

Agenda Item #: **4A-2**

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

REVISED BACKUP

AGENDA ITEM SUMMARY

Meeting Date: June 4, 2013

Consent Regular
 Public Hearing

Department: Legislative Affairs Office

Submitted By: Legislative Affairs Office

Submitted For: Legislative Affairs Office

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Presentation of the 2013 Legislative Session final report by the Palm Beach County Legislative Affairs Office and the Palm Beach County Legislative Delegation Chair, Representative Mark Pafford.

Summary: A presentation of the final legislative report reviewing Palm Beach County's 2013 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

Background and Policy Issues: A presentation of the final Session report with participation by Palm Beach County's lobbying team and Delegation Chairman for the 2013 State Legislative Session.

Attachments:

- 1. Final 2013 State Legislative Report

Recommended by: Neil A. Jensen 5/29/13
Department Director Date

Approved By: [Signature] _____
County Administration Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: N/A

Fiscal Years	20 <u>13</u>	2014	2015	2016	2017
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____


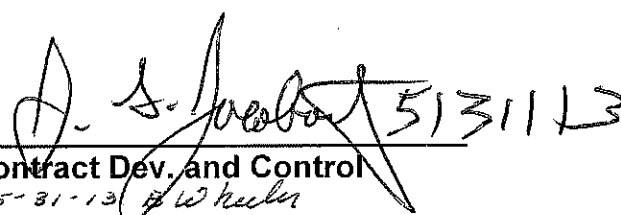
Is Item Included In Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Department _____ Unit _____
 Object _____ Reporting Category _____

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

 _____ OFMB 5/31/2013 5/31	 _____ Contract Dev. and Control 5-31-13 Wheeler
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B. Legal Sufficiency:



 Assistant County Attorney
 5/31/13

C. Other Department Review:

 Department Director

PALM BEACH COUNTY 2013 LEGISLATIVE SESSION FINAL REPORT



June 4, 2013



Palm Beach County Legislative Affairs Department
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BUDGET OVERVIEW

1. BUDGET ISSUES

1.1. 2013 GENERAL APPROPRIATIONS ACT

SB 1500 by the Senate Appropriations Committee

The General Appropriations Act for State Fiscal Year (SFY) 2014 totals approximately \$74.5 billion and represents roughly a \$4.6 billion increase from the previous state fiscal year with a portion of that increase, \$2.8 billion, placed in reserves. The chart below summarizes a comparison of expenditures between SFY2014 and SFY 2013 by budget section.

Budget Comparison by Section*	State FY2013	State FY2014	<u>\$ Difference</u> State FY2013 vs. State FY2014	<u>% Difference</u> State FY2013 vs. State FY2014
Section 1. Education	1,491.08	1,609.47	118.39	7.94%
Section 2. Education	18,795.35	20,485.93	1,690.58	8.99%
Section 3. Health & Human Services	29,912.77	31,144.17	1,231.40	4.12%
Section 4. Criminal Justice & Corrections	4,191.23	3,832.58	(358.65)	(8.56%)
Section 5. Natural Res./Env./Growth/Transportation	11,329.79	12,520.71	1,190.92	10.51%
Section 6. General Government	3,870.22	4,455.71	585.49	15.13%
Section 7. Judicial Branch	446.20	443.99	(2.21)	(0.49%)
TOTAL BUDGET	\$69,893.64 (Post-Veto)	\$74,492.57 (Pre-Veto)	4,598.93	6.6%

**Amounts across and down do not equal due to rounding. Amounts include fixed capital outlay amounts, too.*

1.2. HEALTH AND HUMAN SERVICES

The Health Care budget represents the largest portion of the state budget. This year, the budget total for HHS exceeded \$31.1 billion (\$7.84 billion General Revenue and \$23.3 billion Trust Funds) with fixed capital outlay funds equaling \$26,565,754.

Due to an increase in Medicaid caseloads and price level adjustments, \$996.3 million was allocated to assist an estimated additional 95,018 Medicaid beneficiaries.

There was a 3.16% increase from last year to Substance Abuse and Mental Health Funding, totaling \$18.3 million from General Revenue. An additional \$2.3 million was provided to assist Community Substance Abuse Services for a total of \$16.2 million.

1.3. CRIMINAL JUSTICE AND CORRECTIONS

This area funds state jails, police and other first responders. The total budget for this area exceeds \$3.8 billion with fixed capital outlay funds equating to \$51,445,347. There was a reduction in funding this year due to the removal of the Clerks of Court from the state budget process, as they were prior to 2009.

A total of \$51.9 million provides funding for the Department of Corrections for the increase in prison population and respective health services. The Guardian ad Litem Program was provided \$3.8 million for volunteer enhancement to support the first step in this program's plan to serve all children in dependency.



To prosecute workers compensation fraud, the Legislature appropriated \$287,438 to fund 4 attorneys/paralegals for the 11th, 13th, 15th, and 17th Judicial Circuits.

An effort to improve the educational programs in residential juvenile justice facilities was appropriated at \$1.6 million while an additional \$2.7 million was appropriated to reduce counties' share of the juvenile detention costs.

1.4. NATURAL RESOURCES, ENVIRONMENT, GROWTH MANAGEMENT, AND TRANSPORTATION



This area revolves around state environmental protection, land buying, economic development, road and transportation projects, among others. The transportation, tourism and economic development budget, alone, equated to roughly \$11 billion.

Florida Forever and Everglades Restoration were each awarded \$70 million as well as an additional \$3 million for the Northern Everglades and Estuaries programs. Additionally, there was a significant increase from last year's \$22 million to this year's \$37.5 million for beach restoration funding.

The Legislature fully funded the Transportation Work Program at \$8.5 billion. County Transportation Programs received \$152 million, and the Economic, Community and Workforce Development Programs and Projects equated to a total of \$31.7 million.

1.5. GENERAL GOVERNMENT

This area of the budget deals primarily with governmental operations and administration. The total amount in this section is \$4,455,711,538 and \$106,155,049 for the fixed capital outlay.



1.6. JUDICIAL BRANCH

This area pays for our state courts. The total amount this year is \$443,990,791 with \$5,494,230 in fixed capital outlay money.

1.7. PALM BEACH COUNTY PRIORITY BUDGET ALLOCATIONS

Flooding issues – The budget includes an allocation of monies from the Water Management Lands Trust Fund in an amount of \$4 million to the South Florida Water Management District for J.W. Corbett Levee System Improvements.



Beach Restoration - The budget includes a total of \$37.5 million to fund projects of which almost \$6 million will go to Palm Beach County beaches.



Libraries - The budget includes funding for \$24.7 million in state aid to public libraries and \$1.5 million for Library co-ops.

Florida Forever & Everglades - \$70 million was included for Florida Forever and \$70 million for Everglades Restoration.

Petroleum Storage Tank Cleanup - \$125 million was provided for pre certification and fully funds the program. \$7 million is provided in the local funding portion of the program.

Belle Glade Road Resurfacing - \$1,000,000 was provided for road resurfacing in Belle Glade.

Torrey Island - \$75K was provided for master plan development of Torrey Island in the Glades but ultimately vetoed by the Governor.

Water Utilities Infrastructure Glades Area - \$1 million was provided for Palm Beach County Water Utility infrastructure replacement in the Glades area and it too was vetoed by Governor Scott.

Scripps Research Institute - \$100,000 was provided for tobacco research but was vetoed by the Governor.

2. BUDGET ITEMS OF INTEREST

2.1. EDUCATION

Palm Beach County School District

Palm Beach County Schools K-12 \$1,253,819,525

Florida Atlantic University

Florida Atlantic University - Autism Centers	\$713,387
Florida Atlantic University - Lottery Funds	\$16,731,350
Florida Atlantic University - Education & General Activities	\$117,802,916
Florida Atlantic University - Student Financial Assistance	\$399,658
Florida Atlantic University - Risk Mgmt. Insurance	\$1,555,218
Florida Atlantic University Medical School - Grants & Aids	\$14,535,791

Palm Beach State College

Palm Beach State College - Lottery Funds	\$10,001,436
Palm Beach State College - Program Funds	\$43,699,765
Palm Beach State College - Multipurpose Clsm/Admin Bldg, site - West Central (pe)	\$6,500,000

Public Broadcasting

WPBI-FM, West Palm Beach (Classical South Florida)	\$100,000
WXEL-TV, Palm Beach (Barry Telecommunications Inc)	\$307,447

Workforce Development

Public Schools Workforce Education Program Funds	\$18,633,199
Florida Goodwill Association	\$750,000

2.2. HEALTH

Health

Bethesda Hospital	\$3,629,325
Nicotine Addiction Drug Treatment - Scripps Research Institute	\$100,000
Adults with Disabilities - Vocational Rehabilitation	\$760,481

2.3. TRANSPORTATION

Aviation

Palm Beach Internatl Airport Rehabilitate Taxiway C	\$1,630,532
Palm Beach Lantana Airport Extend Itenerant Apron	\$1,000,000

Port of Palm Beach

Port of Palm Beach Port-Wide Slip Redevelopment	\$9,293,500
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Arterial Highway Construction

CR-A1A from Jupiter Beach Road to Saturn Street	\$1,255,999
Palm Beach County Primary Thermoplastic Striping	\$1,000,000
SR-708/Blue Heron Bl @ FEC Railroad Crossing RRX=272390P	\$4,735,800

Bridges

SR-5/US-1 & SR-A1A Replace Pedestrian Over Pass	\$2,913,973
SR-802/Lake Worth Rd Bridge #930104 & #930318	\$1,785,959

Construction Inspection & Consulting

SR-710/Beeline Hwy from W of Indiantown Rd to W of Pratt Whitney	\$3,505,400
SR-80/Palm Beach Rd from R/R Tracks (MP 3.439) to CR-880 (MP 18.210)	\$1,196,393

