Senterfitt, and The Moya Group

County Staff and Akerman Senterfitt met with Representative Reagan regarding HB1247 and SB 2558 filed by Senator Bennett and was informed that both bills

should be heard in the next couple weeks. Both bills authorize counties and municipalities to enact ordinances permitting the use of traffic infraction detectors, and provide a fine for violations. The bill currently allocates \$65 dollars of the fine amount to be deposited into the Administrative Trust Fund of the Department of Health to provide financial support to current verified trauma centers.

Stem Cell Research

By: Foley and Lardner

On Tuesday, Senate Health Policy Committee considered two bills regarding stem cell research and took a vote on both bills. **SB 750 (embryonic and adult stem cell research) passed by a vote of 6-0.** The committee also voted on SB 2496 but because the vote was taken after 5:45pm, the official end of the committee meeting, committee records now indicate that **SB 2496 (adult stem cell research) was temporarily postponed.** We hope to hear the bill again at the next committee meeting.

Article V

By: County Staff

Senator Baker introduced SB 2062 which removes the Board of County Commissioners' control of the \$2 court related technology fees and deposits them with the Chief Judge of the Circuit Court, leaving the counties responsible for funding costs not covered by the fees. In addition, this bill requires counties to provide certain benefits to county-funded court employees. Diversion of the \$2 fee would calculate an estimated loss of \$4 million dollars for Palm Beach County. Palm Beach County staff and FAC met with Senator Deutch who was supportive of our concerns with the bill. The bill was scheduled to be heard in its first committee (Judiciary) on 3/27/07 but was temporarily postponed at the request of Senator Baker.

Transportation Disadvantaged Funding

By: Akerman Senterfitt, Ericks Consultants, and County Staff

This weeks House and Senate budgets both contain proviso language that directs a certain percentage of Medicaid transportation funding to the TD program. County lobbyists and staff worked with legislators to include this language in the bill. The next step is to contact the individual members of the TD Commission to relay Palm Beach's commitment to assisting with providing state funds for TD.

Hurricane Relief

By: Foley and Lardner and County Staff

The House this week passed **HB 7057** which streamlines the grant and inspection program to help certain homeowners harden their homes against hurricanes. Also, **HB 211** which creates a 12-day tax free holiday to encourage homeowners to purchase certain supplies to assist with hurricane preparedness efforts passed the House unanimously this week.

Foley & Lardner met with committee staff this week on HB 929 by McKeel which is yet to be heard in committee. This legislation would address "Good Samaritan issues" during emergency declarations. As drafted, the bill may be too broad as it provides immunity to many individuals under very general circumstances. Chapter 768.28 (10) (a, b, c, d or e) provides a good model for reference purposes; it identifies specific individuals and specific actions that are granted immunity. Sovereign immunity is viewed as a "gift" and is closely guarded and protected from broad exemptions. Palm Beach County will offer amendment language that will provide additional protection to less encompassing and more specific group of disaster volunteers.

While the Committee is not expected to meet again this Session, the bill could be retracted from committee and go directly to the Council if an agreement is reached on very narrowly drawn language. The Council chair and Committee chair would have to reach an agreement for the bill to move at all.

South Florida Regional Transportation

By: Ericks Consultants, Akerman Senterfitt, and County Staff

ECI attended hearings on SB 606 by Senator Geller, Regional Transportation Authority where the bill passed unanimously Senate Community Affairs on 3/26/07. The bill proposed clean-up language that the South Fla. Regional Transportation Authority (Tri-Rail) needs as requested by the counties. There is no funding source in the bill, but it provides that if a source is created in some other bill, then Miami-Dade, Broward, and Palm Beach could use that source and direct it to the RTA. County staff and Commissioner Koons had a productive meeting with Infrastructure Council Chair Dean Cannon who will work with us to try to agenda the bill at the next meeting of his Council.

Environmental Preservation and Protection

By: The Wren Group

On Thursday, the House Environment and Natural Resources Council passed **HB 957 relating to Environmental Permitting**. The bill authorizes the Department of Environmental Regulation (DEP) to seek authorization by the U.S. Army Corps of Engineers of an expanded state programmatic general permit, or regional permits for activities that will cause only minimal adverse environmental effects. It authorizes DEP to implement a state programmatic general permit (SPGP) for activities affecting up to 5 acres, if the Army Corps of Engineers (COE) agrees. The bill provides that an applicant seeking to use the statewide programmatic general permit consents to applicable substantive federal wetland regulatory criteria. An amendment offered by Rep. Kendrick preempting local wetland permitting standards more stringent than those set by the state was adopted, although many members raised concerns about the preemptive nature of the language.

