

PBC Legislative Update



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Second Week of Session Update

State Issues

Tri-County Mayors Meeting in Tallahassee

By: County Staff

On Thursday, March 13th, Vice Mayor Paulette Burdick traveled to Tallahassee to join the Mayor's of Miami-Dade and Broward Counties to discuss the tri-county legislative agenda. The visit was a follow up to the February 14th meeting between Mayor Priscilla Taylor of Palm Beach County, Mayor Carlos Jimenez of Miami Dade County, and Mayor Barbara Sharief of Broward County where they discussed several state legislative issues of similar interest. The Mayors conceptually agreed to support a tri-county legislative agenda that included the following issues:

SECTION 1: Regional Transportation. Support a regional vision for transportation, heighten traffic efficiency, smooth flow of traffic on roads and highways, that:

- 1) Supports revenue fair share that keeps 100% of managed lane revenue collected in South Florida in the area for local transportation projects, and;
- 2) Supports passenger rail and the funding of quiet zones along the FEC corridor and funding of a Beach Corridor Transit Connection in downtown Miami.

SECTION 2: Economic Development. Enhance the economic climate of South Florida through:

- 1) Film and Television Incentives
- 2) Reauthorization of Enterprise Zones
- 3) Homelessness Resources

SECTION 3: Natural Resources.

- 1) Beach Management
- 2) Coastal Flooding
- 3) Water Projects
- 4) Everglades Funding

SECTION 4: Home Rule, Preemption, Unfunded Mandates and Cost Shifts.

Oppose any bills that would adversely affect or preempt local Home Rule;
Oppose additional unfunded mandates and cost shifts.

The Tri-Mayor's group met with Senate President Don Gaetz, Senate Appropriations Chair Joe Negron, House Leader-Elect Mark Pafford, Governor Scott's Chief of Staff Adam Hollingsworth and Speaker Weatherford's Chief of Staff Kathy Mears among the dozen meetings set up throughout the day.

Budget Allocations

By: County Staff

The House release budget allocations on Thursday. This typically starts the formation of Appropriation Subcommittee budgets. The House subcommittees are expected to meet next week to formulate and vote out their respective budgets. The total general revenue allocations are listed below:

Total General Revenue Fund Allocations

\$26,844.7 (Recurring)
\$1,051.8 (Non-Recurring)
\$27,896.5 (Total)

Additionally, this week state revenue forecasters met and determined the state would see a gain in general revenue tax dollars of more than \$150 million more than was previously determined. Leadership in the House immediately responded that most of these funds might be directed to additional tax cut measures.

Transportation Bill Rural City Legislation

By: County Staff

SB 218 by Denise Grimsley passed its final committee of reference this week and heads to the Senate floor. The bill was amended in committee to allow future appropriated funds as determined by the legislature to be used to assist municipalities in Rural Areas of Critical Economic Concern in the area of transportation infrastructure. If passed, 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.

Public Meetings

By: Corcoran and Johnston and Ericks Consultants

Senate Community Affairs passed SB 718 by Senator Legg in a 7-1 vote. The bill requires that notices of public meetings include a description of each matter to be considered at the meeting. The bill prohibits board or commission members from taking action on any matter that is not described on the notice. An exception is provided for emergency situations requiring immediate action so long as consideration of the matter is approved by a super majority of the board or commission. The Florida League of Cities expressed concerns with the bill from a constituent service and response standpoint; however, he stated that they are working with Senator Legg's office on these issues. The bill passed favorably. Its House companion has not yet been heard in any of its three committees of reference.

Fuel Terminals

By: Corcoran and Johnston

In the Senate Community Affairs Committee, Chairman Simpson sponsored SB 1070, relating to Fuel Terminals. The bill declares existing fuel terminals are a permitted use under all local government comprehensive plans and land use regulations. The bill provides definitions of "fuel," "fuel terminal," and "primary use." The bill declares that certain fuel terminals may be expanded and such expansions will be deemed a permitted use in all land categories, except for property designated as preservation, conservation, or historic preservation prior to July 1, 2014. The bill authorizes local governments to adopt land development regulations that enforce aesthetic compatibility based standards with regard to the expanded portions of a fuel terminal. An amendment was adopted that limits preemption to terminals that are in existence currently and not proposed terminals. Stephen James of the Florida Association of Counties clarified the details of the bill and expressed support of the bill. SB 1070 was reported favorably, without objection.