County Transportation Programs

SR-9/I-95 @ Donald Ross Road Various Locations	\$3,407,370
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Engineering

SFECC Corridor Transit Alt, from West Palm Beach to Jupiter	\$2,260,000
SR-710/Beeline Hwy from W of Indiantown Rd to W of Pratt Whitney	\$4,900,000
SR-9/I-95 from Broward/Palm Bch Co Line to Linton Blvd.	\$1,050,000

Highway Maintenance Construction

I-95 Asset Management Palm Beach County	\$3,498,400
Palm Beach County ITS ITS Maintenance	\$1,200,000
Palm Beach County Road Ranger Service Patrol	\$1,497,000
SR-25/US-27 Asset Management Contract US-27 & Belle Glade Area	\$1,549,778

Highway Safety Construction Grants

SR-80/Palm Beach Rd from R/R Tracks (MP 3.439) to CR-880 (MP 18.210)	\$14,572,068
SR-9/I-95 from N of 6th Ave to Lake Worth Road	\$1,984,832

Rail Development Grants

SFECC Corridor Transit Alt, from West Palm Beach to Jupiter	\$3,150,000
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Resurfacing

Resurface Tpk, MP 83 - 86.5, N of Atlantic to S of Boynton	\$4,113,618
SR-80/Hooker Hwy SR-15/441 to RR Tracks	\$3,345,000

Right-of-Way Land Acquisition

SR-710/Beeline Hwy from W of Australian Ave to Old Dixie Hwy	\$7,281,694
SR-80 from West of Lion Co Safari Rd to Forest Hill/Crestwood Bl	\$4,557,449
SR-80/Southern Blvd Bridges 930097 & 930098	\$1,010,977
SR-809/Military Trail @ Community Drive	\$1,421,000
SR-9/I-95 from North of Glades Road to South of Congress Ave	\$1,177,393
SR-A1A Flagler Memorial Bridge Bridge #930157	\$1,250,000

SIS/Intrastate Highways

I-95/SR-9 @ 10th Avenue North (Interim Interchange)	\$5,596,592
SR-710/Beeline Hwy from Palm Beach/Martin CL to W of Indiantown Rd.	\$10,866,148
SR-710/Beeline Hwy from W of Indiantown Rd to W of Pratt Whitney	\$31,588,613
SR-80/Southern Blvd from Royal Palm Beach Blvd to Dixie Highway	\$1,341,590
SR-9/I-95 @ Hypoluxo Road (Interim Interchange)	\$3,755,426
SR-9/I-95 @ SR-80/Southern Blvd And Belvedre Rd. Landscaping	\$1,589,160
SR-9/I-95 Woolbright Blvd (Interim Interchange)	\$7,939,526

Transportation Planning Grants

Palm Beach UPWP FY 2012/2013 & 2013/2014	\$1,070,721
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Turnpike System Equipment & Development

Account Management System	\$20,000,000
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Transit

Palm Beach County Block Grant Operating Assistance	\$4,296,042
Palm Tran Countywide Bus Purchase	\$3,000,000

2.4. ENVIRONMENTAL & NATURAL RESOURCES

Beach Restoration

Coral Cove Dune Nourishment	\$150,000
Jupiter/Carlin Segment-Palm Beach County Shore Protection Project	\$2,500,000
North Boca Raton Shore Protection Project	\$790,000
Ocean Ridge Segment-Palm Beach County Shore Protection Project	\$1,114,000
Singer Island Dune Project	\$550,000
J.W. Corbett Levee System Improvements	\$4,000,000
Lake Park - Lake Shore Drainage Improvements	\$200,000
Palm Beach County - Lake Worth Lagoon Lake Park Seagrass Restoration	\$125,000

Palm Beach County - Lake Worth Lagoon Monastery Artificial Reef MacArthur State Park Islands	\$150,000
Palm Beach County - Lake Worth Lagoon Monitoring and Administration	\$100,000
Palm Beach County - Lake Worth Lagoon North Palm Beach Living Shorelines	\$100,000
Palm Beach County - Loxahatchee River Preservation Initiative	\$1,300,000
Riviera Beach - West 18th 22nd Street Stormwater Laterals	\$500,000
Riviera Beach - West 6th Street Stormwater Improvements	\$500,000
Palm Beach County Water Treatment Project - Glades Area	\$1,000,000

2.5. PARKS & RECREATION

Town of Hypoluxo - Hypoluxo Shores Park, Ph. II	\$50,000
Town of Juno Beach - Beach Access	\$50,000

2.6. OTHER

Torry Island Master Plan Development	\$75,000
Place of Hope at the Haven Campus (FCO)	\$1,280,422
Everglades Youth Conservation Camp	\$629,870
Violence Prevention Unit	\$550,000
Palm Beach County Sheriff's Mental Health Initiative	\$450,000
Sago Palm Payment in Lieu of Taxes to the City of Pahokee	\$142,900

2.7. STATEWIDE APPROPRIATIONS OF INTEREST

Everglades Restoration (DEP)	\$70,000,000
Florida Forever	\$70,000,000
Petroleum Tanks Cleanup	\$125,000,000
Special Election Funding	\$500,000
Libraries	\$24,699,440
Library Cooperatives	\$1,500,000
Transportation Disadvantaged Program	\$50,887,853
Transportation Disadvantaged Program - Medicaid	\$61,351,633
Homeless Housing Assistance Grants	\$2,000,000

**strikethrough indicates item was vetoed.*

3. LEGISLATION SUPPORTED BY THE COUNTY THAT PASSED

3.1. TRANSPORTATION & GROWTH MANAGEMENT

Transportation Disadvantaged Programs

For FY 2013/2014, the State of Florida will provide Palm Beach County with \$2,750,961 in funding to support the non-sponsored Transportation Disadvantaged (TD) services. TD funding is an important funding source for Palm Tran, enabling Palm Beach County to provide the most economically challenged customers with discounted rides on both our fixed route and CONNECTION services. To maintain the level of services and accommodate the needs of residents, Palm Beach County has annually supported the TD



program efforts with additional funding (this year - \$305,662) for a total of \$3,056,623 in total funding.

Growth Management (HB 537)

This legislation clarifies which local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments are not prohibited. Under the bill, the local initiative and referendum processes that are allowed to continue are limited to those that:

- Were in effect on June 1, 2011;
- Affect more than five parcels of land; and
- Were expressly authorized in a local government charter specifically for matters such as development orders or comprehensive plan or map amendments.

The bill applies retroactively to any initiative or referendum process on local growth management issues commenced after June 1, 2011. The bill also retroactively repeals s. 4, Chapter 2012-75, L.O.F., relating to a presumption regarding agricultural enclaves. ***This bill has been sent to the Governor. He has until June 12, 2013 to act upon it.***

3.2. ECONOMIC DEVELOPMENT

Economic Development (SB 406)

Oversight of Economic Development Incentives

The bill creates a rotating, 3-year review schedule for state incentives and economic development programs to be evaluated by the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA). The bill directs that all applicants for an incentive be evaluated for “economic benefits” in the same manner, and streamlines the reports and reporting dates that must be submitted by agencies administering economic development programs.

Brownfields

The bill limits where a project can be located in order to receive a sales tax refund for building materials and the brownfield redevelopment bonus refunds for jobs created. The project must be located on a site that has entered into a site rehabilitation agreement with the Department of Environmental Protection (DEP) (or a local government delegated by DEP) or on a parcel of property that abuts the site.

Spring Training Franchise Retention

The bill creates a new certification process to allow local governments to receive a monthly sales tax distribution after July 1, 2016, for the public purpose of constructing or renovating a Major League Baseball spring training facility. Applicants must apply to DEO and meet certain requirements, such as having committed to provide a 50 percent minimum match to state funds and having an agreement with a spring training franchise to use the facility. An applicant may qualify for a monthly distribution of \$55,555 for a facility used by a single spring training franchise, or \$111,110 monthly for a facility used by more than one spring training franchise. Distributions cannot begin until the current agreement with a spring training franchise expires. The new process limits total payments to a local government certified by DEO to no more than \$20 million, or \$50 million if the local government hosts more than one spring training franchise. The bill provides for reporting requirements and decertification under certain circumstances. These provisions are effective July 1, 2013.

Qualified Target Industry and Qualified Defense and Space Contractor Tax Refunds

The bill removes the individual company lifetime limit for both the Qualified Target Industry and Qualified Defense and Space Contractor tax refund programs. These provisions are effective July 1, 2013.

Enterprise Zone Tax Credit

The bill provides that the cap on the enterprise zone tax credit for property taxes paid is applied at each eligible location rather than at the business entity level.

Sales Tax Holiday

The bill creates a 3-day sales tax holiday beginning August 2, 2013, exempting certain clothing and shoes valued at \$75 or less, school supplies valued at \$15 or less, and personal computers for non-commercial use valued at \$750 or

less. The bill provides an appropriation of \$235,695 in nonrecurring funds to the Department of Revenue to administer the holiday.

New Markets Development Program

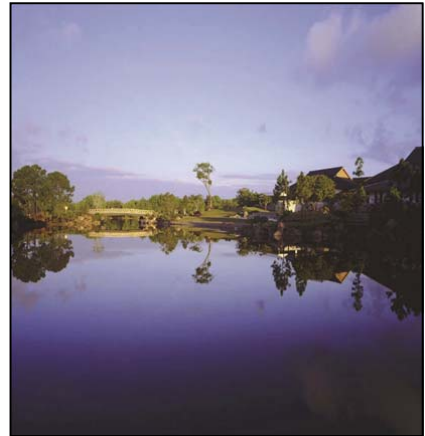
The bill increases the cumulative amount of tax credits that can be awarded by \$15 million, to \$178.8 million for the program. The bill also increases the amount of tax credits that can be claimed in a single state fiscal year by \$3 million, to \$36.6 million each year. These provisions are effective July 1, 2013.

