



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	2007	2008	2009	2010
Capital Expenditures	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____
 # ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_

Budget Account No.: Fund \_\_\_\_\_ Agency \_\_\_\_\_ Org. \_\_\_\_\_ Object \_\_\_\_\_  
Reporting Category \_\_\_\_\_

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

**C. Departmental Fiscal Review:** \_\_\_\_\_

**III. REVIEW COMMENTS**

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

*Elizabeth Bloese* \_\_\_\_\_  
OFMB 8/14/07 Contract Dev. and Control

**B. Legal Sufficiency:**

*[Signature]* 8/14/07  
Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
Department Director

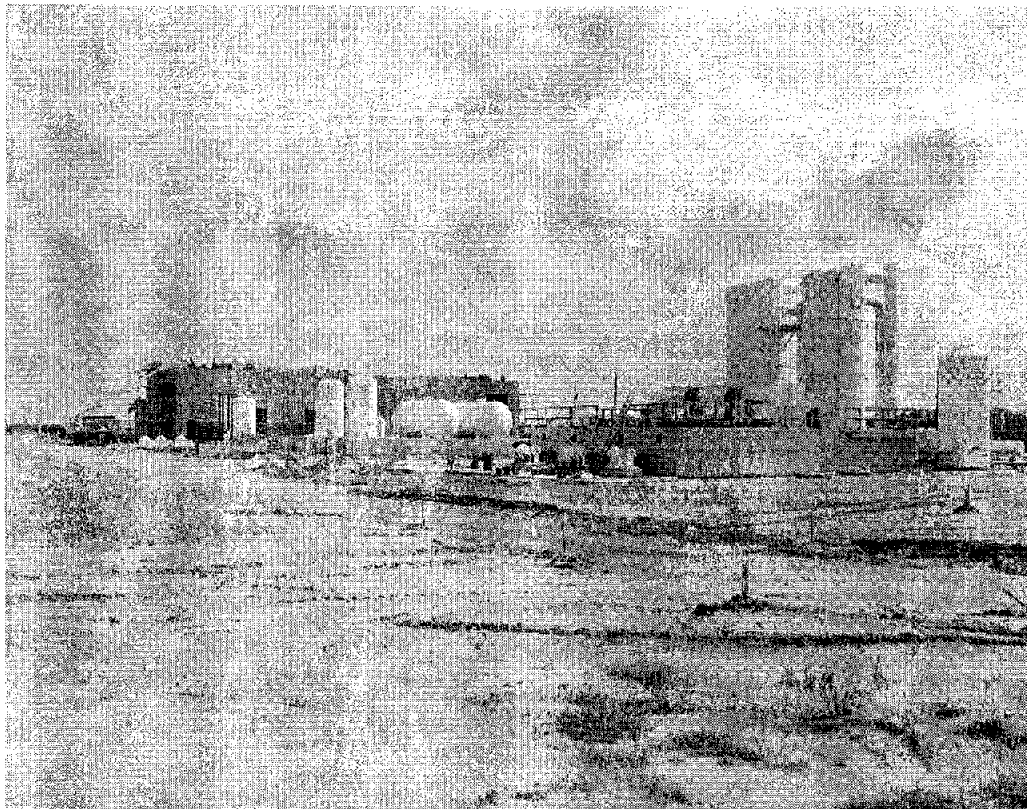
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# **PALM BEACH COUNTY**

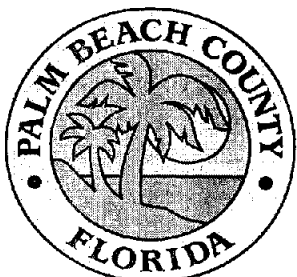
## **2007 STATE LEGISLATIVE**

### **FINAL REPORT**

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*Lake Region Water Treatment Plant*



**Palm Beach County Legislative Affairs**  
**301 N. Olive Avenue, Suite 1101**  
**West Palm Beach, FL 33401**

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**Counties Top Four Priorities**

Property Taxes

Lake Region Water Treatment Plant

Cost Shifts/Unfunded Mandates

Fiscally Constrained Counties/ Cost Shifts

**Appropriations**

Palm Beach County Water Projects

Beach Funding

Lake Okeechobee Scenic Trail

Glades Regional Hospital Funding

**Other Appropriation Items**

Transportation

Education

Cultural Programs

Health & Human Services/Elder Affairs

Juvenile Justice

Law Enforcement

Emergency Management

Parks and Recreation

Environmental Projects

Municipal Water Projects

## **County's Top Four Priorities**

### **Property Tax Reform**

The Florida House of Representatives and the Florida Senate passed three bills during the Legislative Special Session that comprised the State of Florida's comprehensive property tax relief package. The potential \$31.6 billion in tax relief would provide as much as \$15.6 billion over five years under the statutory revisions and as much as \$16 billion under the proposed constitutional changes.

#### **Statutory Change**

The statutory change reduces the ad valorem taxes that may be levied by local governments, other than school districts, in fiscal year 2007-08 to below the level of taxes levied in 2006-07 plus an additional decrease based on previous tax performance. In Palm Beach County that amounts to an additional nine percent spending cut. The bill limits the growth of ad valorem tax levies in future years (except those levied by school districts) to the growth in a jurisdiction's population as measured by new construction and the statewide growth in per capita personal income. However, local government governing bodies may increase ad valorem tax levies by extraordinary votes or by referenda. Any county or municipality that levies taxes in excess of the amount permitted under the bill will forfeit participation in the half-cent sales tax revenue sharing program.

#### **Constitutional Amendment**

The Constitutional amendment increases the homestead exemption to 75 percent of the first \$200,000 in just value, plus 15 percent of the next \$300,000 in just value. It provides that there will be a minimum exemption of \$50,000, which is increased to \$100,000 for low-income seniors. It adjusts the upper limit by growth in per capita Florida personal income and allows it to be increased by a 2/3 vote of the legislature. If passed, in addition the amendment:

- Allows a homeowner to retain the existing Save Our Homes assessment limitation and enables them to choose when they would like to switch to the new system regardless of whether it provides a greater benefit than the increased homestead exemption;

- Allows a statutory exemption from ad valorem taxes for tangible personal property no less than a value of \$25,000;
- Allows affordable housing subject to rent restrictions imposed by a governmental agency to be assessed by general law;
- Allows working waterfronts to be assessed by general law; and
- Requires the legislature to limit the authority of local governments, with the exception of school districts, to increase property taxes. The amendment takes effect if approved by the voters, and will operate retroactively to January 1, 2008.

#### Election Date

The bill provides that, pursuant to Section 5 of Article XI of the State Constitution, a special election will be held on January 29, 2008, concurrently with Florida's presidential preference primary. At the special election, the electors of this state will vote on this amendment to the State Constitution.

#### **Lake Region Water Treatment Plant**

This top priority of the County was funded at \$1,500,000. This year was the last funding cycle that we were asking the state to contribute toward the Lake Region Plant bringing the total state contribution for the water plant to \$8.5 million.

#### **Cost Shifts/Unfunded Mandates**

The most significant unfunded mandate from the State this session was the requirement that Counties currently using touch screen voting machines would have to switch to optical scan machines. While the state will contribute over \$5 million to purchase the equipment in Palm Beach County, it leaves a significant gap in funding for other election equipment and printing costs for ballots. Estimates are approximately \$2.7 million in equipment costs and as much as \$1 million in printing costs for each election cycle.

#### **Fiscally Constrained Counties/Cost Shift**

Last year, HB 293 regarding fiscally constrained counties shifted future funding growth (\$16.7 million in the current fiscal year) in communications tax revenue from cities and counties to fund some of the states fiscally constrained counties. To Palm Beach County and its municipalities, the cost shift resulted in an estimated loss of approximately \$1.2 million and continues to grown each year as communications revenue increase. This year Sen. Carey Baker and Rep. Joe Pickens filed legislation to change the funding source, but the legislation was never heard in committee.

