

Agenda Item #: 5A-1

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

Updated Backup

## AGENDA ITEM SUMMARY

[illegible]

**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 2014 Legislative Session Update.

**Summary:** Staff requests the Board's review of the 2014 State Legislative Program's Legislative Session update. The Legislative Program outlines the issues that the County's Legislative Affairs Office, in conjunction with the County's lobbying team, have been working on for the Board during the current Legislative Session. Countywide (DW)

**Background and Policy Issues:** Each year, the Board of County Commissioners adopts a program of legislative and appropriation priorities for the upcoming State Legislative Session. The Legislative Session began on March 4, 2014. This update will provide the Board of County Commissioners with an update on many of the County's legislative priorities and appropriation requests as the Legislature heads into the final weeks of session.

**Attachments:**

- ## 1. 2014 State Legislative Program Session Update

**Recommended by:** \_\_\_\_\_  
Department Director Date

Approved By: \_\_\_\_\_  
County Administration Date

II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	<u>20 14</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>-0- *</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

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

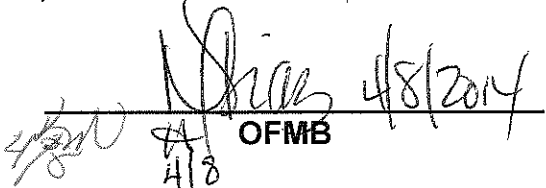
B. Recommended Sources of Funds/Summary of Fiscal Impact: N/A

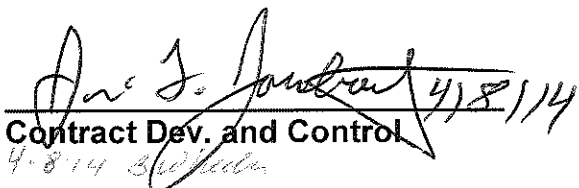
C. Departmental Fiscal Review:

III. REVIEW COMMENTS

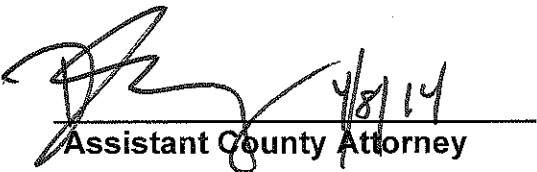
A. OFMB Fiscal and/or Contract Dev. and Control Comments:

\* No Fiscal Impact

  
OFMB  
4/8/14

  
Contract Dev. and Control  
4-8-14 B. Whelan

B. Legal Sufficiency:

  
Assistant County Attorney  
4/8/14

C. Other Department Review:

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

# PBC Legislative Update



APRIL 14, 2014

VOLUME 7 NUMBER 11

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### Sixth Week of Session Update

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8. Gaming
9. FRS
10. Tax Cut Package
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12. Vacation Rentals
13. Local Prefs
14. Fuel Terminals
15. School Sign Pilot
16. Red Light Camera
17. Trans Rural Cities
18. Ag Gleaning
19. Government Accountability
20. Env Permitting
21. Local Bills

#### Inactive Bills This Week

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2. Local Ethics Code
3. Ethics
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5. E-Cigarettes
6. County Parks
7. Wage Theft
8. Med Examiners
9. Hazard Walking
10. Nonres Farm Bldg
11. PDMP
12. Freight Zones
13. Ad Valorem Assessments
14. Yellow Dot
15. Texting and Driving

#### UPCOMING 2014 DATES

## Sixth Week of Session Update

### State Issues

#### Budget

By: County Staff, Anfield Consulting, Moya Group, and Corcoran and Johnston

After passing their respective budgets in week five, the House and Senate spent most of this week negotiating allocations to set up the conference process. It is expected conference negotiations will begin Monday, April 21<sup>st</sup>. Total funds expended in the House budget are \$75.3 billion and in the Senate budget are \$74.87 billion. Key initiatives to Palm Beach County are allocated in the House and Senate budgets as follows:

Program	House	Senate
<b>Education</b>		
Palm Beach State College – Lox Campus	\$ 1,000,000	\$ 6,000,000
WestTech Adult Education Glades Workforce	\$ 426,628	\$ 426,628
<b>Health and Human Resources</b>		
Mental Health and Substance Abuse Program	\$ 250,000	\$ 200,000
Ruth Rales Jewish Family Services – Meal Service	\$ 250,000	\$ 0
200 additional Palm Beach County PACE slots	\$ 1,573,161	\$ 3,014,837
ChildNet – Palm Beach County	\$ 0	\$ 25,000
Place of Hope – Haven Campus	\$ 0	\$ 25,000
Sickle Cell Research – Tampa Bay Area		\$ 50,000
<b>Criminal Justice</b>		
PILT - South Bay Correctional	\$ 275,560	\$ 275,560
PILT - Sago Palms South Bay	\$ 142,900	\$ 142,900
<b>Natural Resources</b>		
Florida Forever	\$ 70,000,000	\$ 40,000,000
Everglades EFA – Restoration Strategies Impl.	\$ 32,000,000	\$ 32,000,000
Everglades Restoration (Incl. IRL)	\$ 53,000,000	\$ 82,075,000
Northern Everglades	\$ 3,000,000	\$ 3,000,000
Springs Protection	\$ 50,000,000	\$ 30,000,000
Drinking Water State Revolving Loan Program	\$ 78,495,609	\$ 77,194,809
Wastewater Revolving Loan Program	\$163,044,933	\$161,558,053
Small County Wastewater Treatment Grants	\$ 21,000,000	\$ 21,000,000
Total Maximum Daily Loads	\$ 9,385,000	\$ 9,385,000
DACS “Water Farming” Lake O. Basin	\$ 10,000,000	\$ 0
DACS BMP’s Implementation	\$ 5,400,000	\$ 5,400,000
DACS Hybrid Wetland Treatment Program	\$ 10,569,956	\$ 0
Non-point Source Management	\$ 17,000,000	\$ 17,000,000
Beach Restoration	\$ 25,538,732	\$ 47,075,469
Petroleum Tank Clean-up	\$100,000,000	\$125,000,000
Local Water Projects	\$100,500,000	\$ 41,997,714

**Local Water Projects in *Senate* Budget**

Palm Beach Co. – Lake Region Infrastructure Imprv.	\$	1,000,000
Palm Beach Co. - Living Shores Projects	\$	650,000
Palm Beach Co. – Lake Worth Lagoon Initiative *	\$	2,075,000
Palm Beach Co. – Riviera Beach Avenue “O” Stomwater	\$	425,000
Palm Beach Co. – Riviera Beach West 6 <sup>th</sup> Street Imprv.	\$	650,000

\* Funded in the Senate IRL / Everglades Package

C-51 Sediment Management	\$	0	\$	500,000
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Beach Funding (total)	\$	25,538,732	\$	47,075,469
Jupiter Carlin	\$	1,625,000		
North Boca Raton	\$	0		
Ocean Ridge	\$	751,300		
Delray Beach	\$	1,006,016		
Lake Worth Inlet	\$	54,000		
South Lake Worth Inlet	\$	536,250		
Boca Inlet	\$	395,700		
Jupiter Island Beach Renourishment	\$	41,109		

Palm Beach County Public Shooting Park	\$	3,200,000	\$	3,200,000
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**Transportation and Economic Development**

Glades Area Street Resurfacing	\$	1,000,000	\$	1,000,000
Cultural and Museum Grants	\$	10,125,000 (all projects)	\$	6,814,505
Cultural Facilities Grants **	\$	9,394,337 (1-17)	\$	6,831,584
Library Grants	\$	24,699,440	\$	24,899,440
Library Cooperatives	\$	1,500,000	\$	1,500,000
FRDAP***	\$	12,941,820	\$	2,479,820

Transportation Disadvantaged	\$	50,898,510	\$	50,898,510
Transportation Disadvantaged – Medicaid	\$	12,825,000	\$	12,825,000
Affordable Housing Programs	\$	44,650,000	\$	67,660,000
State Housing Initiatives Partnership	\$	44,650,000	\$	158,470,000
Film and Television Credits			\$	20,000,000
Quiet Zones			\$	10,000,000

\*\* House – items listed 1-17 under Dept. of State will be funded: (#2) South Florida Science Museum \$500,000; (#16) Palm Beach Dramaworks \$500,000; (#17) Lake Worth Community Redevelopment Agency \$150,000. Senate – Only Palm Beach Project currently funded is SF Science Museum.

\*\*\* From the House funds in Specific Appropriation 1714A, \$2,479,820 is provided for all of the Small Development projects, \$9,835,000 is provided for the first 52 Large Development projects, \$200,000 is provided for the Land Acquisition project, and \$400,000 is provided for all Trail projects in the Department of Environmental Protection’s 2014-2015 Florida Development Assistance Program Priority List, dated December 11, 2013. Funds in the Senate Specific Appropriation 1714A, are provided for the Fiscal Year 2014-2015 Priority List for Small Projects Fund - Development list.