This bill was signed into law by the Governor on May 20, 2013 and, except as otherwise expressly provided in the act, these provisions take effect upon becoming law.

3.3. ENVIRONMENT & WATER ISSUES

Consumptive Use Permits for Development of Alternative Water Supplies (SB 364)

The bill directs that alternative water supply (AWS) development projects approved on or after July 1, 2013, are eligible for an extended consumptive use permit (CUP) of at least 30 years. Permits are subject to compliance reports and water management district (WMD) water shortage orders. The bill provides that the quantity of water allocated to such AWS CUPs may be reduced to prevent harm to water resources or existing legal uses. Under the bill, extended permits may not authorize the use of non-brackish groundwater supplies or non-alternative water supplies. Finally, the bill clarifies that if sufficient data exists to provide reasonable assurance the conditions for permit issuance will be met, permits for at least 20-years or 30-years may be approved. If, within seven years after a permit is granted, the permittee issues bonds to finance the project, completes construction of the project, and requests an extension of the permit duration, the permit shall be extended to expire upon the retirement of the bonds or 30 years after the construction project is complete, whichever occurs later. However, a permit's duration may not be extended by more than 7 years beyond the permit's original expiration date. If approved by the Governor, these provisions take effect July 1, 2013. ***This legislation currently awaits the Governor's signature.***



Numeric Nutrient Criteria (SB 1808)



The bill:

- Amends s. 403.061, F.S., and creates four unnumbered sections of law
- Provides guidance for setting numeric nutrient criteria (NNC) for flowing waters of the state
 - Allows the Department of Environmental Preservation (DEP) to implement its adopted nutrient standards for streams, springs, lakes, and estuaries in accordance with the document "Implementation of Florida's Numeric Nutrient Standards"
 - Provides for the repeal of Rule 62-302.531(9), Florida Administrative Code (F.A.C.), when the United States Environmental Protection Agency withdraws all federal NNC rules in Florida and otherwise ceases all federal nutrient rulemaking, which allows for the implementation of the state's NNC rules
 - Subjects any NNC rules for estuaries adopted by the DEP in 2013 to the provisions of Rule 62-302.531(9), F.A.C., and exempts them from legislative ratification
- Directs the DEP to establish estuary specific NNC for estuaries not already subject to NNC, and sets NNC for chlorophyll a for non-estuarine coastal waters by December 1, 2014
- Establishes the water quality standard for non-estuarine coastal waters until such time as NNC are established for those waters

- Directs the DEP to provide a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by August 1, 2013, on the status of setting NNC for estuaries and non-estuarine coastal waters for which NNC have not been set

If approved by the Governor, these provisions take effect upon becoming law. ***This bill was signed into law by the Governor on May 30, 2013.***

Everglades Improvement and Management (HB 7065)

The bill amends s. 373.4592, F.S., to merge Florida’s existing Long-Term Plan with the South Florida Water Management District’s (SFWMD) Restoration Strategies plan in order to create a single comprehensive plan for achieving the restoration efforts envisioned under the Everglades Forever Act (EFA). The bill allows the SFWMD to continue to use ad-valorem funds currently collected in accordance with the EFA for the continued implementation of the Long-Term Plan. The bill also extends the agricultural privilege tax in the Everglades Agricultural Area as follows:

- \$25 an acre for tax notices mailed November 2014 to November 2026;
- \$20 per acre for tax notices mailed November 2027 to November 2029;
- \$15 per acre for tax notices mailed November 2030 to November 2035; and
- \$10 per acre for tax notices mailed on or after November 2036.

The bill appropriates \$12 million in recurring general revenue funds and \$20 million in recurring funds from the Water Management Lands Trust Fund for the Restoration Strategies Regional Water Quality Plan starting in Fiscal Year 2013-2014 and each year thereafter through Fiscal Year 2023-2024. The bill also directs the SFWMD to conduct a use attainability analysis after all of the projects and improvements in the Long-Term Plan are complete.



The legislation has been signed into law by the Governor and these provisions take effect upon becoming law.

3.4. CRIMINAL & JUVENILE JUSTICE ISSUES

Juvenile Detention Cost Reduction

The House agreed to the Senate's position during budget conference meetings so Counties will have a \$2,730,998 statewide reduction in the amount we are required to pay the state for juvenile detentions costs. ***This item was approved as part of the overall State budget legislation.***

Criminal Justice Commission (HB 361)

The bill creates a public meetings exemption for that portion of a meeting of a “duly constituted criminal justice commission” (commission) at which members of the commission discuss active criminal intelligence information or active criminal investigative information that is currently being considered by, or which may foreseeably come before, the commission, provided that at any public meeting at which such matter is being considered, the commission members publicly disclose the fact that the matter has been discussed.

The bill defines the term “duly constituted criminal justice commission” as an advisory commission created by municipal or county ordinance whose membership is comprised of individuals from the private sector and the public sector and whose purpose is to examine local criminal justice issues.

The bill specifies that the exemption is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2018, unless reviewed and saved from repeal through reenactment by the Legislature. The bill also provides a statement of public necessity for the exemption as required by the State Constitution. If approved by the Governor, these provisions take effect July 1, 2013. ***The bill currently awaits the Governor's signature.***

Purchase of Firearms by Mentally Ill persons (HB1355)

Despite a Legislature that has generally been opposed to any sort of gun control, HB 1355 by Rep. Watson (SB 1000 by Sen. Gibson) passed out of the Legislature and is headed to the Governor's office. If signed into law, this legislation would restrict the ability of a person who has been involuntarily committed under Florida's Baker Act laws from purchasing a gun. Current Florida Statute denies the ability of a person committed to a mental institution from purchasing firearms; therefore, this legislation broadens the definition to include those examined under the Baker Act who subsequently voluntarily committed themselves for either inpatient or outpatient treatment so long as certain criteria by an examining physician have been met. Furthermore, a person meeting these requirements would also be prohibited from receiving a concealed weapons permit or, if they already possess such a permit, it would be revoked or suspended. ***This bill is now on its way to the Governor's office for his signature.***



Employee/Vendor Criminal Background Checks (HB 585)

HB 585 will allow local governments to conduct national criminal background checks on for-hire chauffeurs. Specifically, a county may require, by ordinance, state and national criminal history employment screening for: any private contractor, employee of a private contractor, vendor, repair person, for-hire chauffeur, or delivery person who has direct contact with individual members of the public or access to any public facility or publicly operated facility in such a manner or to such an extent that the governing body of the county finds that preventing unsuitable persons from having such contact or access is critical to security or public safety. ***This bill was sent to the Governor on May 28, 2013 and he must act upon it by June 12, 2013.***

Gang Prevention (HB 407)

The legislation does the following to enhance criminal gang intervention and prevention:

Increases the misdemeanor criminal penalties for specified trespassing offenses in school safety zones by a person convicted of gang-related offenses (becomes a first instead of a second degree misdemeanor);

- Increases the felony criminal penalties for intentionally causing, encouraging, soliciting, or recruiting a person under 13 years of age to become a gang member (becomes a second instead of a third degree felony, except if it is a second or subsequent recruiting conviction, it becomes a first degree felony);
- Authorizes a county or municipal detention facility to designate a person to be responsible for assessing whether an inmate is a criminal gang member or associate and, if so, report it to the arresting law enforcement agency; and
- Amends the criminal gang multiplier in s. 921.0024, F.S., so that the multiplier will be able to be applied with a finding by the judge (rather than the jury) that the defendant committed the offense for the purpose of benefitting, promoting, or furthering the interests of a criminal gang in instances where the lowest permissible sentence does not exceed the statutory maximum sentence for the offense.

The bill was signed into law by the Governor on May 30, 2013. These provisions take effect October 1, 2013.

Animal Care and Control/Animal Cruelty (HB 851)

The bill clarifies that aggravated animal cruelty can occur when a person who owns or has custody or control of an animal fails to act, and such failure results in the cruel death, or excessive or repeated infliction of unnecessary pain or suffering, or causes the same to be done.

The bill specifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal may be charged with a separate offense for each act. The bill also provides that a person who commits animal cruelty or aggravated animal cruelty against more than one animal may be charged with a separate offense for each animal that such cruelty was committed upon.

The bill amends the definition of racketeering activity to include violations of animal fighting and baiting. There are over 50 crimes currently listed in the racketeering law ranging from evasion of payment of cigarette taxes to homicide. Violations of the RICO Act may be investigated and prosecuted by the Office of Statewide Prosecution.

The bill makes it a second degree misdemeanor for a person to dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age.

The bill allows a county, as defined in s. 125.011, F.S., to use carryover proceeds or fund balances obtained from civil penalties from violations of ordinances relating to animal control or cruelty for animal shelter operating expenses. Currently counties are limited to using those funds for officer training. This provision expires July 1, 2014. If approved by the Governor, these provisions take effect July 1, 2013 *The bill now awaits the Governor's signature.*



3.5. HEALTH & HUMAN SERVICES ISSUES

Medicaid County Cost Share (SB 1520)

On Tuesday, April 30, the budget conference chairs agreed to add language modifying the county-state Medicaid cost sharing relationship to SB 1520, the Medicaid conforming bill. The agreed-upon language and cost-sharing formula represents a compromise between SB 1884, which passed the full Senate on April 29, and the House proposal, which was never formally released as a bill or heard in committee.