## Appropriations

The Legislature passed the General Appropriations Act for FY 2007/2008 (SB 2800) that included spending priorities totaling over \$71.9 Billion. Below is a summary of the final budget numbers of appropriation funding for Palm Beach County entities (~~strikethrough~~ indicates governor's veto of project):

### **Palm Beach County Water Projects**

<u>Water Projects</u>	<u>Amount</u>
Lake Region Water Treatment Plant	1,500,000
Lake Worth Lagoon Restoration	3,500,000
Loxahatchee River Preservation Initiative	3,254,000
Loxahatchee Slough Bridge Over Northlake Boulevard	1,500,000
C-51 Sediment Management Project	250,000
Chain of Lakes Restoration	750,000

### **Beach Funding**

Over \$30 million was appropriated to restore and protect the state's beaches. These numbers reflect Palm Beach County allocations:

Juno Beach Nourishment Beaches	5,047,000
North Boca Raton Beach Nourishment Beaches	460,800
Ocean Ridge Beach Nourishment Beaches	1,000,000

In addition to these funds, language was inserted in the budget that reverted \$17 million in unexpended Beach Management funds from 2006-07 to fund the alternative beach project list for 2007-08. That list includes \$\$ million for Singer Island, \$1.6 million for South Boca Raton and \$1.9 million for the South End palm Beach Restoration.

### **Lake Okeechobee Scenic Trail**

This year two line items were included in the budget to fund activities at the Lake Okeechobee Scenic Trail. A \$1 million line item appropriation will be used for continuation of State Trail construction. An additional \$100,000 line item was included in the budget for trailhead improvement in Palm Beach County. Unfortunately, the line item designating \$100,000 for the trailhead improvements was vetoed.

### **Glades Regional Hospital Funding**

This year \$150,000 was included in a line item for the Glades Regional Hospital but was ultimately vetoed by the Governor. The funds were intended to offset some of the costs of providing a new hospital in the Glades Region.

## Other Appropriation Items

<u>Project</u>	<u>Amount</u>
<b>Transportation</b>	
<u>Bridges</u>	
I-95/HOV/AUX from S. of BR#168/MP29.33 to N. of BR#168/MP 29.56	5,080,052
SR-25/US-27 Bridge#930016/196 Over Miami Canal	3,853,205
SR-800/Spanish River Bridge#154/226 Over ICWW in Boca Raton	1,754,568
<u>Intrastate</u>	
I-95/HOV/GU from S of Donald Ross RD to SR-706/Indian Town Rd	83,699,308
I-95/SR-9/HOV/GU from S of PGA Blvd. to S of Donald Ross Rd.	58,928,029
Modification of Lantana Toll Plaza for ORT Lanes (MP 88)	5,259,825
<u>Right of Way</u>	
Jog Road from Roebuck Road to North of 45th Street	2,500,000
Lake Worth Rd / Tpk (SR802 / SR91) Intchg Modification (MP93)	14,937,044
Widen Tpk from Lake Worth Rd/SR 802 to Okeechobee Blvd./SR 704	10,000,000
SR-704/Okeechobee Bl Fm W of Clearlake Brdg to Austrail Ave.	1,079,465
SR-708/Blue Heron Bl @ Congress Ave. Phase II	2,040,344
SR-710 from W. of Congress Ave. to W. of Australian Ave.	10,184,340
SR-710/Beeline Hwy from W of Australian Ave. to Old Dixie Hwy	5,623,332
<u>Resurfacing</u>	
SR-25/US-27 from Hendry C/L to E. MP 12.553_N of SR80	13,748,836
SR-5/US-1 from S. of C-15 Canal to Tropic Blvd.	3,506,955
SR-706/Ind Town Rd FM E of Tpk to Chasewood Plaza (MP13.78)	3,233,706
SR-806/Atlantic Ave. from N.W. 12 Ave. to SR-A1A	4,993,995
<u>Other Arterials</u>	
CR-807/Congress Ave. from Lantana Rd to Lake Worth Road	6,125,000
SR-5/US-1 @ PGA Blvd.	3,749,571
SR-5/US-1/Federal Wy from SE 4 Street to NE 4 Street	1,410,000
SR-806/W Atlantic Ave. from 12th Avenue to 10th Avenue	1,002,690
<u>Transportation - Aviation</u>	
North Palm Beach County General Aviation	1,500,000
Palm Beach County Park	1,500,000
Palm Beach Int. Extend Runway 9R-27L	1,500,000
Palm Beach International Airport	2,625,000
<u>Transportation -- Port</u>	
Port of Palm Beach FM South Gate Access to SR-710 Connector Seaport	8,421,000
Port of Palm Beach On-Port Intermodal Rail Improvements Seaport	3,338,000

<u>Transit</u>	
Palm Beach County Block Grant Operating Assistance Transit	3,681,479

**Education**

Palm Beach Community College

PBCC Community College Program Funds	51,432,129
PBCC Community College - Lottery Funds	5,840,520
PBCC Community College - Challenge Grants	2,104,460
PBCC - Performance Incentives	1,301,169
PBCC - Humanities Technology Bldg	333,333
Rubenstein Educational Pavilion - Palm Beach Gardens Community Colleges	36,750

<del>Technical Education Center - Belle Glade</del>	<del>7,000,000</del>
Gen renovations roofs, parking, utilities, safety, alarms	5,741,172
<del>New Campus Multi-purpose Classroom/Admin Bldg (5<sup>th</sup> Campus)</del>	<del>5,000,000</del>
<del>Public Safety Training Center</del>	<del>5,000,000</del>
Remodeling Classrooms/Labs - Palm Beach Gardens	2,066,866
Science Prototype Bldg reuse - Lake Worth	2,400,000
Classrooms/Health/Science Bldg	1,104,799
Remodeling Classrooms/Labs Bldgs Lake Worth	500,000

Workforce Education

Public Schools Workforce Education Performance Based Incentives	627,883
Public Schools Workforce Education Program Funds	17,295,818

Palm Beach County School District (Education K-12)

Total FEFP & Major Categoricals	1,271,988,592
District Cost Differential (DCD) - Non-FEFP	379,284
District Cost Differential (DCD) - FAU Lab School State Grants / K-12 - Non-FEFP	1,452

Florida Atlantic University

Florida Atlantic University Educational & General Activities	252,569,548
Florida Atlantic University - Lottery Funds	11,881,615
Florida Atlantic University - Enrollment Growth	3,000,000
Florida Atlantic University - Student Financial Assistance	1,132,259

Communication & Multimedia Studies Universities - Challenge Grants	1,500,000
Florida Atlantic University Universities - Challenge Grants	1,215,813
Center for Executive Development - Challenge Grants	800,000

General Classroom/Engineering Building - PECO	17,982,000
Utilities/Infrastructure/Capital Renewal/Roofs - PECO	11,439,470
General Classroom Facility - PECO	10,348,000
FAU/UF Joint Use Facility - PECO	9,475,000
College of Arts & Letters - Arts & Humanities Addition PECO	2,000,000

Harbor Branch/ FAU Transition	30,500,000
Harbor Branch Renovation	14,141,984
Torrey Pines	6,000,000
FAU/UM Medical Partnership	4,700,000
FAU - Autism Program	715,100
Institute of the Advancement of Teaching	500,000
Florida/Israel institute	50,000

Library Funding

County Regional Library-West Atlantic Branch Library	500,000
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**Cultural Programs**

Public Broadcasting

WXEL-FM, Palm Beach Public Broadcasting	111,945
WXEL-TV, Palm Beach Public Broadcasting	557,675
WXEL-TV/FM Boynton Beach - Replace HVAC and AHU PECO - Public Broadcasting	175,000

**Health and Human Services / Elder Affairs**

Health Care and Human Services

Adults with Disabilities Funds	1,508,606
Early Risers: Skills for Success Child	25,000
Glades General Hospital Community	150,000
Place of Hope Seven Stars Emergency Shelter Expansion Child Protection	50,000
Slow to Fast Ruth Rales Home & Community Services	50,000
Supported Employment Program for the Disabled	100,000
Holocaust Survivors Assistance Program	300,000
A Child Is Missing	400,000
St. Mary's Hospital Specialized Trauma and Inpatient Low-Income Care	253,288