Fair Associations

By: Corcoran and Johnston

In the Senate Community Affairs Committee, Chairman Simpson presented SB 624, relating to Fair Associations. This bill provides an exemption from or prohibits the assessment of fees and taxes for fair associations. A "fair association" is defined as a not for profit association incorporated under ch. 616, F.S., for the purpose of conducting and operating public fairs or expositions. An amendment that removed section 3 of the bill, containing a retroactive clause, was adopted without objection. Kurt Spitzer, from the Storm Water Association, stated that he had concerns about the fees that would be impacted by SB 624. Ryan Matthews of the Florida League of Cities echoed the concerns of the Storm Water Association. SB 624 was reported favorably and without debate.

Growth Management

By: Corcoran and Johnston

In the House Local and Federal Affairs Committee, Representative Boyd presented HB 189, regarding Growth Management, which revises the prohibition on initiative and referendum processes for local comprehensive plan or map amendments by removing a provision that allows such processes that affect more than 5 parcels of land under certain conditions. The bill prohibits these processes unless the initiative or referendum process is expressly authorized by specific language in a lawful local government charter. The Florida Chamber of Commerce, the Florida League of Cities, and the Town of Longboat Key support the bill. There was no debate and the bill passed unanimously.

On Tuesday, in Senate Community Affairs, Senator Detert presented SB 374, relating to Growth Management, which removes the prohibition against some local initiative and referendum processes related to comprehensive plan amendments and map amendments. Current law allows local initiatives and referendums if they: were in effect on June 1, 2011, impacted more than five parcels of land, and were expressly authorized for comprehensive plan or map amendments in a local government charter. It was stated that this bill was crucial for Sarasota and Manatee county delegations. The bill passed unanimously.

Medical Examiners

By: Corcoran and Johnston and County Staff

On Tuesday, in the Senate Health Policy Committee meeting, Senator Lee presented SB 545, regarding Medical Examiners. The bill clarifies the circumstances under which a case must be referred to the district medical examiner for an investigation and determination of cause of death, and prohibits medical examiners from charging user fees for specified services involving a determination of cause of death. In Palm Beach County the medical examiner charges \$50 for cremation of a body that generates \$395,000 per year.

An amendment carving out the tri-county area was withdrawn from consideration after significant discussion and debate from members of the committee.

The Florida Department of Law Enforcement and the AARP support the bill as amended.

The Florida Association of Counties, Marion, Broward, and Palm Beach County opposed the bill in public comment.

In debate, Senator Flores said that she could not support the bill if the state requires an autopsy before cremation but does not allow a medical examiner to collect the fees associated with that. Senator Joyner joined in Flores' statement.

Senators Garcia and Brandes motioned to temporarily postpone the bill, which was granted and it may be reconsidered during the next meeting.

Representative Spano presented HB 301, the House companion, in the House

Local & Federal Affairs Committee.

There was a proposed amendment that would have excluded Miami-Dade County from the effects of the bill. Representative Spano explained that because Miami-Dade County has the highest population and a large number of cases of complex deaths that they should be excluded.

Representatives Santiago, Moraitis, Powell, Bracy, and Pritchett commented that they do not agree with the amendment because their respective counties also have large population size and arguably just as "complicated" deaths as Miami-Dade.

After considerable discussion, Chair Gonzalez motioned to temporarily postpone the bill with no objections. This bill is one example of an unfunded mandate being discussed in the legislature this year.