- SB 1520 creates a seven-year transition period to move counties from the current billing process to paying based on their respective percentage shares of Medicaid-enrolled Florida residents.

- SB 1520 modifies county Medicaid billing in the following manner:

1. Years 1-2: Sets the total county contribution at \$269.6M in FY 2013-14, and \$277M in FY 2014-15. For these two years, individual county contributions are based on actual collections, as a percentage of the total contribution, during 2012-13. For Palm Beach County the contribution rate would rise from \$14.83 million to \$15.9 million for each of these two years.

2. Years 3-7: Provides that beginning in FY 2015-16, the total county contribution will grow at 50 percent of growth in state Medicaid expenditures, which are defined as those state expenditures used as matching funds for the federal Medicaid program.

3. During these five years, individual county shares will transition from being based on actual 2012-13 collections to being based solely on Medicaid enrollment by FY 2019-20 using a weighted approach (80% payment-based/20% enrollment; 60% payment-based/40% enrollment, etc.) For Palm Beach County, our Medicaid costs would be reduced by approximately .9% each year for a total payment in 2020 of \$15.18 million.

Flexible Payment: The bill allows counties to pay their individual contributions in monthly installments, from a revenue source of their choosing; however, if a county does not remit payment by the 5th day of the month, the bill directs the DOR to reduce that county's half-cent sales tax distribution by the amount of the monthly installment.

The bill passed the House by a 79-38 vote and the Senate 33-6. *The bill was signed into law by the Governor on May 20, 2013.*

Sober Homes

During the 2013 Legislative Budget process, the House and Senate agreed to add proviso into the budget to allow the Department of Children and Families to utilize funds to develop a plan to establish a licensure/registration process for sober home facilities and their operators. This study will include the number of sober homes operating in Florida, identify concerns in connection with the operation of these facilities, and study the impact on sober house residents and surrounding neighborhoods. The Department will also examine the feasibility of licensing, regulating, registering,

or certifying sober homes and their operators. The Florida Alcohol and Drug Abuse Association and local governments will also be included, as the Department must consult with them and others to discuss this issue. A plan must be submitted to the Governor, President of the Senate, and the Speaker of the House of Representatives by no later than October 1, 2013.

We anticipate that this plan will create more discussion and legislation relating to sober home facilities and their operators before the start of next session.

National Mortgage Settlement (SB 1852)

SB 1852 by Sen. Gardiner was heard and passed the House and Senate. It appropriates \$200,080,474 to several state entities for various housing and foreclosure related programs and services. Florida Housing Finance Corporation would receive \$120 million of the \$200 million to support their affordable housing programs. SB 1852 appropriates the following:

- \$9 million to the Florida Prepaid Tuition Scholarship program to fund the Take Stock in Children, Inc. to purchase 2 year dormitory residence and advance payment contracts for eligible students who are in grades 10 and 11.
- \$5 million to State Courts to provide technology solutions that expedite foreclosure cases.
- \$16 million to State Courts to provide supplemental resources to reduce backlog of pending foreclosure cases.
- \$9.7 million to the Clerks of the Court to expedite backlogged foreclosure cases.
- \$10 million to the Office of Attorney General to contract with Legal Aid to provide legal services to low-income and moderate-income homeowners facing foreclosure.
- \$10 million to the Department of Children and Families for capital improvement grants to certified domestic violence centers.
- \$20 million to the Department of Economic Opportunity to provide a grant to Habitat for Humanity of Florida to provide housing to low-income applicants.
- \$50 million to the Florida Housing Finance Corporation (FHFC) to provide funding to reduce rents on new or existing rental units through the State Apartment Incentive Loan Program (SAIL).
- \$10 million to FHFC to fund the construction or rehabilitation of units through the SAIL program.
- \$40 million to FHFC to fund the State Housing Initiative Program (SHIP) and allocate the funding to eligible counties and cities.
- \$10 million to FHFC to fund a competitive grant program to provide housing for the homeless.
- \$10 million to FHFC to fund a competitive grant program for housing developments designed for those with developmental disabilities.

This bill was sent to the Governor on May 28, 2013 and he has until June 12, 2013 to act upon it.

Homelessness Funding (HB 93)

HB 93 by Rep. Reed (SB 402 by Sen. Joyner) relating to Homelessness passed the Legislature in the final week. The legislation, if signed, would create a new voluntary donation check-box on license or vehicle registration renewals or first time applications. The funds would go to the newly created homeless prevention grant program to provide emergency financial assistance to families facing the loss of their home due to a financial or other crisis. This grant program would replace the current emergency assistance program. Administrative costs to run the new homeless prevention grant program would be capped at 8 percent to maximize the amount of funding available for the grants. *This bill was signed into law by the Governor on May 30, 2013 and is effective July 1, 2013.*



Health Care (HB 1159)

The bill amends various sections of law relating to the provision of health care. Specifically, the bill amends sections relating to the Prescription Drug Monitoring Program. The bill appropriates \$500,000 of nonrecurring funds to the Department of Health for the general administration of the prescription drug monitoring program. *This legislation currently awaits the Governor's signature.*

Affordable Housing Loophole (HB 437)

HB 437 by Representative Dan Davis dealing with community development passed the Florida Legislature. The bill includes the repeal of the ad valorem exemption for specific limited liability partnerships providing affordable housing. The closing of this loophole will have a substantial positive fiscal impact on the ad valorem tax collections for Palm Beach County. ***This bill was signed into law by the Governor on May 30, 2013.***

3.6. GENERAL GOVERNMENT

Elections (HB 7013)

HB 7013 by Rep. Boyd (Senate Companion was SB 600 by Sen. Latvala) was bounced back and forth between the House and Senate the last week of Session due to a number of amendments that were added to the bill. The bill gives supervisors of elections more discretion in setting early voting days (minimum of 8 and a maximum of 14) and more options for early voting locations. It also limits the amount of words on ballots, allows for late voter registration, and imposes a time limit on counting early voting results, as well as other provisions related to absentee ballots and canvassing boards. One of the amendments that was added expands the late voter registration provisions for military voters to include voters who have returned from a “military deployment” or “activation,” as opposed to a combat zone or forward-deployed area. We thank Elections Committee Chair Jack Latvala and Vice Chair Jeff Clemens for including language in the bill that moves the ADA requirement date for system compatibility from 2016 to 2020. That provision would save Palm Beach County between \$14-\$15 million dollars over the next two fiscal years. The effective date of the bill was moved from July 1, 2013 to January 1, 2014. ***This bill was signed by the Governor on May 21, 2013.***

3.7. EDUCATION



Early Learning (HB 7165)

The bill changes the governance structure of the Office of Early Learning by establishing the Office of Early Learning within the Department of Education’s Office of Independent Education and Parental Choice. The Office of Early Learning must be administered by an executive director who is fully accountable to the Commissioner of Education. The bill requires that the Office of Early Learning independently exercise all power, duties, and functions prescribed by law and must not be construed as part of the K-20 education system.

The bill increases accountability and transparency in the administration of early learning programs by:

- Requiring the Office of Early Learning to:
- Adopt a list of approved curricula and a process for reviewing and approving provider’s curriculum that meets the performance standards.
- Identify a preassessment and postassessment for school readiness program participants.
- Adopt a statewide, standardized contract to be used by coalitions with each school readiness program provider.
- Coordinate with other agencies to perform data matches on individuals or families participating in the School Readiness program.
- Requiring private providers to maintain a minimum level of general liability insurance, any required workers’ compensation, and any required reemployment assistance or unemployment compensation.
- Requiring the Early Learning Advisory Council to periodically analyze and provide recommendations to the office on the effective and efficient use of local, state, and federal funds; the content of professional development training programs; and best practices for the development and implementation of coalition plans.

If approved by the Governor, these provisions take effect July 1, 2013. *This legislation currently awaits the Governor's signature.*

4. BILLS OPPOSED BY THE COUNTY THAT FAILED

4.1. FINANCE & TAX ISSUES



Local Wage Ordinances

HB 655 originally would have preempted local county wage ordinances for non-government employees contracted to work with the county.

Impact Fee Moratorium

SB 1716 and HB 321 would have imposed a three-year moratorium on charging impact fees for developments under a certain size.

Pensions

HB 7011 would have prohibited new state employees, teachers and county workers from enrolling in Florida Retirement System, steering them instead toward private investment plans.

Sovereign Immunity

Legislation would have raised the cap limits on Sovereign Immunity from \$200,000/ \$300,000 per individual and incident to \$1 million/\$1.5 million.

4.2. TRANSPORTATION AND NATURAL RESOURCES

Land Inventory

SB 1074 would have forced local governments to inventory all unused square footage in all government owned property is now gone. The bill now would only require state agencies to report on state owned or leased property.

University Concurrency

HB 7149 originally included include a provision that would exempt state run universities from paying impact fees to a local government for development. The bill included several other provisions vital to education, making it difficult to oppose.

Fertilizer Preemption

Language was added to HB 999 on the Floor of the House to preempt local government fertilizer regulation but was ultimately removed from the final bill.



5. LEGISLATION SUPPORTED BY THE COUNTY THAT FAILED

5.1. FINANCE & TAX ISSUES

Internet Sales Tax (SB 316/HB 7097)

Currently, there is no mechanism for the Department of Revenue (DOR) to collect sales taxes on items purchased through the Internet by consumers in Florida. Consequently, it is estimated that at least \$400 million in tax revenue from goods purchased online each year goes uncollected by the state, as the collection of those taxes remains unenforced. The burden lies on the individual to remit to DOR the tax incurred for online purchases unlike “brick and mortar” businesses where the business is required to collect and remit sales taxes to the state. Both SB 316 by Sen. Nancy Detert and HB 7097 by Rep. Ritch Workman contained language that would have created criteria for which an out-of-state retailer would become a dealer required to collect and remit Florida sales tax. Both pieces of state legislation died in their respective Appropriations Committees.