**General Government**

Scripps Florida	\$	2,000,000	\$	0
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**Judicial Funding**

4 <sup>th</sup> DCA Courthouse Construction	\$	3,000,000 (Maint.)	\$	7,001,861
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**Passover/Easter Recess**

*By: County Staff, Corcoran & Johnston and Ericks Consultants*

Next week both the House and Senate plan to take a break for Passover and Easter. We are ready to go into budget conference beginning the week of the 21st, leaving two full weeks of work left in the 2014 Legislative Session.

### **Sober Homes**

*By: County Staff, Corcoran & Johnston and Ericks Consultants*

HB 479 By Bill Hager would provide for voluntary certification through an outside entity under contract with the DCF. The bill would require level 2 background screening for administrators, staff and volunteers and directs that the information be placed on a registry. The certification program would also require the homes to have a code of ethics, a good neighbor policy and an eviction policy. Licensed substance abuse care providers must refer patients to only those sober homes that obtain certification.

This bill establishes programs for the voluntary certification of recovery residences. The bill defines "recovery residence" as a residential dwelling unit or other form of group housing that is offered or advertised through any form, including oral, written, electronic or printed means, by any person or entity to be a residence that provides a peer-supported, alcohol-free and drug free living environment.

The Senate bill, SB 582 by Sen. Jeff Clemens, would make registration with DCF mandatory and charge unlicensed operators with first-degree misdemeanors. The level 2 background screening would only apply to managers, directors, owners, operators and chief financial officers of sober homes.

Both bills include legislative intent to provide clean and safe environments to those recovering from addiction. The House bill has cleared all of its committees and the Senate has the Appropriations committee left before it goes to the floor.

### **Spring Training Baseball**

*By: County Staff and Corcoran & Johnston*

SB 1216 by Sen. Jack Latvala would change the current distribution allocations for the State's Spring Training retention program that was approved last year. It was approved by the Senate Appropriations Committee this week, and now moves to the floor for consideration.

Under the bill, construction of a single team stadium would be eligible for \$20 million over 20 years and a two team stadium would be eligible for \$50 million over 25 years. Additionally, a provision would allow an existing stadium to utilize the dollars to expand to a two-team stadium.

The House companion, HB 7095, relating to Professional Sports Facilities Incentive Application Process creates the Professional Sports Facility Incentive Program process to provide state funding for the public purpose of constructing, reconstructing, renovating, or improving a professional sports facility.

This bill is similar to the Senate legislation; however, the House version does not include the Spring Training language favored by Palm Beach County.

### **Homelessness**

*By: County Staff*

The House Appropriations Committee approved HB 979 creating a dedicated state revenue source for homelessness funding.

Both the House and Senate bills would apply the first 4% of revenue for the Local Government Housing Trust Fund for DCF to offer varying levels of "Challenge Grants" to Continuums of Care and local governments of up to \$500,000. Another priority to address homelessness, a local government surtax authorized by voter approval, was removed from a discretionary sales surtax bill, HB 723 by Rep. Pat Rooney, in the House but remains included in its Senate companion.

A third priority bill on **Homeless Public Records Exemption**, SB 516 by Sen. Latvala, passed 40-0 on the Senate floor this week. The bill creates a public

records exemption for individual identifying information of person contained in Point-In-Time Count & Survey or data in Homeless Management Information System. The House companion, HB 399 by Rep. Powell, is currently in House Government Operations.

### **Juvenile Detention Costs**

*By: Ericks Consultants and County Staff*

SB 1532 revises the share of juvenile detention costs between the counties and State to close to a 50/50 proportion of actual cost. The revision is in response to a court ruling on the methodology that favored a more generous cost split for counties. The House version contains similar repayment language. An amendment that was withdrawn from the Senate Bill would have appropriated \$762,437 annually until 2024 (as opposed to \$329,318 annually until 2036 in the House bill) to Palm Beach County for back pay. The House passed HB 5303, its version of the revised cost share methodology and sent it to the Senate for its consideration. The Senate bill has one more committee stop before going to the full Senate. The issue of back pay may likely be negotiated during budget conference.

### **Film and TV Incentives**

*By: Ericks Consultants and Corcoran & Johnston*

The Senate Commerce & Tourism Committee voted unanimously to file a proposed committee bill, SB 1734, that would extend the Entertainment Industry Financial Incentive Program an additional 4 years, appropriate an additional \$300 million (\$50 million per year) and revise eligibility to include, among other things, higher percentages of Floridians hired on projects. Counties would be required to commit a cash-match of 10%. The bill would also move and rename the agency division in charge of film and entertainment. The bill has one committee of reference before going to the full Senate. Its House companion has not been heard in its first of three committees of reference.

Senator Nancy Detert also included \$20 million for film incentive funding in FY 2014-15. There is no corresponding budget amendment for film incentive funding on the House side, so this will be a conference issue.