**Juvenile Justice**

ARISE Life Management Skills	879,000
Community All Stars Program	110,000
Juvenile Assessment Center for Palm Beach County	100,000
Palm Beach Regional Juvenile Detention Portable Classrooms	200,000
Youth Empowerment Center	200,000
Urban League of West Palm	100,000
Payment in Lieu of taxes-City of Pahokee	142,900

**Law Enforcement**

Marina Homeland Security Enhancements	50,000
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**Emergency Management**

Palm Beach Gardens Emergency Operations Center (EOC)	1,500,000
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**Parks and Recreation**

FRDAP Grants

Delray Beach - Bexley Trail Park	200,000
Royal Palm Beach - Camellia Park	200,000
North Palm Beach - Country Club Pool	200,000
West Palm Beach - Currie Park Renovations	200,000
Delray Beach - Eagle Park	200,000
Palm Beach County - Glades Pioneer Park, Ph. II	200,000
Boca Raton - Hillsboro/El-Rio Park	200,000
Lake Clarke Shores - LCS Community Park	97,000
Riviera Beach -Municipal Beach	115,000
West Palm Beach - Phipps Park, Ph. III	200,000
Lake Worth - Sunset Ridge Park	50,000
Jupiter - Sawfish Bay Park	200,000
Jupiter - Sawfish Bay Park, Ph. II	200,000
Tequesta - Tequesta Park	50,000
Tequesta - Tequesta Park, Ph. II	50,000

Other Park Funding

<del>Lake Lytal Park</del>	<del>200,000</del>
Palm Beach - Anchorage Park Master Plan Phase I	400,000
Lake Okeechobee Scenic Trail	1,000,000
<del>Phase II of the Lake Okeechobee Scenic Trail (LOST) Connections</del>	<del>100,000</del>

**Environmental Projects**

Everglades Restoration	200,000,000
Of which \$49 million will be allocated for the Lake Okeechobee Protection Plan	

**Municipal Water Projects**

<del>Boca Raton - Intracoastal Parallel Force Main</del>	<del>350,000</del>
Boynton Beach and Delray Beach - Reuse Expansion	500,000
<del>Delray Beach - A-1-A Water Main Replacement</del>	<del>200,000</del>
<del>West Palm Beach - Drinking Water Quality Improvement</del>	<del>300,000</del>
Lower East Coast Regional Water Conveyance Solution (L-40 Berm)	500,000
North Palm Beach - Anchorage Park Master Plan	400,000
Pahokee - Water Main Improvements	300,000
Riviera Beach - Lift Stations/ Force Main Improvements	500,000
South Bay - Wastewater Treatment Plant	100,000
Stub Canal Stormwater Improvements for Pineapple Park Neighborhood	1,000,000
Royal Palm Beach - Stormwater Enhancement Project	422,000

**Section**

**2**

**LEGISLATIVE PRIORITIES**

**Palm Beach Priorities That Passed**

Hurricane Relief Issues  
Transportation Disadvantaged  
Public Marina/ Working Waterfront/ Affordable Housing  
Homelessness Funding  
Mobile Home Relocation  
Affordable Housing  
Public Records  
Broward & Palm Beach Counties Boundaries "The Wedge"  
Venomous and Reptiles of Concern

**Bills Supported by Palm Beach County That Did Not Pass**

Traffic Safety Photo Enforcement  
Stem Cell Research  
Trauma Care For Individuals in Multi County Areas  
AIDS Testing for Jail Detainees  
Retinoblastoma  
Towing Bill  
Dangerous Dog Definition  
Exemption from Public Records/Animal Care & Control Officers  
Deadly Force Definition/Use of Dart Firing Stun Gun  
Good Samaritan Legislation

**Bills Opposed by Palm Beach County That Did Not Pass**

Charter County Preemption  
Moving Bill  
Fire Hydrants  
Impact Fees  
Wetlands Mitigation

**Bills Opposed by Palm Beach County That Did Pass**

Cable Franchising  
Article V

## **Palm Beach Priorities That Passed**

### **Article V/Maintenance of Effort Fix**

#### **SB 448 - County Funding of Court Personnel**

SB 448 specifies that a county and the chief judge of the judicial circuit may enter into an agreement in which the county funds personnel positions to assist in the operation of the judicial circuit. Under such agreement, the county shall be considered the employer under the Worker's Compensation Law, The Unemployment Compensation Law, and with regards to eligibility for the flexible benefits plan. These personnel are hired, supervised, managed and fired by personnel of the judicial court who are responsible for compliance of all requirements under federal and state employment laws.

### **Hurricane Relief Issues**

#### **HB 919 and HB 921**

##### *Emergency Communications System*

HB 919 merges the wireline 911 plan for landline telecommunications and the Wireless Emergency Communications Act. The bill also re-designates the Florida Emergency Telephone Act as the Florida Emergency Communications Number E911 State Plan Act. The Board shall administer a standardized fee charged to local exchange subscribers, wireless subscribers and users of all voice communications.

HB 921 renames the Emergency Telephone System Trust Fund as the Emergency Communications Number E911 System Fund and designates that all E911 fees collected from wireless and nonwireless providers be collected through the fund and administered by the E911 Board. Separate categories for the wireless and nonwireless categories shall be established and revenues from each account will be allocated to counties, service providers, rural county grants and E911 Board administration.

#### **HB 7057 — Hurricane Damage Mitigation**

During the 2006 Regular Session, the Legislature created the Florida Comprehensive Hurricane Damage Mitigation Program and appropriated \$250 million to provide financial incentives to encourage residential property owners in Florida to retrofit their properties, making them less vulnerable to hurricane damage and helping decrease the cost of residential property and casualty insurance. The program provides free home inspections and matching grants of up to \$5,000 for home mitigation and is administered by the Department of Financial Services (DFS). The

bill makes changes to the program and the Florida Building Code, and contains other issues related to hurricane damage mitigation.

HB7057 re-designates the Florida Comprehensive Hurricane Damage Mitigation Program as the My Safe Florida Home program providing free home inspections and grants for hurricane mitigation. Legislative intent is provided that at least 400,000 inspections and at least 35,000 grants will be provided by June 30, 2009. The bill clarifies eligibility requirements for the program including that in order to be qualified, the property must be homesteaded with an insured value of \$300,000 or less, located in the wind-borne region and be build prior to March 1, 2002. Additionally the bill stipulates that any building permit applied for on or after July 1, 2008 which the estimated cost is \$50,000 or more must include opening protections required by the Florida Building Code for new construction for a building that is in the wind-borne region and has and insured value of \$750,000 or more.

### **Transportation Disadvantaged**

During FY 2007-08 the legislature funded statewide Transportation Disadvantaged programs at \$40.4 million, a slight increase from 2006 levels. Medicaid Transportation funding was also slightly increased this year and funded at \$72.9 million.

### **Public Marina/ Working Waterfront/ Affordable Housing**

Addressed in the Constitutional change on the Property Tax Reform Bill by allowing working waterfronts to be assessed by general law.

### **Homelessness Funding**

County Staff met with Representative Priscilla Taylor and staff from The Division of Housing and Community Development to work towards the reinstatement of the right for Palm Beach County to compete for Homeless Prevention Funds. The Office of Homelessness had previously exempted large counties from applying for the grants with the rationale that they receive Emergency Shelter Grants. \$7 million was appropriated for Homeless Housing Assistance Grants. Since these meetings, the Florida Office of Homelessness has created a new formula that allows counties that receive a direct ESG award from HUD such as Palm Beach County to apply for funding.