However, on May 6th, the U.S. Senate voted 69-27 for a national Internet sales tax bill. Sen. Michael Enzi sponsored S. 743, the Marketplace Fairness Act of 2013. The earliest it could go into effect, if passed by the US House, would be October 1, 2013.

Bed Tax Collection (SB 1828/HB7105)

The Senate passed SB 1828 which included a provision to help Tax Collectors more efficiently track bed tax collections. The provision states that if approved by ordinance, the county may require specific details regarding bed tax collections. This new information would have helped counties like Palm Beach who self administer bed tax collections to identify and monitor their property files to ensure that the revenue due the county is collected and properly accounted. The bill ultimately did not pass both chambers.

5.2. CRIMINAL JUSTICE ISSUES

Inmate Reentry – HB 7121/SB 1032

Unfortunately, this good piece of legislation aimed at reducing recidivism by offenders exiting the State Corrections System failed after passing the House. It died in the Senate. Provisions of the bill would have done the following:

- **Section 1:** The bill would have amended s. 322.051, F.S., to provide statutory authorization for DHSMV to waive the fee charged for issuing or renewing a state identification card. This waiver will be for Florida-born inmates.
- **Section 2:** The bill would have amended s. 382.0255, F.S., to provide a similar waiver of the fee the DOH charges one requesting a certified copy of a Florida birth certificate.
- **Section 3:** The bill would have amended s. 944.605, F.S., to direct DOC to work with DOH and DHSMV to provide every Florida-born inmate a certified copy of their birth certificate to be used in acquiring a state ID card prior to release. DOC is required to provide DOH with a list of all Florida-born inmates, including a photo and various identifying information for each inmate. Inmates that do not cooperate with DOC in providing this information are subject to discipline. This ID card requirement is not applicable to inmates who:
 - Currently have a valid driver’s license or state ID card;
 - Have an active detainer, unless DOC determines that cancellation of the detainer is likely or that the incarceration for which the detainer was issued will be for less than 12 months;
 - Are given emergency or conditional medical release under s. 947.149, F.S.;

- Are not in the physical custody of DOC at or 180 days prior to release; and
- Are subject to sex offender residency restrictions, which, upon release under such restrictions, do not have a qualifying address.

The bill would have directed DOC to assist all inmates in applying for and obtaining their social security cards and non-Florida birth certificates.

- **Section 4:** The bill would have amended s. 944.803, F.S., to give DOC policy direction to expand its Faith & Character Based (FCB) programs into both male institutions to serve their male inmate population. The bill also gives DOC direction to serve its female inmates FCB programs at female institutions.
- **Section 5:** The bill would have created s. 948.0125, F.S., to direct DOC to establish and administer a reentry program for non-violent drug offenders sentenced to the reentry program by a judge. The bill excludes inmates from participation in the program if the inmate has been convicted of any of ten listed types of crimes.

Reentry Program — In-Prison Component:

The bill required DOC to place an inmate sentenced to a reentry program split sentence into their substance abuse treatment program not more than nine months prior to the end of the inmate’s incarceration period of the split sentence. The substance abuse treatment program will last for a minimum of 180 days.



Reentry Program — Drug Offender Probation Component:

The out-of-prison component of the reentry program split sentence includes a one-year drug offender probation sanction. The judge, at the time of sentencing the offender to the reentry program, will impose a sentence that includes drug offender probation. An inmate transitioning into drug offender probation must have first successfully completed the in-prison substance abuse treatment program. If the inmate fails to successfully complete that component of the reentry program, the probation portion of his or her sentence becomes a term of incarceration.

The bill would have provided that when an inmate is released into drug offender probation all of the standard terms and conditions of regular probation under s. 948.20, F.S., and drug offender probation conditions under s. 948.20, F.S., apply. Additionally, if there is a postadjudicatory drug court in the county to which the offender returns, the inmate may have his or her case transferred to that drug court subject to the drug court judge accepting the case. In such instance, the probation portion of the sentence is transferred to the local drug court. The drug court judge will then maintain jurisdiction over the offender for purposes of compliance with the reentry program.

Juvenile Justice Education Programs (HB 441/SB 1406)

HB 441/SB 1406 proposed changes to the provisions of law governing the accountability, deliverance, and review of juvenile justice education programs that provide educational services to students within the Department of Juvenile Justice (DJJ). The bill passed the House; however, it died in Committee in the Senate. The bill proposed to revise the accountability of juvenile justice education programs by requiring the Department of Education (DOE) and DJJ to work together to develop a comprehensive accountability and school improvement process as well as rules in order to develop programs that accurately measured a student’s performance.

In addition, the legislation would have required that local school districts, juvenile justice education providers and other community partners to develop a transition plan while the juvenile was in a program. Prevention and day treatment programs would have been required to provide career readiness and exploration opportunities, truancy and dropout prevention intervention services. These plans would have also been required to remove barriers to education and to address the opportunities for virtual education.

Residential juvenile justice education programs that provide 9-month minimum length of stays would have been required to provide career education courses that had the potential to lead to preapprentice certifications, industry certifications, etc... Residential programs with lengths of stays less than 9-months would have had the option to provide similar programming.

Although the legislation failed, the appropriation tied to the bill was not vetoed; therefore, \$1.6 million was budgeted to begin addressing some of unique needs of juvenile justice education programs.

5.3. TRANSPORTATION ISSUES

FDOT Fiber Optic Cable Access (SB 756/HB 355)

Legislation was filed this year to require the Florida Department of Transportation (FDOT) to adopt rules governing the use of its excess fiber optic communications network by local governmental entities for nontransportation or broadband usage purposes by July 1, 2014. House Bill 355 by Rep. Gayle Harrell and Senate Bill 756 by Sen. Denise Grimsley would have provided for conditions that included an interlocal agreement to define the agreed to parameters for the use of FDOT's fiber optic network and establish a statewide policy for the allowed use of the network. Neither bill was heard.

6. OTHER BILLS OF INTEREST

6.1. CRIMINAL & JUVENILE JUSTICE ISSUES

Texting While Driving (SB 52)

Senate Bill 52 prohibits the operation of a motor vehicle while manually typing, sending or reading data on a wireless communication device. The legislation does make an exception for interpersonal communications that can be conducted without manually typing the message or without reading the message.

The first violation would be a secondary offense and punishable as a nonmoving violation with a fine of \$30 plus court costs which vary by county. A second violation committed within 5 years after the first violation would be punishable by a \$60 fine plus court costs.

The Senate concurred with an amendment that the House placed on SB 52 that would restrict the admissibility of a person's cell phone billing records when determining whether a violation was committed, to only those cases where a crash resulting in a death or personal injury occurred.

The bill was signed into law on May 28, 2013.

DHSMV – Red Light Cameras (HB 7125)

The Legislature passed HB 7125, the Department of Highway Safety and Motor Vehicles. The bill contains a provision that prohibits red light cameras from issuing right on red violations, and provides for an extended red light camera hearing process.

This bill was sent to the Governor on May 28, 2013 and he has until June 12, 2013 to act upon it.

Juvenile Justice Advisory Boards & Councils (HB 617)

HB 617 by Rep. Pilon (and SB 676 by Sen. Evers) passed in the Senate as one of the last bills to be heard in the 2013 Session and was the first part in what will be a major overhaul of Florida Statute Chapter 985, which governs most of the Department of Juvenile Justice's activities.

Currently, Florida Statute authorizes the creation of 20 Juvenile Justice Circuit Boards and 67 Juvenile Justice County Councils. Twenty circuit boards and 44 county councils are currently active while 23 have been disbanded for a variety of reasons. In an effort to streamline reporting requirements to DJJ, DJJ made consolidating these 87 different boards one of its legislative priorities for the year.



HB 617 will allow multi-county circuits to form one Circuit Board but still allow those counties within a circuit to form a county board; however, the county board would report to their circuit board. Since Palm Beach County has only one county within the 15th Judicial Circuit, the impact of the legislation should not be felt too greatly here. In addition to the number of boards created statewide, the legislation also outlines the makeup of the board and allows DJJ to have final approval over the board chair and members. DJJ has emphasized that it has no desire to micromanage the makeup of these boards, but desired some mechanism to intervene for circuits that have been experiencing problems with its membership. ***The bill was sent to the Governor on May 28, 2013 and he has until June 12, 2013 to act upon it.***

Funerals and Burials (HB 15)

The bill provides that it is a misdemeanor of the first degree to knowingly engage in protest activities, or knowingly cause protest activities to occur within 500 feet of the property line of any residence, cemetery, funeral home, house of worship, or other location during or within 1 hour before or 1 hour after the conducting of a funeral, burial, or memorial service at that place.

The bill does not prohibit protest activities that occur next to a funeral procession that extends beyond 500 feet of the property line of the location of the funeral or burial. A first degree misdemeanor is punishable by a term of imprisonment not exceeding one year and a fine not to exceed \$1,000.

The bill defines “protest activities” to mean any action, including picketing, that is undertaken with the intent to interrupt or disturb a funeral or burial. ***These provisions were approved by the Governor and take effect October 1, 2013.***

6.2. ENVIRONMENTAL & ENERGY ISSUES

Biodiesel Fuel (HB 633)

This bill exempts municipalities, counties, and school districts that manufacture biodiesel for internal use from the reporting, bonding, and licensing requirements applying to wholesalers of biodiesel fuel. The bill requires these entities to report biodiesel fuel manufactured for internal use to the Department of Revenue on a Local Government User of Diesel Fuel Tax Return and remit the appropriate tax. If approved by the Governor, these provisions take effect July 1, 2013. ***This legislation has been sent to the Governor. He has until June 12, 2013 to act upon it.***

Theft of Utility Services (SB 338)

The bill amends s. 812.14, F.S., to provide that the theft of utility services is punishable as theft under s. 812.014, F.S., the general theft statute. As a result of this change, a person who commits theft of utility services will not necessarily commit a first degree misdemeanor. Instead, the offense degree and penalties relevant to a theft depend upon the value of the property stolen, which includes services, and other factors.