Gaming

By: Corcoran and Johnston and Ericks Consultants

The House Select Committee on Gaming met this week to discuss their version of comprehensive gaming reform. Like the Senate version, the House version also reorganizes current statutes and establishes a Department of Gaming Control headed by a Gaming Commission that operates under a strict code of ethics. Unlike the Senate version, the House "respects the Governor's role in Seminole Compact negotiations" and does not include any placeholders for destination casinos. Committee members expressed interest in adding on amendments to decouple live racing and more tightly define games such as jai alai and barrel racing. The committee also discussed a PCB that would propose a Constitutional amendment that would require voters statewide to approve any new gaming expansion. Meanwhile, the Senate Committee on Gaming voted to approve a bill that would correct some of the unintended consequences of last year's fast tracked HB 155, which shut down internet cafes and placed amusement arcade businesses on shaky, litigious ground.

Vacation Rentals

By: Ericks Consultants

The House Local & Federal Affairs Committee allowed time to run out on HB307 that would allow local governments to regulate vacation rentals. The bill was temporarily postponed as a result but is not dead. The bill has two more House committees left. Meanwhile, its Senate companion is before the full Senate.

Local Wage Theft

By: Ericks Consultants

The House Civil Justice Subcommittee approved HB 957 that would apply Palm Beach County's Wage Theft Model statewide in order to ensure uniformity for businesses. The bill has two more committees of reference. Its Senate companion was passed last week in its first of three committees and is on the agenda for its second committee next week.

Motor Vehicle Fee Reductions

By: Ericks Consultants and County Staff

A top initiative of the Legislature and the Governor's office passed unanimously in the Senate Appropriations Committee and the House Finance & Tax Committee. SB 156 reduces the service charge imposed upon applying for an original or duplicate license plate, or transfer of specified registration stickers or certificates on every motor vehicle from mopeds to mobile homes. The fees, which were raised during the economic recession, would be reduced by an average of \$18-\$25 dollars per vehicle. The bill would also divert a 14.3% portion of the fees collected

to the Highway Safety Operating Trust Fund. The Senate proposal was amended in committee to match the reductions in the House proposal, which totals an estimated additional \$100 million hit to the State's revenue (for a total estimated reduction of \$400 million.) This does not impact municipal revenues. The Governor's Office, Florida Chamber of Commerce and Associated Industries of Florida all showed their support for the bill. This is significant because in the scope of the Governor's and Legislature's proposed tax reduction package this would account for \$400 million of the proposed \$500 million total. The remaining \$100 million in cuts could come from a variety of sources but most likely would minimize some of the potential funding source reductions to local governments originally discussed in the legislature.

FRS Employer Contribution

By: Ericks Consultants and County Staff

The Senate Committee on Governmental Oversight and Accountability voted unanimously to file a committee bill, SB 1070 that increases the amount of employer contributions into both the FRS fund and the retiree health insurance subsidy fund beginning July 1, 2014 by .10%. The contributions would apply to all members of the FRS, including special risk. The bill has not yet been referred to any committees and does not have a House companion. The total estimated FY 2015 impact of the proposed rates is approximately \$4 million. This includes all BCC and constitutional officers. It would have an estimated \$1 million impact on the existing FY 2014 budget, which would further reduce the FY 2015 balance brought forward.

Child Safety Devices

By: Ericks Consultants

The Senate Transportation and Economic Development Appropriations Subcommittee approved SB 518 in a 8-1 vote that would require children ages 4-6 to sit in a separate car seat or booster seat when riding in a car. Violations of the bill would include three points assessed to driving records and a \$60 dollar fine. The bill was amended to exempt children being transported in a medical emergency and those who have a medical condition that would prevent them from sitting such a seat. The bill also exempts individuals who are not immediate members of the child's family who are transporting the child gratuitously. The bill has one more committee stop before going before the full Senate. Its House companion has not yet been heard in any committee.

Ethics Package

By: Ericks Consultants

SB 846 by Senator Jack Latvala was unanimously passed in Senate Appropriations after being amended to remove municipal officers from those banned from being paid to lobby the Legislature on behalf of any entity other than his or her political subdivision. All other constitutional officers, including property appraisers, supervisors of elections, and county commissioners remain included in the ban. The bill would also require special districts to create registries of individuals that lobby them and require local officers to undergo ethics training. The bill is now ready to be voted on by the full Senate; however, its House companion has not yet been heard in any committees.