### **Gaming**

*By: Ericks Consultants and Corcoran & Johnston*

One of the big announcements this week is the Speaker has closed conversations on gaming for the rest of this Session.

On Tuesday; however, the Senate Gaming Committee convened on consider SB 742, relating to Racing Animals, by Senator Sobel. The bill requires greyhound track veterinarians to prepare detailed reports of all injuries to racing greyhound dogs that occur while the dogs are on a racetrack or in another location. As a series of amendments were proposed to the bill and some adopted. It seems highly unlikely a gaming bill will pass this session based on comments from both the House and Senate leadership.

### **Florida Retirement System**

*By: Corcoran & Johnston and Ericks Consultants*

Senate Governmental Oversight and Accountability voted 7-2 to reform the FRS system using a "cash-balance" plan. New employees would have to choose between the cash balance plan or another type of investment plan. New "Special Risk" employees – such as police – would still be allowed to choose the defined benefit pension system. Current employees would not be affected by the changes. Supporters of the bill- who included members of the committee, Americans For Prosperity, and the Florida Chamber of Commerce- argued that the reform would protect the FRS fund of the future, that the investment plan was superior because

it offers mobility and higher returns, and that reform would save Florida tens of billions over the course of the next thirty years. Opponents- who included teachers, firefighters, sheriffs, bus drivers, and union representatives- argued that the reform was designed to slowly close the FRS fund in order to get the State out of its obligations and that the reforms were unnecessary and based on incomplete, rushed data. Special Risk employees opposed the bill despite being exempt because, they argued, the reform would affect the current FRS by changing the ratio of employees to retirees in the system. Opponents also continued to point out that Florida's FRS system is one of the healthiest in the nation. The bill was amended to add on language that would fix a "double dipping" glitch that prevented retired employees from coming back into the system. An amendment to add judges to those exempt from the reform failed. The bill has one more committee stop before going before the full Senate. Meanwhile, a similar but separate House proposal moved passed the House Appropriations Committee in a divided 16-10 vote. The House proposal would close off the defined benefit plan to all members of the elected officers and senior management class but leave the option open for other employees; increase the vesting period of the defined benefit plan from 8 to 10 years, while allowing for a one year vesting period in the defined contribution plan; and defaults new hires into the defined contribution plan within 8 months if no choice is made between the two plans beforehand. Any employees hired or changes made prior to July 1, 2015 date would not be affected. The bill is now ready to go before the full House.

HB 7173: <http://flsenate.gov/Session/Bill/2014/7173/BillText/Filed/PDF>

SB 1114: <http://flsenate.gov/Session/Bill/2014/1114/BillText/Filed/PDF>

### **Tax Cut Package**

*By: Ericks Consultants and Corcoran & Johnston*

The Senate held a "workshop" the House Tax Cut Package passed last week in the Senate Finance and Tax Subcommittee. While some of the provisions of the House package do have Senate companions that have been approved by the same committee, many of the members expressed frustration that the Senate would consider the House package in committee - as it is unconventional- after passing its own ideas on how to meet the Governor's goal of giving \$500 million back to taxpayers. The Senate Appropriations later took up the package and adopted a strike-all amendment containing the substance of bills passed earlier by the Finance & Tax Appropriations Committee, dramatically changing the bill language.

As a recap, the House package would:

- Four temporary "tax holiday" periods where sales of certain goods will be exempt from the sales tax. The sales tax holidays will be:
  - Three days in August on clothes and shoes priced at \$100 or less, school supplies priced at \$15 or less, and the first \$750 of price on computers and certain accessories,
  - Twelve days in June on certain hurricane preparedness supplies,
  - Three days in September on the first \$1,500 of sales price of certain energy and water efficient appliances, and
  - Seven days in September on physical fitness facility memberships.
- The addition of cement mixing drums to an existing temporary sales tax exemption for manufacturing machinery and equipment, which will expire in 2017.
- Permanent sales tax exemptions for child restraint systems and booster seats for use in motor vehicles, and for bicycle helmets marketed for use by youth.
- An increase in the exemption for corporate income tax from the first \$50,000 of income to the first \$75,000 of income for each corporate income taxpayer.
- Expansion, from \$178.8 million to \$227.55 million, of the credits available under the New Markets Tax Credit program, which directs investment into

low-income communities.