The bill also increases the civil penalty for a person found in a civil action to have violated the statute on utility theft from the current three times the amount of services stolen or \$1,000, whichever is greater, to three times the amount stolen or \$3,000, whichever is greater. ***This bill was signed into law by the Governor on April 24, 2013. These provisions take effect October 1, 2013.***



Water Management Districts (SB 244)

The bill provides the water management districts (WMDs) with guidance concerning minimum flows and levels (MFLs), water reservations, recovery or prevention strategies, and multi-district projects by:

- requiring proposed water reservations and waterbodies that may be affected by water withdrawals in an adjacent water management district to be identified on a district’s annual MFL priority list and schedule;
- directing the WMDs to provide technical information and staff support to the Department of Environmental Protection (DEP) when the department proposes adoption of a reservation, MFL, or recovery or prevention strategy by rule;

- requiring the WMDs to apply any reservation, MFL, or recovery or prevention strategy adopted by the DEP to the applicable waterbody without having to adopt its own district rules;
- providing for joint regional water supply planning between WMDs and affected regional water supply authorities; and
- excluding WMD cooperative funding programs from rulemaking requirements.

If approved by the Governor, these provisions take effect July 1, 2013. *This legislation currently awaits the Governor's signature.*

Domestic Wastewater Discharged Through Ocean Outfalls (SB 444)

This bill (Chapter 2013-31, L.O.F.) allows utilities additional flexibility to meet the 60 percent reuse requirement. The bill allows utilities to continue to discharge peak flows up to five percent of utilities' baseline flows through ocean outfalls. Additionally, the bill requires utilities to include supplemental information on costs and options in their detailed plans necessary to achieve the requirements of s. 403.086(9), F.S. Finally, the bill requires the utilities, the Department of Environmental Protection, and the South Florida Water Management District to evaluate the detailed plans and recommend adjustments to the Legislature, if necessary, to the reuse requirements in this section. *The Governor signed this legislation into law on April 24, 2013. These provisions take effect July 1, 2013.*



Stormwater Management Permits (SB 934)

The bill amends s. 373.4131, F.S., requiring the development of statewide environmental resource permit rules that provide for a conceptual permit for municipalities or counties that create a stormwater management master plan for urban infill and redevelopment areas or community redevelopment areas. It specifies that the master plan becomes part of the conceptual permit and that the rules must provide for an associated general permit for the construction and operation of urban redevelopment projects that meet the criteria established in the conceptual permit. The bill also provides requirements for the conceptual permit. If approved by the Governor, these provisions take effect July 1, 2013. *This legislation currently awaits the Governor's signature.*



Water Supply (SB 948)

The bill amends ss. 373.701, 373.703, 373.709, 570.076, and 570.085, F.S., to require the Department of Agriculture and Consumer Services (DACCS) to establish an agricultural water supply planning program to develop data regarding prospective agricultural water supply demand. For purposes of regional water supply plans, the bill requires water management districts to consider the data supplied by the DACCS, and agricultural demand projection data and analysis submitted by local governments, in determining the best available data for future agricultural water supply demands.

If approved by the Governor, these provisions take effect July 1, 2013. *This legislation currently awaits the Governor's signature.*

6.3. FINANCE & TAX ISSUES

Citizens Insurance (SB 1770)

The Senate voted 32-1 to send to Gov. Rick Scott a bill (**SB 1770**) designed to shed more than one-seventh of the policies to private insurers, retain existing rate caps, and internally improve the state-backed agency.

The measure creates an inspector general, prohibits coverage for new structures closest to the beach, requires that policy holders sign a statement that acknowledges an understanding of their liability risk, and establishes a clearinghouse with the intention of shifting more than 200,000 of the least risky policies into private hands. It has been argued that the clearinghouse will allow policyholders to find more comprehensive coverage at a lower price in the private market and that reduces the chance for higher assessments to policy holders in the event of a major storm.

Among the Senate proposals that were discarded when the House language replaced the Senate's: lifting of Citizens' exemption from bad faith litigation; requiring all non-residential policies to be actuarially sound; letting surplus line carriers – companies that are not required to have their rates approved by the Florida Office of Insurance Regulation – participate in the clearinghouse; requiring members of the Citizens board of governors to be confirmed by the Senate; and changing Citizens' president from a board of governors' appointment into an executive director position selected by the Governor and Chief Financial Officer. The maximum value of property coverage will be \$700,000 under the new changes. ***The bill was signed into law on May 29, 2013.***

Ad Valorem Taxation (SB 1830)

The bill makes several amendments to the property tax statutes. It modernizes statutes to accommodate the use of commercial mail delivery service, requires posting of information on property appraisers' websites, and allows property appraisers and value adjustment boards to send documents via email under certain circumstances.

Specifically, the bill:

- Provides long-term lessees the ability to retain homestead status when title to the property is transferred.
- Provides for automatic renewal of the annual assessment reduction for living quarters provided to parents or grandparents and provides for assessment when the reduction is improperly received.
- Extends from 15 days to 60 days the time to appeal a value adjustment board's ruling on the transfer of the Save Our Homes assessment limitation from a prior homestead.
- Clarifies agricultural use provisions and provides that aquacultural crops are deemed to have no value for tax purposes.
- Repeals a 2011 expansion of the affordable housing property tax exemption.
- Implements a recent constitutional amendment concerning the property tax discount for disabled veterans and deletes statutory homestead provisions ruled unconstitutional by the Florida Supreme Court.

This bill was signed into law by the Governor on May 30, 2013. These provisions take effect July 1, 2013. The provisions repealing the 2011 expansion of the affordable housing exemption apply retroactively to the 2013 tax roll.

Tourist Development Tax (SB 336)

Use of Tourist Development Taxes(SB 336) permits counties to use the tax revenues from the tourist development tax for purposes related to aquariums owned and operated by not-for-profit organizations, including the acquisition, construction, maintenance, or promotion of such aquariums. This authorization does not apply to the tax levied for sports franchise facilities.

Due to restructuring of s. 125.0104(5)(a), F.S., the bill clarifies that use of the tourist development tax revenues for certain purposes may be implemented through service contracts and leases with lessees that have sufficient expertise or financial capability to operate such facilities. This applies to purposes related to publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, or museums, aquariums, or zoos that are publicly owned and operated or owned and operated by a not-for-profit organization.

Automatic Expiration of Ordinances Levying Tourist Development Taxes

The bill clarifies when a county's tourist development tax automatically expires. Under the bill, a county's tourist development tax would automatically expire after the later of:

- The expiration of any agreement for the operation or maintenance, or both, of a publicly owned and operated facility (current law); and
- The retirement of all bonds issued by the county for financing the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, or museums or aquariums that are publicly owned and operated or owned and operated by a not-for-profit organization.

If approved by the Governor, these provisions take effect July 1, 2013. ***This bill awaits the Governor's signature.***

Assessment of Residential and Nonhomestead Real Property (HB 277)

In the November 2008 General Election, Florida voters approved a constitutional amendment relating to property taxes. The amendment authorized the Legislature, by general law, to prohibit consideration of the following in the determination of the assessed value of real property used for residential purposes:

Any change or improvement made for the purpose of improving the property's resistance to wind damage, and the installation of a renewable energy source device.

CS/CS/HB 277 provides for the implementation of the renewable energy conditions outlined in the 2008 constitutional amendment. Specifically, the bill defines "renewable energy source device." It also provides that a property appraiser may not consider the increase in the just value attributed to the installation of a renewable energy source device when determining the assessed value of real property used for residential purposes. The bill specifies that the provisions apply to installations occurring on or after January 1, 2013, when made to new and existing residential real property. ***This bill was signed into law on May 30, 2013 and takes effect on July 1, 2013, and apply to assessments beginning January 1, 2014.***

Economic Development (HB 7007)

The bill addresses a number of activities related to economic development as well as activities under the jurisdiction of the Department of Economic Opportunity (DEO). ***This bill was signed into law by the Governor on May 17, 2013.***

Specifically, the bill addresses the following:

Allows enterprise zones that are between 15 and 20 square miles and located within rural areas of critical economic concern to increase the zone by 3 square miles, and enterprise zones that are at least 20 square miles and located within rural areas of critical concern to increase the zone by 5 square miles.

Rental of Homestead Property (SB 342)

SB 342 amends s. 196.061, F.S., to allow the rental of homestead property for up to 30 days per calendar year without the property being considered abandoned or affecting the homestead status of the property. ***This bill was signed into law on May 30, 2013 and takes effect July 1, 2013.***

Prohibition of Electronic Gambling Devices (HB 155)

Under current law, gambling is illegal except where specifically authorized.¹ Due in part to perceived loopholes in ch. 849, F.S., "Internet cafés," "adult arcades," and similar operations recently have emerged with games that look or play like slot machines.