### **Mobile Home Relocation**

#### **HB 259 — Mobile Home Relocation Corporation**

HB 259 relating to the Mobile Home Relocation Corporation provides that mobile home park owners must provide at least a six month notice to homeowners before

there is a change in the park's use causing the homeowner to relocate. Notice requirements must include that the tenant may be entitled to compensation from the Florida Mobile Home Relocation Trust Fund. The bill provides that upon changes in the mobile home park's use, the mobile home park owner shall pay into the Florida Mobile Home Relocation Trust fund \$2,750 for each single-section mobile home and \$3,750 for each multisection mobile home for each homeowner application made for moving expenses.

## **Affordable Housing**

### **HB 1375 — Affordable Housing**

HB 1375 states that the housing element contained in the local comprehensive plan that requires counties that meet certain criteria to identify adequate sites for workforce housing by July 1, 2008. Criteria include counties where the gap of buying power for a family of four and the median home sales price exceeds \$170,000. Failure by a local government to comply with this requirement will result in the local government being ineligible to receive any state housing assistance grants until the requirement is met. A transportation concurrency exemption is offered for affordable housing units in close proximity to employment centers. The bill requires that every three years the local housing advisory committee review the local comprehensive plan and recommend specific actions or initiatives to encourage or facilitate affordable housing. The bill also creates an affordable housing tax deferral program by authorizing the local governing authority to adopt an ordinance to allow for the deferral of ad valorem taxes and non-ad valorem assessments if the owners of the property are engaging in the operation, rehabilitation, or renovation of affordable housing rental property.

The bill also creates an exemption from review for the sale of an affordable housing unit to a person who earns less than 120 percent of the area median income, if a developer actively markets the unit for a minimum period of six months and is unable to close a sale to a qualified buyer in a lower income qualified class.

### ***Florida Housing Finance Corporation***

The bill makes several revisions and clarifications relating to the duties and responsibilities of the Florida Housing Finance Corporation (Corporation.) As a condition of financing an affordable housing multifamily rental project, the corporation may require that an agreement be recorded in the official public records of the county in which the real property for the project is located. The agreement must require that the project be used for affordable housing for persons that meet specific income criteria.

### ***Community Workforce Housing Innovation Pilot Program (CWHIP)***

The bill provides for the creation of a loan application process for the CWHIP program. The application process must include selection criteria, an application review process, and a funding process. The corporation must also establish an

application review committee that may include up to three private citizens representing the areas of housing or real estate development, banking, community planning, or other areas related to the development or financing of workforce and affordable housing.

The board of directors must approve or reject the review committee's recommended participants, determine the tentative loan amount to be made available to each application selected for funding, and rank all of the approved applications. After all applications are ranked, the board of directors selects the program participants and determines the maximum loan amount for each participant.

The bill authorizes local governments to use State Housing Initiative Partnership (SHIP) program funds for the CWHIP program to assist persons or families whose total annual income does not exceed 140 percent of the area median income, adjusted for household size. In areas of critical state concern for which the Legislature has declared its intent to provide affordable housing, and in areas that were designated as areas of critical state concern for at least 20 years prior to the removal of the designation, local governments may use SHIP funds for the CWHIP program to assist persons or families whose total annual income does not exceed 150 percent of the area median income, adjusted for household size.

The bill requires that CWHIP funding be targeted to innovative projects where the difference between the area median income and the median sales price for a single-family home, and where population growth as a percentage rate of increase are the greatest. Projects must be funded in as many counties and regions of the state as is practicable.

#### ***Local Affordable Housing Advisory Committees***

The bill provides that membership in local affordable housing advisory committees is increased from 9 to 11 members by adding a citizen who represents employers within the jurisdiction, and a citizen who represents essential service personnel as defined in a local housing assistance plan. Local governments that receive a minimum allocation under the SHIP program may have an advisory committee with fewer members.

The bill authorizes the advisory committees to recommend comprehensive plan changes to their local governments. The committees must review the established policies and procedures, ordinances, land development regulations, and the adopted local comprehensive plan amendments every three years, and must submit a report to their local governments recommending and evaluating the implementation of affordable housing incentives. The committees may perform additional responsibilities related to affordable housing at the request of their local governments, including creating best management practices for the development of affordable housing in the community. Local housing and planning departments are directed to cooperatively staff the advisory committees.

### ***Public Housing Authorities Self-Insurance Funds***

The bill authorizes any two or more public housing authorities in the state to create a self-insurance fund for the purpose of self-insuring real or personal property against loss or damage from any hazard or cause, and against any loss consequential to such loss or damage. Public housing authorities who are members of a self-insurance fund created under this provision are exempt from the assessments imposed under the insurance risk apportionment plan, the Florida Insurance Guaranty Association Act, and the Florida Hurricane Catastrophe Trust Fund.

### **Public Records**

HB 541 as originally filed imposed new restricted definitions on the time allotted for local governments to respond to public records requests by using the term "promptly". The sponsors of HB 541 and SB 1760, Rep. Shelley Vana and Senator Charlie Justice agreed to amend language clarifying that a prompt "acknowledgement" (rather than a prompt "response") of a public records request is to be required. Additional language of concern requiring the designee of public records to be available to respond to requests to inspect and copy records during regular business hours was also removed as it did not provide for instances when the designee may be absent from the office.

HB 63 creates a public records exemption for documentation, written requests and time sheets for employees that are granted leave due to incidents of domestic violence. This exemption relates to personal identifying information that is contained in records documenting an act of domestic violence and submitted to an agency by an agency employee in order to obtain leave. The employee's leave request shall remain exempt until 1 year after the leave has been taken.

### **Broward and Palm Beach Counties' Boundaries "The Wedge"**

CS/HB 1315 revises the boundary lines of Broward and Palm Beach Counties to transfer approximately 1,949 acres from Palm Beach County to Broward County. The bill also annexes approximately 470 acres of the 1,949 acres into the City of Parkland in Broward County. Land use and zoning designations for the 1,949 acres remain in effect until the entity with jurisdiction after the effective date of this bill makes a change. All development orders, permits, and licenses in existence on the effective date of this bill remain in effect and shall continue under the terms of their issuance notwithstanding the transfer of lands to Broward County.

Public roads and the associated rights-of-way within the 1,949 acres that are the subject of this bill are transferred to either Broward County or the City of Parkland. On the effective date of this bill, Broward County is responsible for and embodied with all powers in the State Constitution, Florida Statutes, and the Broward County Charter with respect to the 1,479 acres transferred from Palm Beach County. The City of Parkland is responsible for and embodied with all powers in ch. 166, F.S., and as



otherwise provided by law, with respect to the 470 acres annexed by the city in this bill.

In addition, this bill provides a savings clause for contracts entered into prior to the effective date of the bill. This bill provides for the payment or apportionment of public debt pursuant to an interlocal agreement executed by Broward and Palm Beach Counties before September 30, 2007. It also provides a severability clause. Finally, the effective date of the bill is conditioned on the latter of the: Date of the issuance of a final order by the Department of Community Affairs finding a specified plan amendment to Palm Beach County's comprehensive plan to be in compliance with Florida Statute; Issuance of a final order by the Administration Commission finding the plan amendment in compliance with s. 163.3184; Abandonment by Palm Beach County of the road rights-of-way identified in the bill and expiration of any appeal of the abandonment, or issuance of a final order confirming abandonment which is issued by a court of competent jurisdiction if there is an appeal.

## **Venomous Reptiles**

### **SB 2766 — Venomous Reptiles and Reptiles of Concern**

SB 2766 filed prohibits unlawful capturing, keeping, possessing or exhibiting of venomous reptiles and reptiles of concern. The bills add the new category of "reptiles of concern" to be established by December 31, 2007 by the Fish and Wildlife Conservation Commission that will include venomous, nonvenomous, native, nonnative or other reptiles that require additional regulations due to their habits, status, or potential to impact humans or the environment. This new category will be subject to regulations and include an annual license fee of \$100. Fines and penalties for violations are increased to fund the education and enforcement purposes. The bill appropriates \$75,000 from the State Game Trust fund for FY 2007/08 to the commission for the initial costs associated with the additional regulatory responsibilities. These provisions take effect July 1, 2007.