- A one-year, \$14 million extension of the sunset date of the Community Contributions Tax Credit program.
- Creation of a new qualified television revolving loan program, seeded with \$20 million in nonrecurring General Revenue, to assist television production companies in acquiring the financing they need to encourage the production of television programs in Florida.
- Modernization of the statutory definition of “prepaid calling arrangement” to clarify that certain prepaid mobile communications services are to be subject to state and local sales taxes instead of state and local communications services taxes.
- Redirection of sales tax collections on sales of electricity to the Gross Receipts Tax on utilities, thereby increasing revenues for public education capital outlay. The current 7% sales tax rate on electricity purchases by most businesses would be reduced to 4% and the gross receipts tax on electricity would be increased by like amount.
- Redirection of \$100 million in sales tax revenue annually to the State Transportation Trust Fund to be used for statewide strategic and regionally significant projects.

The Senate package, after the strike-all, would: reduce the State’s portion of the CST; implement a 3-day sales tax holiday for back-to-school materials; and create an incentive program for a motorsports entertainment complex. The committee adopted amendments that shifted some of the tax cuts towards bail bondsmen and retailers, which upset some members of the committee who felt the cuts should be broad based and not targeted to specific businesses. The committee also adopted an amendment that would allow local governments to lower their Local Business Tax by a majority vote rather than conducting an equity study. The bill was Temporarily Postponed for further discussion.

Still remaining in the House bill is the section reducing sales tax paid on electrical purchases from 7% to 4% and increase the Gross Receipts Tax paid on electric utilities by the same amount with the intent to increase funding to PECO has received major opposition from the Florida League of Cities and Association of Counties who argue that it is not local government’s responsibility to fund PECO and at such an impact. The fiscal impact to Palm Beach County would be \$1 million a year. House Appropriations Chair Seth McKeel committed that he would fix this provision before the bill returned to the floor.

### **Limousine Preemption**

*By: Ericks Consultants and Corcoran & Johnston*

After one failed attempt and an amendment to geographically restrict the bill’s application to the Hillsborough County area, Senate Transportation passed SB 1618 to prevent special districts from regulating the wait time, minimum fare, and number of licenses for limousine drivers using digital apps to connect customers to drivers. The bill would still require the drivers who use the digital service to follow the same local level regulations for financial and insurance responsibility as other similar services. Opponents of the bill’s original language are still mobilized against the current bill as it could be a foothold for preemptive policies in years to come. The bill has one more committee stop before going to the full Senate. Its House companion, HB 1389 by Rep. Grant that barely passed its final committee last week, is now ready to go before the full House.

### **Vacation Rentals**

*By: Ericks Consultants*

A bill that would restore local control over vacation rental properties survived an attempt to revise its language and passed the House Regulatory Affairs Committee in a 14-4 vote. HB 307 would allow local governments to regulate vacation rentals



with the exception of setting minimum length of stay periods or banning property owners from utilizing their property as a vacation rental. The failed amendment would have required that any restriction placed on vacation rentals by local governments be placed on non-vacation rentals as well. The bill is now ready to go before the full House. The Senate passed its companion on March 26<sup>th</sup> and has sent their bill to the House for consideration.

### **Local Preferences in Award of State Contracts**

*By: Ericks Consultants*

Bills in both the House and Senate that would preempt local preferences in award of government contracts when using state dollars moved through committees this week. The intent of the bills is to save the state money by protecting against local government bids with local preferences that the state feels artificially inflate prices. The Senate Judiciary voted 7-2 to approve SB 612 that would preempt local preference ordinances on competitive solicitations for projects that use at least 51% of state funds to fund the project. The original bill would have required the preemption to kick in if any state funds were used.

The Senate bill has one more committee of reference before going to the full Senate. The House companion has three committees of reference left.

### **Fuel Terminals**

*By: Corcoran & Johnston and Ericks Consultants*

House Economic Affairs unanimously approved HB 947 that would prohibit local government from changing the land use classification for land used for fuel terminals as well as require local governments to allow fuel terminals to be restored to their original capacities if damaged by natural catastrophes. The bill originally removed all authority of local governments to control the expansion of fuel terminals or consider them in local comprehensive plans. The current language is a compromise struck between fuel companies and local governments. The bill is now ready to go before the full House. Its Senate companion, SB 1070, is close to passage in the full Senate.

### **School Sign Pilot Program**

*By: County Staff*

Language was added to a new FDOT legislative package identical to language adopted last week in SB 1048 that extends the Palm Beach County/School Board Pilot Program until 2015. Similar language is expected to be adopted to HB 1161 by Rep. Goodson.

The proposal emanates from Palm Beach County where each of the 30 high schools have business partnerships for the promotion of Project Graduation (drug/alcohol-free celebration) and other key school events. These schools raise funds through business partnerships for these activities and display sponsorship banners recognizing the sponsors around school fencing.