Online Voter Registration

By: Ericks Consultants

The Senate Ethics & Elections Committee voted unanimously to file SB 7068 a bill that would require the Department of State to develop an online voter registration process by July 1, 2015. Those who register online would not be allowed to request an absentee ballot for their first election unless they are a senior citizen, disabled, overseas, an active duty military member or spouse of a military

member. The same bill would also allow the FEC to garnish wages of up to \$2,000 of individuals who do not submit their financial disclosures. The language of this bill was derived in part from a bill filed by Sen. Jeff Clemens.

Residency of Candidates

By: Ericks Consultants

The House Ethics & Elections Committee approved HB 571 that would define residency requirements for public officials. According to the State Constitution, public officials must reside in the districts that they represent. The bill would clarify that residency requirements are met by public officials by maintaining their "domicile," of which they may only have one, in the district they represent and allows for a host of factors to be considered for determining if this requirement is or is not met to the law's satisfaction. The proposal would also preempt any local ordinances that address residency requirements. However, the bill exempts members of the Legislature. It has two more committee stops before going to the full House. Its Senate companion does not currently exempt members of the Legislature, but the sponsor has filed an amendment to do so when it is heard next week in its second of three committees.

Ag Commissioner's Energy Proposal

By: Ericks Consultants

Commissioner Putnam presented his energy proposals before the Senate Committee on Communications, Energy, & Public Utilities. The committee approved two bills containing the proposals. He opened the meeting with a "breaking" analysis of energy incentives that showed tax credit programs passed last year for renewable energy production and investment produced economic returns for the State. However, he recommended repeal of the Renewable Energy Technologies Sales Tax Credit program as his analysis showed no positive impact. His proposals include a sales tax holiday of up to \$1500 for energy star and water sense appliances, extending the exemption for renewable energy devices on residential properties from ad valorem assessment to commercial properties, and cutting the commercial energy sales tax in half and applying the remainder of the funds to PECO.

The committee unanimously passed a bill that includes Commissioner's Putnam's sales tax holiday and commercial energy sales tax proposals with support from the Associated Builders and Contractors, Florida Retail Federation, Florida College System, Florida Restaurant & Lodging Association, Associated Industries of Florida, Association of School Boards, and a number of individual colleges and school districts. However, the bill only applies half of the remaining amount of the sales tax collected to PECO while keeping the rest in General Revenue. Commissioner Putnam had proposed giving the full amount of the remainder to PECO. The bill has two more committee stops before going before the full Senate.

Former Florida Governor Reubin Askew Passes

By: A Variety of News Sources

This week, former Florida Governor Reubin Askew passed away. Governor Askew was the 37th Governor of Florida, serving from 1971-1979. Askew was seen as one of the most influential politicians in Florida history. He was first elected in 1970, defeating incumbent Republican Claude Kirk and won again in 1974, becoming the first governor in Florida history to be elected to successive four-year terms.

"He was a visionary. He saw issues, whether they were in areas of racial fairness or educational opportunities or environmental protection, in a generational perspective, not just what's going to be the best position for the next election. He led by his personal example and by the wisdom of his ideas and the strength of his passions," said former U.S. Sen. Bob Graham, a Democrat who also served as governor.

Jeb Bush, Florida's first Republican governor elected to successive four-year terms, also praised Askew in a statement.

"Florida has lost one of the great leaders who played a pivotal role in shaping the trajectory of our state during a time of substantial growth and change," Bush said. "He led on contentious issues, fought for equality and did what he believed was in the best interests of Florida families. Governor Askew always put principle before politics, and I was fortunate to know him, seek counsel from him and learn from his years of service."

Sober Homes

By: County Staff

County Staff met with Chair Gayle Harrell again this week to discuss changes to the proposed House sober homes bill. She informed us that it would be scheduled for its first hearing in the House. An amendment that will be filed to the bill will propose a voluntary registration similar to the California model.

SB 582 by Senator Clemens has cleared its first committee of reference.