The Governor signed this legislation into law on April 10, 2103. The provisions of the bill:

- updates the definition of slot machine and creates a rebuttable presumption that a device is a prohibited slot machine if it (1) simulates a game of chance and (2) requires "pay to play," and (3) awards something of value.
- clarifies that the charitable raffles exemption is not for slot machines or other games of chance.
- clarifies that the game promotions exception is only for sweepstakes that truly are incidental to the sale of products or services. It also includes language to facilitate civil prosecutions of illegal sweepstakes promotions under the Florida Deceptive and Unfair Trade Practices Act.
- clarifies that permissible amusement machines operate by insertion of a coin, involve the application of skill, and may award points or coupons that can be redeemed for merchandise. The cost value of points or coupons cannot exceed 75 cents per game played, excluding "free plays." The bill clarifies that merchandise cannot be gift cards, gift certificates, or other cash equivalents.
- broaden the definition of "racketeering activity" in Florida's criminal RICO statute to include any violation of Chapter 849, relating to gambling.



6.4. GENERAL GOVERNMENT ISSUES

Campaign Finance (HB 569)

On May 1st, the Governor signed HB 569 by Rep. Schenck into law. The bill (Chapter 2013-37, L.O.F.) is an omnibus campaign finance bill that makes the following substantive changes:

- Eliminates committees of continuous existence (CCE)
- Modifies the current \$500 per election individual limit on contributions to candidates as follows: \$3,000 for statewide and Florida Supreme Court retention candidates; \$1,000 for other candidates.
- Provides for unlimited contributions to PCs supporting or opposing candidates, in lieu of the current \$500/election limit.
- Removes the “3-pack” exemption that allows PCs to run ads jointly endorsing three (3) or more candidates outside the scope of the contribution limits in ch. 106, F.S.
- Authorizes county political party executive committees to contribute an aggregate of \$50,000 to each non-statewide candidate, in addition to the aggregate \$50,000 that all other party committees may contribute.
- Limits to \$25,000 political party turn backs from candidate surplus funds.
- Increases the frequency of campaign finance reporting for candidates and committees (excluding political party committees), with monthly reports due before state candidate qualifying in June and post-qualifying reporting as follows:
 1. Other Candidates and Local PCs/ECOs—
 - a. BI-WEEKLY beginning on the 60th day before the primary election (FRIDAY) and continuing through the FRIDAY before the general election, with an additional report due on the 25th and 11th days before each election.
 - b. Requires persons seeking a publicly-elected political party executive committee position who receive contributions or make expenditures to file a single campaign finance report on the FRIDAY immediately preceding the primary election.
- Prohibits candidates who switch races from “double-dipping” contributors for maximum contributions in both races.
- Increases the amount certain successful candidates can contribute to an office account, and expands the permissible uses of such funds. The amount would be \$20,000 for a four year County Commission term.
- Allows a successful state candidate to retain up to \$20,000 of campaign funds for reelection.
- Removes the requirement for petition candidates to pay a deferred one (1) percent election assessment before disposing of surplus funds, transferring funds to an office account, or rolling over reelection funds.
- Reinstates sponsorship identification disclaimers for campaign fundraiser tickets and advertising.
- Modifies the titling of campaign depositories and associated checks and debit cards, removing the requirement to include the specific words “Campaign Account.”

These provisions were approved by the Governor and take effect on November 1, 2013, unless otherwise provided.

Committee on Ethics and Elections (SB 2)

The bill (Chapter 2013-36, L.O.F.) is an omnibus ethics reform package containing numerous significant changes to the Code of Ethics for Public Officers and Employees that include:

- Dual Public Employment: prohibiting public officers from accepting employment with the state or a political subdivision that is being offered for the purpose of gaining influence or other advantage based upon the person's holding office or candidacy; and providing criteria that must be met for the employment to be lawfully accepted.
- Revolving Door: prohibiting a former legislator from lobbying an executive branch agency, agency official, or employee for a period of two years after leaving office.
- Ethics Training: requiring all constitutional officers to complete 4 hours of ethics training each year; and requiring each house of the Legislature to provide for ethics training pursuant to its rules.
- Blind Trusts: allowing public officers to create a blind trust in order to avoid conflicts of interests arising from the ownership of those assets; and requiring the officer to file a notice of the trust or a copy of the trust agreement with the Commission on Ethics.



- Voting Conflicts: providing a definition for the terms "principal by whom retained" and "special private gain or loss;" prohibiting a state public officer from voting on any matter that would inure to his or her special private gain or loss; requiring disclosure of any interest prior to the vote; providing that, if it is not possible for an officer to disclose an interest prior to the vote, he or she must disclose the interest no later than 15 days after the vote; and clarifying that members of the Board of Directors of Enterprise Florida are subject to the voting conflict provisions relating to state public.
- Financial Disclosure: requiring the qualifying officer to electronically transmit financial disclosure forms of a candidate for elected office to the commission; requires the commission to refrain from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions for certain period of time to allow an officer time to cure such an error or omission; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; requiring all full and public disclosures of financial interests (CE Form 6) filed with the commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year; authorizing the commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the commission by such individuals; requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee until the fine is satisfied; authorizing garnishment of wages to collect unpaid fines for failure to timely file financial disclosure owed by individuals who are no longer public officers or public employees; authorizing the commission to contract with a collection agency; authorizing a collection agency to utilize collection methods authorized by law; and extending the statute of limitations to allow up to twenty years to collect such an unpaid fine.



- Gifts and Honoraria: provides that a person is not a "procurement employee" if he or she does not exceed, or is expected not to exceed, \$10,000 in purchasing during a year; providing a definition of vendor; prohibiting solicitation of gifts and honoraria from vendors; removing references to committees of continuous existence and political committees from existing gifts and honoraria laws; creating a new prohibition on soliciting or accepting certain "gifts" from a political committee, regardless of the value of the "gift;" defining "gifts" for purposes of the new prohibition; and providing penalty.
- Executive Branch Lobbying: authorizing the commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the commission to investigate a lobbyist or principal upon a sworn complaint or random audit.
- Complaint Procedures: authorizing the Commission on Ethics, upon a vote of six members, to investigate a referral alleging a breach of the public trust, or violation of the Code of Ethics that is received from the Governor, the Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney; providing that a complaint may not be filed against a candidate for public office within the 30 day period before the election unless the complaint is based upon personal information or information other than hearsay.

These provisions became law upon approval by the Governor on May 1, 2013.

Public-Private Partnerships (HB 85)

This bill was a priority of the Governor and is intended to provide public agencies with an additional tool for the implementation, maintenance and operation of capital improvement projects.

Section 1 amends s. 255.60, F.S., to authorize public-private partnerships (PPPs) to enter into special contracts for public service work with non-profit organizations. The expansion will allow PPP arrangements regarding the preservation, maintenance, and improvement of park land, so long as the property comprises at least 20 acres with contiguous public facilities that are capable of seating at least 5,000 people in a permanent structure; and would apply to public education buildings as well, so long as the building is at least 90,000 square feet.

Section 2 creates s. 287.05712, F.S., establishing a more expansive public-private partnership program along the lines of the one currently employed by FDOT.

Section 3 allows counties to enter into public-private partnership agreements, and to receive competitive bids, both solicited and unsolicited, for construction and improvement of county roads, provided that it:

- a) Is in the best interest of the public.
- b) Would only use county funds for portions of the project that will be part of the county road system.
- c) Would have adequate safeguards to ensure that additional costs or unreasonable service disruptions are not realized by the traveling public and citizens of the state.
- d) Upon completion, would be a part of the county road system owned by the county.
- e) Would result in a financial benefit to the public by completing the subject project at a cost to the public significantly lower than if the project were constructed by the county using the normal procurement process.
- f) The section also establishes notice requirements regarding any project.

This bill currently awaits the Governor's signature.

Public Construction Projects (HB 269)

CS/CS/SB 269 amends a number of provisions related to building construction in the state.

Specifically the bill:

- Requires counties and municipalities to attach disclaimers to development permits which include a condition that all other applicable state or federal permits must be obtained before the commencement of any development;
- Revises noticing requirements of alleged violators of local codes and ordinances;
- Exempts specified septic tank system inspections and evaluations when remodeling a home;
- Provides that certain residential construction may not impact sewage treatment or disposal systems;
- Provides that amendments enacted in 2012 related to the licensing of contractors and subcontractors are remedial in nature, are intended to clarify existing law, and apply retroactively;
- Increases the maximum civil penalty a local governing body may levy against an unlicensed contractor;
- Revises local government and the DBPR collection retention percentages for unpaid fines and costs ordered by the Construction Industry Licensing Board;
- Removes a requirement that local governments send minor violation notices to contractors prior to seeking fines and other disciplinary penalties;
- Extends the grandfathering period for certain registered electrical and alarm system contractors to acquire statewide certified licenses;
- Adds a definition for "local technical amendment" in the Florida Building Code;
- Clarifies a prohibition to adopt any mandatory sprinkler provisions of the International Residential Code within the Florida Building Code or any local amendments to the state code;
- Authorizes that an electronic copy of a building site plan may be maintained for record retention and inspection purposes at a building site;
- Includes "impact protective systems" among the categories of products that receive approval by the Florida Building Commission;
- Creates building energy-efficiency system definitions.



If approved by the Governor, these provisions take effect July 1, 2013. ***This bill currently awaits the Governor's signature.***

Animal Shelters and Animal Control Agencies (SB 674)

SB 674 requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. The bill requires these records

to be made available to the public pursuant to the provisions in ch. 119, F. S. ***This legislation was signed into law on April 24, 2013. These provisions take effect July 1, 2013.***

Florida Fire Prevention Code (SB 1122)

SB 1122 makes two changes to the statutes governing the application of the FFPC. First, the bill addresses an apparent discrepancy between the FFPC and the Florida Building Code that currently requires upgrades of multiuse commercial buildings whenever a mercantile use (for the display and sale of merchandise) adjoins a business use (for the transaction of business other than mercantile). The FFPC requires a two-hour fire rated wall or partition between these two use groups while the building code does not. The bill provides that for structures of less than three stories and 10,000 square feet, a fire official shall enforce the less stringent wall fire-rating provisions found in the building code.