Because Palm Beach County has schools located in 26 municipalities plus the unincorporated County area, there are widely varying municipal and local codes. The County Commission, for one, supports the display of school sponsorship banners, but is concerned that amending their own code for one exception could leave them open for other entities wanting an exception. In 2008, the County Commission and School Board suggested the creation of a pilot program to standardize the display and location of these school recognitions.

The current pilot program expires on June 30, 2014; this legislation renews the authority for Palm Beach County through FY2015. This renewal also provides authority for DOT to require removal of any banner recognitions that could jeopardize federal funding.

### **Red Light Cameras**

*By: Corcoran & Johnston and Ericks Consultants*

HB 7005, by the Transportation & Highway Safety Subcommittee was amended to remove all provisions that would have made changes to the red light camera traffic enforcement program. A section prohibiting cities from charging for parking within the state right-of-way (parking meters) was also deleted. HB 7005 passed the House Economic Affairs Committee and is now ready for consideration by the full House of Representatives.

An earlier version of HB 7005, would have provided that red light cameras could only issue notice of violations rather than uniform traffic citations, that seventy percent of the revenue collected must go to traffic safety capital improvements, that engineering countermeasures for intersection safety must be considered prior to installing new cameras, and provides that violations do not occur while making right or left hand turns while there is no pedestrian or vehicles in the way.

Meanwhile, the Senate Transportation Committee temporarily postponed a proposed committee substitute with similar language during week five. SB 144 contains provisions relating to signal intervals and a uniform speed limit for making legal right on red turns. After lengthy public testimony against the PCS and multiple failed amendments, the committee voted 6-3 to Temporarily Postpone the bill.

### **Transportation - Rural Cities**

*By: Anfield*

SB 218 by Denise Grimsley passed through the Transportation Committee this week. That was its final Senate committee of reference. The bill would allow the cities of Belle Glade, South Bay and Pahokee to compete for state funds to help meet some of the needs of their road infrastructure. The House companion is on Second reading on the floor and could be considered in the next couple weeks.

On Friday, CS3/SB 218 was taken up in the Senate on 2<sup>nd</sup> reading. Three amendments were adopted. SB 218 was rolled to Third Reading. CS/HB 345 is currently on Second Reading in the House.

### **Agricultural Gleaning**

*By: Ericks Consultants and County Staff*

House Judiciary unanimously approved HB 1135 by Rep. Kevin Rader that would protect farmers from liability when gratuitously allowing people to harvest produce on their lands. The bill is now ready to go before the full House. Its Senate companion, SB 1138 by Rep. Greg Evers, was heard on Second reading this week.

### **Government Accountability**

*By: Corcoran & Johnston and Ericks Consultants*

The House State Affairs Committee approved HB 1327 that would require local governments as well as other governmental entities to establish, maintain, and document internal controls to combat abuse, fraud and waste; ensure that administrative duties are being conducted according to the law and best practices; encourage economic efficiency; ensure reliability of financial reports; and safeguard assets. The bill does not set forth any preemptive standards and allows the details of the internal control system and documentation to be determined by the local government itself. The bill is now ready to go before the full House. Its Senate companion, SB 1628, still has three of four committees of reference left.

## **Environmental Permitting**

*By: Ericks Consultants*

The Senate companion to this year's environmental permitting package was temporarily postponed in Senate Community Affairs. SB 1464 still has two more committees of reference before going to the full Senate. Its House companion has one more committee of reference before going to the full House.

HB 703 would do a number of things including:

- Specify the authority of counties to enforce wetlands, springs protection & storm water ordinances, regulation, & rules
- Revise procedures for adopting a comprehensive plan and plan amendments.
- Prohibit local governments from rescinding certain land use approvals
- Exempts certain land lessees from permit fees
- Authorize durations & multiple commencement dates for certain consumptive use permits
- Requires delegated local governments to follow criteria and standards for well construction
- Provide that proof of insurance meets mitigation bank permit requirements
- Exempts certain facilities, structures, & improvements from additional local government authorizations & permits
- Requires certain criteria to be incorporated into regional water supply plans
- And establishes solid waste landfill closure account within the Solid Waste Management Trust Fund

## **Local Bills**

*By: Corcoran & Johnston*

On Friday in the House State Affairs Committee, two Palm Beach County local bills were heard.

Representative Pafford presented **HB 1335**, regarding the **Loxahatchee Groves Water District**, Palm Beach County. The bill creates section 9 of the District's charter providing for the presumed dedication of right-of-way easements to the public over roads constructed by the District. Once dedicated, an easement vests in the road to the public for right-of-way purposes. The bill also provides procedures by which a map may be filed with the county clerk to establish prima facie evidence of the existence of an easement over the dedicated roads. The bill passed unanimously.