## **BILLS SUPPORTED BY THE COUNTY** **THAT DID NOT PASS**

### **Traffic Safety Photo Enforcement**

HB1247 relating to Uniform Traffic Control passed through one Committee of reference with a vote of 14-0 but it still met strong opposition by leadership. This bill was significant in two respects; it authorized counties and municipalities to enact ordinances permitting the use of traffic infraction detectors, and it allocated \$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**

Although two stem cell research bills passed through two of their five committees of reference, neither was heard on the floor during this legislative session. SB 750 by Senator Geller allocated no less than \$20 million a year in state money for embryonic, amniotic and adult stem-cell research for 10 years. SB 2496 by Senator Mike Haridopolos did not prohibit embryonic stem-cell research altogether, just the use of state money. Despite strong support for stem cell research by the Governor, there was no funding allocated in the budget.

### **Trauma Care for Individuals in Multi County Areas**

Our Lobbying Team continued to work to develop a strategy to reconcile trauma care patient reimbursements. Legislative language was drafted 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. There was difficulty finding an appropriate bill and a bill sponsor to amend legislation during this session.

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

SB 938 would have required the Department of Health in conjunction with the Department of Corrections and the Department of Juvenile Justice to develop a plan to address HIV prevention, testing and treatment of certain persons in the custody of the Department of Corrections or Juvenile Justice.

HB 401/ SB 370 on HIV Inmate Testing advanced unanimously through two of its Senate committee stops and the House bill was workshopped in it's first committee; however, we were unable to secure an opportunity to hear the bill on the floor of either chamber.

### **Retinoblastoma**

SB 366/ HB 833 relating to infant eye care would have required certain eye examinations for all infants born in hospitals in the state and that health insurance policies must include certain eye examinations.

### **Towing Bill**

CS/HB 93/ SB 1006 relating to wrecker services would have created the Wrecker Operator Advisory Council that would provide recommendations regarding the need for a certification and training program for wrecker operators. It continued to allow local government's to set maximum rates for towing. The bills would have required that wrecker operators accept at least two forms of payment including cash, personal checks or credit cards. The bills also included criminal offenses and infractions penalizing wrecker operators who towed vehicles without proper dispatch authorization by the property owner or law enforcement.

### **Dangerous Dog Definition**

Proposed changes to F.S. 767.11 in the dangerous dog definition to remove the words "more than once" from the number of times a dog could severely injure or kill a domestic animal while off the owner's property was withdrawn from bill drafting after concerns were raised from animal right organizations who would not support this change on a statewide level. However, they would support this change in Palm Beach County because of confidence in our Animal Care and Control Division to exercise good judgment and provide a good testing ground for other counties. Animal Care and Control will move forward with efforts to change the dangerous dog ordinance locally.

### **Exemption from Public Records/Animal Care & Control Officers**

Efforts are underway to include exemptions of public records for Animal Care and Control Officers in a larger public records exemptions bill to be addressed in an interim project and filed next session.

### **Deadly Force Definition/Use of Dart Firing Stun Gun**

Sponsorship was secured for the amendment to include the taser dart firing stun gun in the definition of less lethal munitions in SB 350. However, the bill was not heard in its last committee of reference.

### **Good Samaritan Legislation**

House staff reviewed Palm Beach County's request to amend F.S 768.13(3) (d) that deletes the word "gratuitously" to protect certain individuals from legal action resulting from work during a declared state of emergency. Legislative staff will continue to work with the County on drafting other revisions that would single out specific situations where "Good Samaritan" protections could be provided in a separate paragraph in statute as opposed to amending existing statutory language.

## **BILLS OPPOSED BY THE COUNTY THAT DID NOT PASS**

### **Charter County Preemption Legislation**

HB 791 would have prohibited certain charter amendments from being effective within municipalities unless approved by both a majority of municipal and charter county electors and would have eliminated the authority of chartered counties over municipalities and districts with regard to comprehensive planning and land development regulation.

### **Moving Bill**

HB 765 relating to Household Moving Services would have provided for state regulation of movers of household goods preempting county ordinances currently in effect in Palm Beach, Broward, Miami-Dade and Pinellas Counties.

### **Fire Hydrants**

SB 2054 had several amendments filed which would have provided a requirement that fire hydrants have a device installed that prevents the contamination of the water supply. This amendment which was ultimately withdrawn would have had a fiscal impact of approximately \$15 million to Palm Beach County.

### **Impact Fees**

SB 576 would have amended the impact fee legislation adopted last session that was the product of the Impact Fee Review Task Force. The bill would have added an additional requirement that an impact fee ordinance addresses credits and would have prohibited the collection of impact fees before a certificate of occupancy is issued.

### **Article V**

SB2062 would have moved control of the \$2 technology fee from the Board of County Commissioners and placed the funds with the Clerk of Court and designated the authority of how those funds were spent with the chief judge. However, the counties would still be responsible for costs not covered by the fees.

### **Wetlands Mitigation**

HB 957 was amended to preempt local government wetlands regulation. It was further amended to strip out the preemption. The bill later died in messages.

## **BILLS OPPOSED BY THE COUNTY THAT DID PASS**

### **Cable Franchising**

#### **CS/CS/HB 529 — Cable TV/Video Service Franchises**

HB 529 relating to Cable TV and Video Franchising Services establishes statewide cable and video franchises issued by the Department of State, and designates the state as the franchising authority. An incumbent cable or video service provider is immediately eligible to apply for a state-issued certificate of franchise authority and terminate its existing franchise. Local governments that have an office dedicated to responding to customer complaints may continue to do so until July 1, 2009, when the Department of Agriculture will assume sole customer complaint authority.

The same number of public, educational and government (PEG) channels that the county or municipality has activated under the current franchise agreement as of July 1, 2007 must be provided by new certificate holders. A PEG channel is considered activated when there are at least an average of 10 hours a day of programming and 5 of those hours are non repeat programming. A service provider may locate any PEG channel on its lowest digital tier of service and must notify its customers and the applicable county or municipality at least 120 days prior to relocation of an applicable educational or government access channel. For counties and municipalities that receive support for PEG channels, this support must continue until the earlier of the expiration of the existing agreement or July 1, 2012 using a formula that provides the support on a per subscriber basis.

Upon request of a county or municipality, a certificate holder shall provide within 90 days after receipt of the request, one active basic cable or video service outlet to K-12 public schools, public libraries, or local government administrative buildings. These services shall not be available in an area viewed by the general public and may not be used for any commercial purpose.

No franchising authority, state agency or political subdivision may impose any buildout, system construction or service deployment requirements on a certificate holder. The bill prohibits discrimination against subscribers based on race or income, and provides a new section in the Deceptive and Unfair Trade Practices Act to enforce this provision.

## **Article V**

### **SB 1088 – Due Process**

This bill provides for offices of criminal conflict and civil regional counsel to be created in place of private attorneys currently utilized to represent indigent and other eligible persons in certain cases where a public defender is unable to provide representation due to a conflict of interest. The bill creates five regional offices to be located within the boundaries of the five district courts of appeal, and requires each respective county to provide facilities and technology to the regional offices. Under these provisions, Palm Beach County is required to provide and fund office space, computers, communications and security for 20 employees without the creation of a new revenue source to fund such expenditures. The County currently provides these services to the Public Defender's Office funded partially by the \$2 Court Technology Fee that provides revenue for approximately half of the actual costs. The Senate General Appropriations Act appropriates for the 2007-08 fiscal year \$1.1 million for equipment and computers for the regional counsels and \$1.1 million for rent. These dollars will only mitigate for the first year this recurring financial obligation. The regional offices are administratively housed in the Justice Administrative Commission. Under this bill, local indigent services committees are eliminated and caps for private attorney fees will be set each year in the General Appropriations Act.

## OTHER BILLS OF INTEREST TO THE COUNTY

### ECONOMIC DEVELOPMENT

#### Entertainment Industry Economic Development

HB 1325 amends the Entertainment Industry Financial Incentive Program by creating a program that better meets the industry's need. HB 1325 provides a \$25 million appropriation that will revert after two fiscal years, rather than one fiscal year. This additional time will provide productions the ability to plan ahead and provide greater flexibility for filming between fiscal years.