On Thursday the Senate Committee on Environmental Preservation and Conservation had a second lengthy discussion on the **Clean Ocean Act, SB 444**, which had been temporarily postponed after a discussion last week. A strike-everything amendment was adopted that re-formed the bill to one that now is limited to a DEP study of the wastewater, including sewage, blackwater, graywater, and oily bilge water generated and discharged by gambling vessels to determine the potential for water quality impacts on coastal waters, and report the findings by February 2009. The House companion, **HB 57**, remains pending in the House Environment and Natural Resources Council, and the differences between the bills will need to be reconciled before either can pass.

Lake Okeechobee

By: The Wren Group

SB 392, which establishes a watershed protection program for the Northern Everglades including the Lake Okeechobee watershed, the St. Lucie and Caloosahatchee River watersheds, and their estuaries remains in Senate messages to the House, awaiting passage of the House bill, HB 535.

Beach and Shore Protection

By: The Wren Group and Akerman Senterfitt

On Wednesday, the House Committee on Environmental Protection workshopped **PCB ENRC-13**, relating to **beach and shore protection**. This bill establishes a structure for how sand-filled fabric tubes could be used for coastal armoring along beaches. Beach protection advocates opposed certain language in the bill that would allow the coastal armoring to be used in areas where private buildings or public infrastructure are not deemed to be threatened by erosion. There were also some concerns raised about the impact of removing, and also introducing, coastal sands on marine turtles. Compromise language is likely to be offered regarding that language as the bill continues to move forward. The closest Senate companion bill, SB 2902, was withdrawn from further consideration on Thursday, so it is unclear where this bill will go from this point. The bill will have to be analyzed in order to figure out if Palm Beach is still in support of it.

Documentary Stamps – Water Supply Funding

By: The Wren Group

On Friday, the House Policy and Budget Council approved **HB 7059**, which would change the distribution of documentary stamp funds effective July 1, 2007, to reduce the amounts deposited in the Water Protection and Sustainability Program Trust Fund (WPSPTF) and instead credit those amounts to General Revenue. The WPSPTF is a source of funding for implementation of an alternative water supply program, best management practices for TMDLs, SWIM activities, and the Disadvantaged Small Community Wastewater Grant Program. Many advocates of alternative water supply funding are concerned about the provisions of this bill and are opposing the reduction of alternative water supply funding. There is no Senate companion at this time.

Retinoblastoma

By: Akerman Senterfitt and Ericks Consultants

At this week's House Health Innovation committee meeting, Rep. Garcia's bill passed with some substantive amendments. Essentially, the new bill mandates that doctors give out information pamphlets to parents. The Senate Banking & Insurance committee had to temporarily postpone their vote because all the committee's time was spent on the new PIP bill. Sen. Wilson did take some time at the end of the meeting to introduce a girl scout troop that showed up to the meeting to support their pet project for the year, retinoblastoma. County lobbyist submitted support cards in both of the hearings.

Household Moving Services

By: County Staff, Moya Group, Pittman Law Group, and Ericks Consultants

HB 765 by Representative Jenne and SB 1788 by Senator Saunders preempts local ordinances adopted by Palm Beach, Broward and Miami-Dade counties that in addition to State law addresses the unique problems to the South Florida moving industry by; requiring higher insurance requirements, providing a local program to serve local consumers, and providing additional consumer disclosure forms. Testimony was heard from both sides of the issue including County Staff from Palm Beach, Broward and Miami-Dade who testified to the Committee on Commerce regarding concerns of the bill's removal of additional consumer protections and the success of our local programs. The bill was passed favorably by the Committee 6-3.

Towing Bill

By: Ericks Consultants

ECI attended and waived in support on both SB 612 by Senator Crist and HB 93 by Representative Robaina, Wrecker Services. SB 612 passed Senate Criminal Justice and HB 93 passed the Environment and Natural Resources Council. Representative Denise Grimsley, Chair of Agribusiness, commended Representative Robaina on his hard work with this controversial legislation since it had been temporarily postponed twice in her committee.

Public Records Exemption

By: Foley and Lardner

Jonathan Kilman, Foley & Lardner LLP met with Pat Gleason in the Executive Office of the Governor to identify their concerns with HB 541. She has agreed, on behalf of the Governor's office, to further discussions with us and is receptive to meeting with county staff to try and resolve the issue. The bill currently imposed new restricted definitions on the time allotted for local governments to respond to public records requests.

Upcoming Events

The Senate will be breaking for the Easter/Passover Holidays next week and will resume the week of April 9th

The House will be meeting next week only on April 4-5 (Wednesday & Thursday).

Palm Beach County

Board of County

Commissioners

Addie L. Greene,

Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aronson

Jess Santamaria

County Administrator

Robert Weisman

Palm Beach County Legislative Affairs

301 North Olive Avenue
Suite 1101.4
West Palm Beach, FL
33405

Todd J. Bonlarron Director

Phone

Office (561) 355-3451

Mobile (561) 310-7832

Sherry Howard Coordinator

Office (561) 355-2452

Mobile (561) 308-0103

Fax

(561) 355-3982

E-mail

tbonlarr@pbcgov.com

We're on the Web!

www.pbcgov.com