Federal Issues

Flood Insurance Bill Passes

By: Alcalde and Faye and Miami-Dade OIA

On Thursday, by a vote of 72-22, the United States Senate passed the Homeowners Flood Insurance Affordability Act of 2014, H.R. 3370. This vote followed last week's passage of the bill in the House of Representatives, 306 to 91. The entire Palm Beach County Congressional delegation, in both houses, voted in favor of the measure. The bill now goes to the President for his signature.

U.S. Representative Patrick E. Murphy (FL-18) made the following statement in regards to the Senate's passage of the Homeowner Flood Insurance Affordability Act:

"I have been continually calling for action on this issue of great concern that impacts millions of American homeowners, including thousands in Florida's 18th District, who need relief from unaffordable rate hikes. I am pleased to see the Senate swiftly pass the compromise reached by House leaders so this fix can be signed into law and give immediate relief to local homeowners and our housing market. Protecting the middle class and the American dream of homeownership are not Democrat or Republican ideals but American values, and I was pleased to see this common sense solution have such bipartisan support."

Congresswoman Frankel made the following Statement:

"This is good news for Florida's fragile housing market and economy," said Congresswoman Frankel. "We now need to continue working with FEMA to improve the accuracy of flood maps."

Important components of H.R. 3370 include new rate increase caps for most homeowners at 18 percent, which will prevent many of them from experiencing skyrocketing annual premiums; the repeal of so-called 'triggers' so that transportability of flood policies from home seller to buyer are handled fairly and do not disrupt the housing market; and the reinstatement of 'grandfathering', meaning that homeowners who played by the rules and built to code will no longer have to worry about catastrophic rate increases as a result of remapping.

The Federal Emergency Management Agency will also be held accountable for its future mapping and affordability study efforts.

The White House assurances that the bill would be signed into law come six weeks after the administration warned that preserving subsidies could increase the government's financial exposure to rising flood risks.

The soon-to-be-signed bill rescinds phased-in increases for grandfathered homes required by the Biggert-Waters Flood Insurance Reform Act, which sailed through Congress in 2012 to end subsidies in a program swamped by a debt of \$24 billion. The measure also caps rates at 18 percent annually for individuals, encourages the Federal Emergency Management Agency to keep residential premiums below \$2,500 and urges officials to consider buying private reinsurance to cover government flood losses. But the thrust of the bill sought to prevent rate hikes, something that sparked concern in coastal states from Maine to Texas. The measure allows grandfathered homeowners to keep discounted prices even after updated flood maps show rising risk of inundation.

Under Biggert-Waters, those homeowners would have paid 20 percent annually toward the cost of their real risk -- an increase that could reach thousands of dollars for those living far below the projected reach of floodwaters. Lawmakers feared that policyholders would flee the National Flood Insurance Program and be stuck with rates that diminished the value of their homes.

In late January, the White House cautioned that lawmakers were seeking to reverse important reforms for a program that was paying out more than it was collecting. It warned that similar legislation to that passed yesterday would "further erode the financial position of the NFIP."

The Senate three days later passed its original version anyway, sending it on to a more conservative House that observers believed would push back on Senate Democrats' effort to preserve the discounts for four years. Instead, the House made them permanent.

The Republican-led House repealed the rate increases under Biggert-Waters for grandfathered homes, rather than delay them. But House lawmakers wanted to pay for those additional costs, which the Congressional Budget Office said would amount to more than \$2 billion over 10 years. So they created a new surcharge for the program's 5.6 million policyholders.

The Senate agreed, requiring residential customers to pay \$50 a year, while businesses and owners of second homes will pay \$250.

White House spokesman Bobby Whithorne said yesterday that the president supports the efforts of lawmakers to help policyholders afford the cost of insurance.

"While it is important to put this program on sound financial footing, middle-class families should be able to afford the insurance they need to stay in their homes," he said.

Obama's support for the bill puts him at odds with environmentalists, many of who fought to retain the rate increases under Biggert-Waters for wealthier homeowners. Under their plan, lower-income families would be given grants to help pay the climbing price of insurance. Many observers believe that subsidized insurance encourages development in areas facing increased inundation from sea-level rise.