There are three separate queues created by HB 1325. A General Production Queue that includes TV, film, commercials, and music videos provides a 15 percent incentive payment for TV and film productions. To qualify, these productions must have a minimum of \$625,000 in qualified expenditures and may receive an incentive award up to \$8 million per production. An Independent Florida Filmmaker Queue provides a 15 percent award to qualified films or documentaries. To qualify a production must be no less than 70 minutes in length, all postproduction must be performed in Florida, and the production must have a minimum of \$100,000 in qualified expenditures but no more than \$625,000. A Digital Media Project Queue provides a 10 percent award on qualified expenditures, or no more than \$1 million. To qualify under this queue a production must have a minimum of \$300,000 in qualified expenditures. The effective date of this bill is July 1, 2007.

#### Agritourism

CS/HB1427 deals with a variety of issues under the topic of agriculture. This bill:

- Allows the Department of Agriculture and Consumer Services to provide advice and support relating to agritourism to the Florida Commission on Tourism and a variety of local governmental entities;
- Encourages farms to engage in agritourism and specifies that agritourism shall not remove or limit the land's agricultural (Greenbelt) tax assessment;
- Directs local governments and agricultural representatives to meet and discuss the benefits of agritourism to local economies.

## **ELECTIONS**

### **Verifiable Paper Trail Ballot**

HB 537 related to election reform provides for a number of provisions to the elections process.

#### ***Voting Systems /Paper Ballots***

By the fall primary election of 2008, all voters except disabled voters must utilize a marksense ballot with an optical scan voting system. Voting for disabled voters must meet this requirement by 2012 until which they can continue to vote on touchscreen machines. Early voting sites may employ a ballot-on-demand system to print individual marksense ballots for eligible electors. The cost for these new machines is slated to come from \$27.86 million in the HAVA (Help America Vote Trust Fund); however, in order to receive a portion of these funds, the County must authorize procurement of the new equipment and the sale or exchange of the old touch screen equipment to the Secretary of State. If the County chooses to opt out of this provision, they must file notice with the Department of State no later than June 30, 2007. The bill also requires that canvassing boards conduct an audit of randomly selected precincts in one randomly selected race immediately following certification of an election.

#### ***Primary Dates***

The Florida Presidential Primary date is moved from the second Tuesday in March to the last Tuesday in January during a presidential preference primary date. The bill also authorizes municipalities to adopt by ordinance a change in the municipal elections to coincide with the new presidential primary date.

#### ***Changes to Other Issues Include***

Initiative Petition Signature Gathering and Revocation, Resign to Run Exemptions, Write-In Candidate Qualifying, Minor Political Party Primary Elections, Third Party Voter Registration Group Requirements, Absentee Ballot Requests, Political Party Internal Procedures, Florida Elections Commission Procedures and Campaign Finance.



## **ENVIRONMENTAL RESOURCES**

### **Watershed Restoration**

SB 392 amends provisions related to the uses of the Save Our Everglades Trust Fund and the Lake Okeechobee Protection Program. In addition, new watershed restoration programs are established for the St. Lucie and Caloosahatchee Rivers.

#### ***Lake Okeechobee Protection Program***

The bill renames this section the "Northern Everglades and Estuaries Protection Program." In addition, the Lake Okeechobee Protection Program and Lake Okeechobee Research and Water Quality Monitoring Program are renamed to include the term "watershed." Additional changes to the Lake Okeechobee Research and Water Quality Monitoring Program include requirements that reevaluations occur every three years and that a water volumes and timing assessment be done.

The bill provides that the Phase II technical plan, substantially expanded and modified by this legislation, be submitted to Legislature prior to the 2008 Regular Session. Should the Legislature take no action the plan will be deemed approved.

### **Comp. Everglades Restoration Plan (Sen. Aronberg)**

SB 2770 requests the U.S. Congress to fully authorize the conditionally approved projects in section 601 of the Water Resources Development Act of 2000 and the Indian River Lagoon and Picayune Strand projects in the Comprehensive Everglades Restoration Plan and provide funding for the federal share of the full and equal partnership.

### **Herbert Hoover Dike Improvements (Rep. Vana)**

SB 1680 urges the United State Congress to authorize improvements to the Herbert Hoover Dike surrounding Lake Okeechobee that would bring the dike into compliance with current levee protection safety standards.

### **Environmental Protection**

SB 2052 addresses numerous issues related to environmental regulation and the powers and duties of the Department of Environmental Protection (DEP). The following provisions most significantly impact Palm Beach County:

### ***Storm Debris Management***

The bill provides for the management of storm-generated debris resulting from a storm event that is the subject of an emergency order by the DEP. The management plan will include the recycling and reuse of storm-generated vegetative debris to the greatest practicable extent in accordance with DEP regulations.

### ***Landfill Closure***

The bill amends s. 403.7125, F.S., to limit the use of an escrow account for the closure of a landfill to those landfills owned or operated by a local, state, or federal government. An owner or operator of a landfill owned or operated by a local or state government or by the Federal Government may provide other means of financial assurance to the DEP in lieu of the escrow account.

## **Beach and Shore Preservation**

SB 1472 provides for the Department of Environmental Preservation to issue permits for dune restoration projects that utilize geotextile containers also known as sandtubes restricting their use for emergency rigid coastal armoring. The bill also provides for the DEP to develop and maintain an inventory of identified offshore sand sources as part of its' comprehensive long-term management plan, and allows for boards of county commissioners of coastal counties adjacent to the sand sources proposed for use outside of the region to be notified and given adequate opportunity to comment during the project's planning and permitting stages.

## **FINANCE & TAXATION ISSUES**

### **FRS/Retirement Contribution Rates**

HB 7085 establishes the employer payroll contribution rates to be charged by the participating public employers in the Florida Retirement System for FY 2007-2008. The bill continues the current year rates that became effective July 1, 2006. The bill also sets the default rates for the succeeding fiscal year in the event there is no legislation forthcoming during the 2009 Regular Session.

**Current and Proposed FRS Payroll Contribution Rates  
(Percent of Gross Compensation)**

Retirement Class	FY 2008 Rates (Proposed)	FY 2009 Rates (Default)
Regular	8.69	9.59
Special Risk	19.76	22.01
Special Risk - Adm. Spt.	11.39	11.90
Elected Officers - State	13.32	14.09
Elected Officers - County	15.37	17.15
Elected Officers - Judges	18.40	20.46
Senior Management	11.96	13.35
DROP	9.80	10.89

**Homestead Exemption for Low Income Seniors**

HB 333 revises the amount of additional homestead exemption for low-income seniors in accordance with an amendment to s. 6(f), Art. VII of State Constitution adopted at 2006 general election authorizing local government to increase the maximum amount from \$25,000 to \$50,000.

**Local Governments/Authorized Investments**

Since 1988, the State Board of Administration has been authorized to invest a portion of the funds available for investment, which is no more than 25 percent of any fund, in rated or unrated bonds, notes, or instruments backed by the full faith and credit of the government of Israel. SB 2224 amends current law to authorize local governments to invest surplus public funds in instruments backed by the full faith and credit of the government of Israel. The effective date of this bill is July 1, 2007.

**GROWTH MANAGEMENT**

**Growth Management**

A significant growth management bill passed during the 2005 Legislative Session (SB 360) which made a number of changes to concurrency requirements of local comprehensive planning, particularly with regard to transportation capacity. A number of those changes now are perceived by many in the development community and the Department of Community Affairs (DCA) as having unintended consequences. This year's bill, HB 7203, eases a number of restrictions that SB 360 put in place two years ago and clarifies others to avoid unintended consequences of SB 360.

**Concurrency**

- Revises the definition of "financial feasibility" to provide that a local comprehensive plan is financially feasible for purposes of transportation and school concurrency "if it can be demonstrated that the level-of-service standards will be achieved and maintained by the end of the planning period even if in a particular year such improvements are not concurrent." The bill also provides

that funding of improvements that “significantly benefit” an impacted transportation facility will satisfy the concurrency requirement regardless of the failure of concurrency on other impacted facilities.