Representative Pafford also presented **HB 1337** regarding the **Loxahatchee Groves Water District**, Palm Beach County, which authorizes the public to use any District maintenance easement for recreational trail purposes, including, but not limited to, equestrian uses. The bill passed unanimously.

## **County Bills With No Action This Week:**

### **Public Records**

*By: Ericks Consultants and County Staff*

The House companion to the fast-tracked, controversial public records bill was unanimously passed out of the Senate and was amended in the House Government Operations Subcommittee during week five to reflect a compromise by stakeholders. Specifically, HB 1151 would make the following changes:

1. Requires local governments to provide appropriate training on public records requirements to each employee;
2. Limits the cost of clerical or supervisory assistance charges that may be assessed for a public records request to the lowest paid personnel capable

- of performing the work and excludes employer-paid benefits;
3. Provides that contracts between agencies and contractors must require the contractor to notify the public agency's custodian of public records before denying a request for records held by the contractor, and to notify the public agency if the contractor is served with a civil action to enforce public records requirements;
  4. Clarifies that a public records request need not be made in writing unless required by law;
  5. Provides that the award of reasonable costs of enforcement available to a party who prevails against an agency to enforce public records requirements includes attorney fees incurred in litigating entitlement to and quantification of attorney fees for the underlying civil action.

The bill has two more committees before going to the full House and has been scored as having a negative though indeterminate fiscal impact on local governments. The Senate Bill, SB 1648, is one of the top priorities of the Senate President.

### **Local Ethics Code**

*By: Ericks Consultants*

The Senate Community Affairs and House Local & Federal Affairs voted during week five to approve a bill that would allow local ethics codes to go beyond the State ethics code and provides that individual accused of ethics violations have a right to a public hearing. The public hearing process would be determined at the local level and must provide a choice to the respondent to have either the ethics board or local hearing officer preside over the hearing. The Palm Beach County Commission on Ethics assisted in drafting the adopted language. Both the House (HB 1317) and Senate bill, SB 1474 by Sen. Abruzzo, have one more committee of reference each.

### **Ethics Package**

SB 846, an Ethics package that would ban local government officials from being registered to lobby the Legislature on behalf of any entity other than his or her political subdivision. All constitutional officers, including property appraisers, supervisors of elections, county commissioners, and municipal officers- with the exception of small cities- are included in the ban. The bill would also require special districts to create registries of individuals who lobby them and require local officers to undergo ethics training for municipalities that do not already have ethics training requirements. The Senate passed the bill and the House bill is currently in committee.

### **Residency of Candidates**

HB 602 that would require a candidate or public officer, who is required to reside in a specific geographic area, to have only one domicile at a time. The bill provides factors that may be considered when determining a residency and also provides exemptions for active duty military members and for the Legislators themselves. The bill has one committee left before going in front of the full Senate and its House companion bill has two committees left before going in front of the full House.

### **E-Cigarettes**

The bans the sale of e-cigarettes to minors by making it a 2<sup>nd</sup> degree misdemeanor. The bill requires signs prohibiting sales to minors to be posted at the point of sale, and making a noncriminal violation for minors if they possess or purchase e-cigarettes or other tobacco products. Included in HB 169 is a new preemption of any local ordinances regarding the sale of nicotine dispensing devices.

## **County and Municipal Parks**

*By: Ericks Consultants*

HB 677 would require county and municipal parks to offer discounted admission to military service members, veterans and spouses and parents of deceased law enforcement, military service members, and firefighters. The bill is in its final of three committees. Its Senate companion, SB 378, is also in its final of three committees and will be up in Revenue estimating conference this week.

## **Wage Theft**

*By: Ericks Consultants and Corcoran & Johnston*

SB 926, the Senate proposal to apply a uniform wage theft model across the counties, was altered during week five. The Senate Rules committee adopted an amendment that would remove both Miami-Dade and Palm Beach models from the bill and expand the authority of county courts to process wage theft claims while instructing local governments to establish administrative procedures to help resolve claims outside of court. The bill would preempt any new local models but would grandfather in ordinances and resolutions adopted prior to January 1, 2014. The bill is now ready to go before the full Senate. Its House companion that is still based upon the Palm Beach County model, has two more committees of reference before going to the full House and is temporarily postponed in Local Affairs.

## **Medical Examiners**

*By: Corcoran and Johnston and County Staff*

A Department of Health bill, HB 819, includes a \$50 cap on fees that can be charged by Medical Examiners. Miami-Dade currently charges a fee of \$63 and Broward County who charges \$54 are the only two local governments charging over \$50.