Second, the bill provides an additional exemption for structures in which the occupancy is limited to no more than 35 persons, which are part of a “farming or ranching operation,” and which are situated on property classified as agricultural for property tax purposes. If approved by the Governor, these provisions take effect July 1, 2013. ***This bill was sent to the Governor for his signature on May 28, 2013 and he has until June 12, 2013 to act upon it.***

Public Meetings (SB 50)

Neither the Florida Constitution nor the Sunshine Law specifies that members of the public have the right to speak at public meetings. This bill creates a new section of law that requires members of the public to be given a reasonable opportunity to be heard on a proposition considered by the board or commission of a state agency or local government.

The bill authorizes a board or commission to adopt certain reasonable rules or policies governing the opportunity to be heard. If a board or commission adopts such rules or policies and thereafter complies with them, it is deemed to be acting in compliance with the section.

The bill authorizes a circuit court to issue injunctions for the purpose of enforcing the section upon the filing of an application for such injunction by any citizen of Florida. If such an action is filed and the court determines that the board or commission violated the section, the bill requires the court to assess reasonable attorney fees against the board or commission. The bill also authorizes the court to assess reasonable attorney fees against the individual filing the action if the court finds that the action was filed in bad faith or was frivolous. The bill excludes specified public officers from such attorney fee provisions. If a board or commission appeals a court order finding that it violated the section and the order is affirmed, the bill requires the court to assess reasonable appellate attorney fees against the board or commission.

If approved by the Governor, these provisions take effect October 1, 2013. ***This legislation currently awaits the Governor’s signature.***

Florida Retirement System (SB 1810)

The bill sets the employer-paid contribution rates for the Florida Retirement System (FRS) and the Retiree Health Insurance Subsidy (HIS) program, effective July 1, 2013.

The employer-paid contribution for the HIS program is increased from 1.11 percent of the employer’s payroll to 1.20 percent of the employer’s payroll. These funds will be deposited into the Retiree Health Insurance Subsidy Trust Fund to pay benefits to participating retirees.

This legislation was signed into law by the Governor on May 20, 2013 and the provisions take effect July 1, 2013.

Disposition of Human Remains (HB 171)

The bill amends various provisions relating to the disposition of human remains. The bill among the many changes:

- Defines the term “final disposition” to include anatomical donation;
- Adds the Department of Health as an authorized issuer of extensions of time to provide the medical certification and of burial-transit permits, adds the appropriate district medical examiner as one of the persons who must file a death certificate, permits electronic transfer of medical certification of cause of death, and clarifies the obligations of primary and attending physicians;

- Defines the reasonable effort that must be undertaken to identify deceased persons and veterans who may be eligible for burial in a national cemetery, and to dispose of unclaimed remains;
- Provides that, when the identity of the unclaimed remains cannot be ascertained, the remains may not be cremated, donated as an anatomical gift, buried at sea, or removed from the state;
- Authorizes counties to dispose of unclaimed remains by burial or cremation pursuant to an ordinance or resolution if the remains are not claimed by the board.

If approved by the Governor, these provisions take effect July 1, 2013. *This legislation was presented to the Governor on May 28, 2013 and he has until June 12, 2013 to act upon it.*

Alcoholic Beverages (HB 347)

The bill permits craft distilleries to sell the distilled spirits they produce on their licensed premises to consumers for off premises consumption.

The bill allows the board of county commissioners in a county where the voters have approved the sale of intoxicating liquors, wines, and beers by package only in a prior election, to order an election, no more frequently than every two years, on the sole question of whether the sale by the drink for consumption on the premises for alcoholic beverages should be allowed. The bill requires the board to order the second election upon a majority vote of the board of county commissioners or after a petition signed by one-tenth of the registered voters in the county. If approved by the Governor, these provisions take effect July 1, 2013. *This legislation currently awaits the Governor's signature.*

6.5. GROWTH MANAGEMENT AND TRANSPORTATION ISSUES

Community Transportation Projects (HB 319)

HB 319 by Rep. Ray provides clarifying language to s. 163.3180(5)h (which provides requirements for transportation concurrency) that local governments that continue to implement a transportation concurrency system, “whether in the form adopted into the comprehensive plan before the effective date of the Community Planning Act, chapter 2011-139, laws of Florida, or as subsequently modified, must” comply with the requirements of that section.

The bill also provides that a local government may accept contributions from multiple applicants for planned improvements, if it maintains a separate account designated for that purpose.

The bill also provides that if a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in s. 163.3180(5)f. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government’s plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency. *This legislation was signed into law on May 30, 2013.*

Agricultural Lands (HB 203)

In 2003, the Legislature passed the Agricultural Lands and Practices Act, which prohibits counties from passing ordinances regulating, prohibiting, restricting, or otherwise limiting the agricultural activities of a bona fide farm or farm operation on land classified as agricultural if those activities are already regulated by a state or federal agency. The intent of the act is to protect growers from potentially duplicative ordinances passed by local governments. The Everglades Protection Area is excluded from the Act’s provisions. HB 203 expands the prohibition to include not just counties but all governmental entities, with the exception of water management districts and water control districts. In addition, the bill prohibits governmental entities from charging fees on bona fide agricultural activities of such farms or farm operations. *The bill passed and now awaits the Governor's signature.*



Agritourism (SB 1106)

CS/CS/SB 1106 states the intent of the Legislature to eliminate duplication of regulatory authority over agritourism. The bill prohibits a local government to adopt ordinances, regulations, rules, or policies that prohibit, restrict, regulate or otherwise limit an agritourism activity on land classified as agricultural by a property appraiser. The bill establishes a limitation on liability from inherit risks for the land owner, agritourism operator, and employees if a notice of risk is posted on the land. The bill provides the specific warning language that must be posted in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. If approved by the Governor, these provisions take effect July 1, 2013. ***This legislation awaits the Governor's signature.***

Eminent Domain Proceedings (HB 179)

This bill (Chapter 2013-23, L.O.F.) entitles a person whose property is taken through a quick taking to interest earned on a deposit made to secure a judgment of taking. A quick taking occurs when a governmental entity takes physical possession of property prior to a final judgment in an eminent domain case. ***These provisions were approved by the Governor and take effect July 1, 2013.***

Real Property Liens and Conveyances (HB 267)

The bill provides that a lien by a governmental or quasi-governmental entity for an improvement, service, fine, or penalty is valid against a creditor or subsequent purchaser only if the lien is properly recorded in the county in which the property is located. The bill specifies information that must be included in a lien by a governmental or quasi-governmental entity. The bill excludes liens for taxes, non-ad valorem or special assessments, or utilities from the recording requirement. If approved by the Governor, these provisions take effect October 1, 2013. ***This legislation currently awaits the Governor's signature.***

Development Permits (HB 7019)

National Flood Insurance Program Compliance

The bill requires counties and municipalities to attach disclaimers to development permits that include a condition that all other applicable state or federal permits must be obtained before the commencement of any development. These changes will ensure Florida is fully compliant with the National Flood Insurance Program administered by the Federal Emergency Management Administration.

Referenda Approval of Amendments to Comprehensive Plans or Development Orders

The bill clarifies an existing exemption to a current provision which prohibits local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments.

High-Speed Rail Communication Facilities

The bill requires the Florida Rail Enterprise (enterprise), within the Department of Transportation, to establish a process to issue permits to railroad companies for the construction of communication facilities within a new or existing public or private high-speed rail system. The bill defines the terms "communications facilities" and "railroad company" and prohibits owners of communication facilities from providing voice or data services to persons or entities not involved in the operation of a high-speed rail system.

The bill contains provisions relating to the submission and review of an application for a railroad company to obtain a permit to construct communication facilities and authorizes the enterprise to adopt rules regarding the administration of such permits. The enterprise is required to provide a copy of a completed permit application to the municipalities or counties where the high-speed rail system will be located and allow the affected local governments 30 days to provide comments to the enterprise regarding the application.

The bill provides that the activities authorized in a permit issued by the enterprise for the construction of communication facilities are not subject to local government land use or zoning regulations. Additionally, such permit is in lieu of any license, permit, certificate, or similar document required by any local agency and may include variances and exemptions from rules of the enterprise or any other agency, which would otherwise be applicable to the communication facilities.

Leasing of County Property Ancillary to a Professional Sports Franchise Facility

The bill allows boards of county commissioners to negotiate the terms and conditions of a lease or license associated with commercial development that is ancillary to a professional sports franchise facility, if the ancillary development property is part of or contiguous to, the professional sports franchise facility. This leasing authority applies only in

situations in which a professional sports franchise facility lease has been in effect for at least 10 years and has at least an additional 10 years remaining in the lease term.

Permit Extensions

Chapter 2011-39, L.O.F., provides a 2-year extension for any building permit or any permit issued by the Department of Environmental Protection or by a water management district pursuant to ch. 373, part IV, F.S., which has an expiration date from January 1, 2012, through January 1, 2014. The bill extends the deadline in which a permit holder must notify the authorizing agency of the permit holder's intention to utilize the 2-year permit extension. The deadline for notification is extended from December 31, 2012 to October 1, 2013.

This bill currently awaits the Governor's signature.

6.6. LOCAL BILLS

South Indian River Water Control District (HB 855)

On April 30th, the Senate took up all of the local bills in one group, heard and passed them by a unanimous vote of 36-0. HB 855 by Rep. Rooney amends the charter of SIRWCD by authorizing the Board of Supervisors of SIRWCD to construct improvements upon the real and personal property held, controlled, and maintained for recreational purposes within the District. The bill is now headed to the Governor for his signature. *This bill currently awaits the Governor's signature.*