- Establishes that financial feasibility applies to the 5-year planning period, except for long-term transportation or school concurrency management systems, in which case a 10-year or 15-year period applies.
- Extends the deadline by one year, to December 1, 2008, for local governments to begin the annual process of updating their capital improvements schedule. Under current law, if the annual update to the capital improvements schedule is not in compliance, DCA must notify the Administration Commission. This requirement is deleted in the bill.
- Provides that a comprehensive plan is financially feasible and will be deemed to have achieved and maintained level-of-service standards with regard to transportation facilities if, at a local government’s discretion, a plan amendment is supported by a development-of-regional impact (DRI) development order condition that addresses proportionate fair-share mitigation, or a binding agreement that addresses proportionate fair-share mitigation and the property subject to the amendment is located in an area designated as urban infill, urban redevelopment, downtown revitalization, or urban service area, and the agreement is based on the maximum amount of development identified in the future land use element.
- Allows counties or municipalities, under certain circumstances, to establish “transportation concurrency backlog authorities” which will adopt and implement plans to eliminate all identified transportation backlogs within a designated area, and allowing tax increment financing to be used for that purpose.
- Allows a development to proceed, regardless of inadequate classroom capacity, if there are accelerated facilities in an approved capital improvements element scheduled for year four or later that will, when built, mitigate the proposed development, or if the developer enters into a binding financially guaranteed agreement with the school board to construct an accelerated facility within the first 3 years of an approved capital improvement plan and the cost of the school facility is equal to or greater than the development’s proportionate share. The bill also provides that when the completed school is transferred to the school district, that the developer receives impact fee credits usable in the zone where the constructed or any attendance zone contiguous with or adjacent to it.

#### ***Developments of Regional Impact***

- Extends for an additional 3-years all phase, buildout, and expiration dates for DRIs under “active construction” as of July 1, 2007, regardless of any prior extension, and provides that the additional 3 years is not a substantial deviation, is not subject to further DRI review, and may not be considered when determining whether a subsequent extension is a substantial deviation.
- Extends the maximum duration of a development agreement to 20 years, from the current 10.
- Current law provides that “when authorized by a local comprehensive plan,” a multi-use DRI may satisfy transportation concurrency requirements by payment

of a proportionate-share contribution for local and regionally significant traffic effects, as well as other criteria. The bill eliminates the discretion of the local governments, by deleting the language in quotation marks above.

#### ***Proportionate-share mitigation***

- Limits proportionate-share mitigation to ensure that a development is required to mitigate the impacts of that development on the transportation system, but not any additional costs of reducing or eliminating backlogs.
- Allows proportionate fair-share mitigation to be used for "pipelining" or multiple transportation improvements reasonably related to the development and those improvements may address one or more modes of travel.

#### ***Conservation Lands***

- Provides that conservation easements will survive the issuance of a tax deed.
- Allows local governments to use tax increment financing to acquire or preserve conservation lands.

### **LOCAL GOVERNMENT FISCAL ISSUES**

#### **Relief/Jennifer Graham/PBC Sheriff's Office**

SB 72 compensates Jennifer Graham for injuries and damages sustained as the result of negligence by a deputy sheriff of the Palm Beach County Sheriff's Office when she was struck by a vehicle driven by a deputy sheriff. Based on a settlement agreement, the Palm Beach Sheriff's Office has agreed to pay a total of \$950,000, \$100,000 of which has already been paid by the Sheriff's Office. The bill awards the amount of \$850,000 to be paid over three years. The bill requires Ms. Graham to purchase structured annuities and educational funds for her three minor children.

### **PERSONNEL ISSUES**

#### **Worker's Compensation for First Responders**

SB 746 decreases the standards required by current law that determine worker's compensation benefits to first responders for employment related accidents and injuries. The most significant changes lower the standard of proof for toxic substance exposure and occupational disease. In the case of mental or nervous injury, payment can be authorized without a physical injury requiring medical treatment. The bill designates that any adverse reaction caused by a requirement to receive a smallpox vaccination to be an injury arising out of work performed in the course and scope of employment. It eliminates the six month limitation on temporary total disability benefits for compensable mental or nervous injuries and extends the payment of permanent total disability payments beyond the age of sixty-two if the public employer did not participate in the social security program, regardless of any alternate

retirement program offered. The definition of first responders includes law enforcement officers, firefighters, EMT, paramedic or volunteer firefighters.

### **Veterans' Public Employment Preference (Rep. Sachs)**

HB 699 relates to the public employment preference for veterans. This bill repeals s. 295.101, F.S., thereby requiring government employers to grant the veterans' employment preference to eligible individuals each time an employment application is submitted for a non-exempt government position, even if the eligible person was previously employed by a government entity in Florida after claiming the veterans' preference.

## **PLANNING, ZONING, AND BUILDING**

### **Regulation of Building Inspection Professionals**

SB 2234 establishes license and fee requirements for home inspectors that provide Home Inspection Services for a fee or other compensation. Requirements to obtain a license include the completion of a 120 hour course study which will be approved by the Department of Business and Professional Regulation. Examination fees shall be limited to \$125 plus the per applicant cost of the examination to the department. The bill exempts governmental employees, officers appointed by the courts, utility safety inspectors and certified energy auditors.

### **Public Project Construction**

HB 1489 provides requirements for the performance and payment bonds that are required for formal contracts with any public authority for the construction of a public building, the prosecution and completion of a public work, or repairs of a public building or public work. The bill permits a public owner to set the amount of a payment and performance bond at the largest amount reasonably available if the contract exceeds \$250 million and a bond in the amount of the contract price is not reasonably available.

## **PUBLIC SAFETY ISSUES**

### **Fireworks Safety**

SB 1372 addresses numerous issues related to agriculture and the powers and duties of the Department of Agriculture and Consumer Services (DACS). Two issues are of specific relevance to Palm Beach County.

#### ***Fireworks Taskforce***

This bill creates the Consumer Fireworks Taskforce created to study and evaluate issues relating to fireworks including; proper use of consumer fireworks, regulation of sales and temporary sale facilities for consumer

fireworks including the regulation of hours, and funding options for fire official training and education. The Taskforce will consist of eight members including one nominee recommended by the Florida Association of Counties. A report of the Taskforce recommendations shall be submitted to the President of the Senate and the Speaker of the House by January 15, 2008.

### ***Regulation of Pesticides***

The bill amends s. 487.041, F.S., to require pesticide registrants to file certain information with the department including: the name, business mailing address, and street address of the registrant, the name of the brand of pesticide, and an ingredient statement and a complete copy of the labeling accompanying the brand of the pesticide.

### **State Hospital Costs for Mentally Ill Inmates**

On January 10, 2007, the Legislative Budget Commission voted to fund an additional \$16.6 million for a projected 373 mental health treatment beds to assist the Department of Children and Families in meeting the 15 day statutory deadline in the transfer of mentally ill inmates from county jails to psychiatric hospitals.

### **Zero Tolerance Mitigation**

SB 1792 provides judges and law enforcement officers with additional "tools" to hopefully reduce the local financial impact of the Department of Corrections' zero-tolerance policy. First, it permits the chief circuit court judge to direct their department to use a technical violation notification letter in lieu of a violation report, affidavit, or warrant when the alleged violation is not a felony or misdemeanor. Secondly, it allows the committing trial court judge to issue a notice to appear to an alleged violator in lieu of a warrant for arrest, as long as the alleged offense does not fall under one of the qualifying offenses defined in the Anti-Murder Act. Finally, it authorizes parole or probation officers (state employees) to serve such notices to appear. All of this is geared towards reducing, and if at all possible, eliminating the time offenders who have allegedly committed only minor offenses spend waiting to see a judge in jail.

## **TRANSPORTATION**

### **Transportation**

HB 985 addresses a number of transportation issues related to the Florida Department of Transportation (FDOT) and other entities. Numerous sections of law are amended or created.