HB 301 by Rep. Ross Spano regarding Medical Examiners would have prohibited Medical Examiners from charging a fee to perform a cause of death determination in cases of cremation and burial at sea, while still requiring Medical Examiners to perform the cause of death analysis in such cases. HB 301 now appears to be dead, having stalled in the Local & Federal Affairs Committee chaired by Rep. Eddy Gonzalez. The Senate companion bill, SB 584 by Sen. Tom Lee never cleared a Senate committee and remains temporarily postponed in Health Policy.

The Medical Examiner amendment adopted to HB 819 may be subject to a rule challenge when it reaches the Senate under Senate Rules that prohibit bills temporarily postponed in committee from being heard on the floor.

## **Hazardous Walking Conditions**

*By: Ericks Consultants*

Committees in both the House and Senate continued to approve a bill that would address hazardous walking conditions for K-12 school students. The bills, SB 1382 and HB 1121, were each amended to remove timeline provisions that would have imposed a fiscal impact on local governments for the repair of certain sidewalks near schools. HB 1121 is now on Second reading in the House.

## **Nonresidential Farm Buildings**

*By: Corcoran & Johnston*

SB 1342, regarding Nonresidential Farm Buildings, exempts nonresidential farm buildings, farm fences, and farm signs from county or municipal assessments, including assessments by a dependent special district, except those arising from floodplain management regulations. The bill is currently in Appropriations.

### **Prescription Drug Monitoring**

*By: Corcoran & Johnston and Ericks Consultants*

The Senate Judiciary approved changes to the Prescription Drug Monitoring Program after adopting an amendment that reflects a compromise with law enforcement. The amended bill, SB 862, would now require law enforcement to enter into a user agreement to keep information confidential in order to access the PDMP rather than a court order or subpoena. The bill also would provide a recurring funding source for the PDMP through appropriating a portion of pharmacy fees. The bill will be heard in its final committee of reference next week. Its House companion has two committee stops before going to the full House.

### **Freight Logistics Zones (CS/SB 136 & HB 3)**

*By: Anfield Consulting*

House and Senate committees continued to move a bill to allow counties to designate an area as a "freight logistics zone," which would house projects eligible for certain state incentives related to strategic intermodal transport. A strike all amendment was adopted to **CS/SB 136** that conforms it to the House companion measure.

**CS/CS/SB 136** will next be taken up in Senate Appropriations, its last committee of reference. During week five, **CS/CS/HB 3**, was taken up in House Economic Affairs, its last committee of reference, and passed without amendment.

The House bill is now ready to go before the full House, while the Senate bill has one more committee of reference before going to the full Senate.

### **Ad Valorem Assessments and Renewable Energy Source Devices**

*By: Corcoran & Johnston*

SJR 916, regarding Ad Valorem Assessments and Renewable Energy Source Devices, proposes a constitutional amendment to existing provisions that authorize the Legislature to prohibit property appraisers, in appraising real property for ad valorem tax purposes, from considering the value of improvements to residential real property that constitute either enhancements to the property's wind resistance or the installation of a renewable energy device. The resolution limits application to instances when an end-use customer, primarily to offset part or all of that customer's electricity demands, installs the renewable energy device. The bill has one committee meeting left before going to the full Senate.

### **Yellow Dot Program**

*By: County Staff*

SB 262 by Sen. Joseph Abruzzo passed the full Senate by a unanimous vote of 38-0. The House companion bill, HB 17 by Rep. Irv Slosberg, has passed out of all its committees of reference and is waiting for SB 262 to come over from the Senate to be heard by the full House.

The legislation authorizes counties to create a "Yellow Dot" critical motorist program for the purpose of assisting emergency medical responders in the event a motorist accident or medical emergency. Participants in the program receive a yellow dot decal to place on their vehicle's rear window, which alerts emergency services personnel to look for a corresponding yellow folder in the glove box that includes emergency contact and medical information.



**Palm Beach County**

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Paulette Burdick, Vice Mayor

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Shelley Vana

Steven L. Abrams

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**Texting While Driving**

*By: County Staff*

SB 1078 by Sen. Darren Soto has passed one of four committees of reference, SB 1078 is now waiting to be placed on the Senate Transportation Committee agenda. The House companion bill, HB 1253 by Rep. Slosberg, has passed out of all of its committees of reference and is ready to be heard by the full House.

The legislation would make it a 2<sup>nd</sup> degree felony for a person who is texting while driving and causes the death of a human being or fetus. The offense becomes a 1<sup>st</sup> degree felony if at the time of the accident, the person knew or should have known, that the accident occurred and the person failed to give information and render aid.

**Upcoming 2014 Legislative Session Dates**

April 14–18, 2014

Senate Passover/Easter Recess

May 2, 2014

Legislative Session Scheduled to Conclude