### ***Florida Transportation Commission***

Section 20.23, F.S., is amended to require the Florida Transportation Commission to monitor expressway authorities and regional transportation authorities' compliance with applicable laws and accounting principles. The commission will periodically review each authority's operations and budget, property acquisition practices, and management of revenue.

### ***Metropolitan Planning Organizations***

Statutes are amended to clarify Metropolitan Planning Organizations (MPOs) are separate and distinct legal entities, provide autonomy to MPOs by requiring independent staff and granting specific powers and authority, and provide MPO staff eligibility to participate in the Florida Retirement System.

### ***Transportation Concurrency***

Section 163.318(e), F.S., is created, allowing FDOT to establish a pilot program for studying the benefits of and barriers to creating multimodal transportation concurrency districts extending over more than one local government jurisdiction.

Section 163.3182, F.S., is created to allow county or municipal governing bodies to constitute themselves as transportation concurrency backlog authorities for the purpose of developing plans to eliminate concurrency backlogs. Such plans would be funded by tax increment financing within the jurisdiction. Section 339.282 is created to allow developers to receive future credit against concurrency requirements for donations or improvements not included in a plan or program, through legally binding agreements.

### ***Local Government Bond Issuance***

Sections 212.055 and 336.025, F.S., are amended to remove prohibitions on local governments from issuing bonds more than once a year when those bonds are based on local government infrastructure tax or local option fuel tax revenues.

### ***Fixed Guideway Revenue Bond Match***

Section 212.055, F.S., is amended to revise the formula used by FDOT for matching fixed-guideway revenue bonds issued to finance local fixed-guideway transit projects. Rather than a fixed 50 percent match, the revision allows for various matching scenarios up to a limit of 50 percent on the State's share of the eligible project cost to allow FDOT to participate when state funds are not adequate to fund a 50 percent match.

### ***Turnpike FDOT Toll Facility Issues***

Section 338.2275, F.S., is amended to raise the maximum allowable dollar amount of bonds issued by the Florida Turnpike Enterprise from \$4.5 billion to \$10 billion.



Under revisions to s. 338.161, F.S., the turnpike enterprise and expressway authorities may contract with private and public entities to expand the use electronic toll transponders to include the payment of parking fees. Section 338.231, F.S., is amended to extend, through June 2017, the requirement for the turnpike enterprise to program at least 90 percent of the turnpike toll revenues collected in Miami-Dade, Broward, and Palm Beach Counties in those counties.

#### ***Enhanced Bridge Program***

The bill creates s. 339.285, F.S., to establish the Enhanced Bridge Program for Sustainable Transportation within FDOT to provide a funding mechanism to improve:

- Local bridges which are not on the State Highway System (SHS), and
- Highly congested roads on the SHS or local roads with high-cost bridges for the purpose of relieving congestion or providing an alternative corridor.

The program allows for state funds to be used to provide up to 50 percent of the project's cost and authorizes the expenditure of moneys from the State Transportation Trust Fund to fund the program. The bill also establishes a number of eligibility conditions for candidate projects. Bridge projects on regionally significant corridors connecting to the Strategic Intermodal System will receive preference.

#### ***Public-Private Partnerships***

Revisions to s. 334.30, F.S., establish additional criteria allowing FDOT to enter public-private partnerships (P3s) to advance projects outside of the 5-year work program.

With the exception of the Florida Turnpike System, FDOT may lease its existing toll facilities to private partners for up to 75 years upon approval of the Legislative Budget Commission. FDOT may develop new toll facilities or increase capacity on existing toll facilities through P3s. Up to 15 percent of the total federal and state funds from the State Transportation Trust Fund may be obligated to P3s.

Revisions are made to s. 348.0004, F.S., addressing the ability of expressway, bridge, transportation and toll authorities to enter P3s for projects increasing transportation capacity. Such authorities may sell or lease any transportation facility owned by the facility upon approval of the Legislative Budget Commission. The project may not preclude the ability of the authority or the private entity from increasing capacity on the project or other competing facilities and the P3 project must become property of the authority upon completion of the agreement.

#### ***Construction Aggregates (Mining)***

HB 7121 would have prohibited any county or municipality from enforcing any ordinance, resolution, regulation, rule, policy or other action which prohibits or prevents the construction or operation of a limestone mine on lands where mining is permissible or the land is zoned for mining. Compromise language was amended into HB 985 that no local government may impose a moratorium of more than 12 months'

duration on the mining of construction aggregate materials commencing on the date the vote was taken to impose the moratorium. January 1, 2007 shall serve as the commencement of the 12-month period for the moratoria already in place as of July 1, 2007. The Strategic Aggregates Review Task Force is created to evaluate the availability and disposition of construction aggregate materials and related mining and land use practices. The Task Force is to identify locations with significant concentrations of the materials and recommend actions ensuring the materials' continued extraction and availability. The Task Force is to report this information to the Legislature and the Governor by February 1, 2008.

#### *Aviation*

Section 332.007, F.S., is amended to allow FDOT to fund up to 80 percent of the non-federal share of certain aviation development projects at publicly owned and operated airports with no scheduled commercial service. The Secure Airports for Florida's Economy Council is revised removing state agencies from the council. However, the agencies retain the ability to overrule any action of the council.

#### *Miscellaneous Issues*

Several miscellaneous issues are addressed in the bill:

- The amount of local matching funds required for projects funded through the Small Port Dredging program under s. 311.22, F.S., is reduced from 50 percent to 25 percent.
- Revisions to s. 316.2123, F.S., allow counties to allow the operation of all terrain vehicles on designated unpaved roads with speed limits less than 35 miles per hour during daylight hours.
- Section 339.2819, F.S., is amended, revising the requirements of the Transportation Regional Incentive Program to allow the use of federal funds for the local match of public transportation projects.
- Under revisions to s. 339.55, F.S., the State Infrastructure Bank is authorized to make emergency loans to specified public transportation providers in declared disaster areas.
- Local governments are provided authority to regulate wall murals by the creation of s. 479.156, F.S.
- Section 341.071, F.S., is amended to require recipients of transit block grants to identify system improvements that would enhance profitability.
- The threshold established in s. 336.41, F.S., at which county construction contracts must be opened to competitive bidding is raised from \$250,000 to \$400,000.

## **South FL Regional Transportation Authority**

SB 606 revises the South Florida Regional Transportation Authority (SFRTA) Act:

- It allows the SFRTA to issue, reissue or redeem bonds as necessary for funding purposes.
- The bill clarifies that each of the counties served by the SFRTA must dedicate and transfer at least \$2.67 million to the Authority for capital funding and clarifies the annual transfer requirement from \$1.56 million to \$4.3 million that each of the three counties dedicate and transfer for operating costs.
- It deletes the authorization allowing the three counties to collect a \$2 annual license tax fee upon approval by referendum.
- The bill also specifies that at least \$45 million of the local option recurring revenue source may be directed to the Authority to fund capital, operating and maintenance expenses if the counties identify the recurring funding source and extends the date from 2009 to 2015 that local capital for the Authority ceases if no matching federal funds have been received.

## **Local Bills**

### **Town of Loxahatchee Groves**

HB 775 amends the 2006 special act which established the Town of Loxahatchee Groves and provided its charter. The bill revises the legal description for the Town of Loxahatchee Groves to clarify that a parcel of property is excluded from the city limits. This action is in response to concerns raised by the Palm Beach County Property Appraiser's office that the current legal description, which involves a rather lengthy account after the words "less and except" in paragraph (a) of subsection (3) of s.1 of ch. 2006-328, L.O.F., could be interpreted to not include a piece of land described in a separate paragraph and so adds the term "also less" to prevent that result.

Additionally, the bill revises transition language which addresses the applicability of Palm Beach County ordinances within the Town of Loxahatchee Groves. It clarifies language with regard to the granting of variances to existing Palm Beach County ordinances, rules and regulations within the town and adds language which provides for such to be granted if authorized by the Palm Beach County Charter.