Conservative groups and free-market think tanks are also critical of the legislation, saying it could prevent private insurers from providing flood coverage. Now, the federal government carries nearly all of the nation's flood risk, valued at more than \$1 trillion.

She noted that over the next four years, lawmakers will have to find a balance between charging real risk rates for those with discounts and making sure they don't rise too fast.

Sen. Nelson Announces Sea-Level Rise Field Hearing

*By: Anthony Adragna
Bloomberg BNA*

Sen. Bill Nelson (D-Fla.) told Bloomberg BNA he plans to hold a field hearing April 22 in Miami Beach with members of the Senate Committee on Commerce, Science, and Transportation on the effects of climate change and sea level rise. Nelson chairs the Subcommittee on Science and Space.

"South Florida is the area that is most threatened by sea level rise in the continental U.S.," Nelson told Bloomberg BNA.

Nelson said the hearing also would examine how local governments in the area are adjusting to the impacts of both climate change and sea level rise and how shifts in the climate are affecting budgetary decisions in local communities.

During the Senate's all-night session on climate change, Nelson took to the floor to call South Florida "ground zero for sea level rise."

"What is threatened the most in the continental United States is the Miami area," Nelson said March 10. "We have a compelling story to tell."

The Organization for Economic Cooperation and Development has identified South Florida as one of the vulnerable regions in the world to property damage as a result of sea level rise.

A city official told Bloomberg BNA in December 2012 that Miami modified building codes to require new buildings to be more resilient to hurricanes and has increased its number of stormwater pumps from four to 11 over the past 10 years.

Projections for sea level rise in South Florida are 1.5 feet to 2.3 feet by mid-century and three feet to five feet by 2100, leaving the region "highly vulnerable to the effects of global sea level rise," according to the Natural Resources Defense Council.

NACo Executive Director Matt Chase Discusses Federal Transportation Funding Issues

On March 13, National Association of Counties (NACo) Executive Director Matt Chase participated in a bipartisan roundtable that focused on the pending insolvency of the federal Highway Trust Fund and the expiration of the federal surface transportation bill, MAP-21. The roundtable was led by U.S. House Transportation and Infrastructure Committee Chairman Bill Shuster (R-Pa.).

Chase emphasized that counties play a critical role in the nation's transportation system. Counties own 45 percent of the nation's public roads and 39 percent of the nation's bridge inventory. Counties are involved in a third of the nation's transit systems and airports. Each year, counties invest more than \$106 billion in public works and public facilities, including more than \$25 billion on roads and bridges through a blend of federal, state and local resources.

"NACo and our county members support a six-year reauthorization bill that provides long-term funding certainty and addresses our growing infrastructure needs," Chase explained. "We also want to build on MAP-21 reforms to expedite project delivery, ensure local county officials are involved in the transportation decision-making process, and provide much needed funding for county bridges and roads."

Chase noted that county officials are facing major decisions on whether to cancel or delay future transportation construction and maintenance projects with the pending bankruptcy of the federal Highway Trust Fund in the summer of 2014. "The economic recovery for most counties remains fragile and uneven. Counties rely on a blend of federal, state and local funding and financing to maintain our county transportation assets. The growing uncertainty at the federal



**Palm Beach County
Board of County
Commissioners**

Priscilla A. Taylor, Mayor
Paulette Burdick, Vice Mayor
Hal R. Valeche
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level will most likely result in delayed or cancelled projects, costing more jobs and pain for county governments and private contractors.”

Other NACo priorities include support for innovative funding and financing methods, make safety a priority on all roads and bridges and support public transportation systems of all sizes.

Federal surface transportation programs were most recently reauthorized in the Moving Ahead for Progress in the 21st Century Act (MAP-21), which was enacted on July 6, 2012. MAP-21 expires in September 2014.

Click [here](#) to read NACo’s MAP-21 reauthorization fact sheet, and [here](#) to read NACo’s MAP-21 reauthorization priorities.

NACo recently released *"The Road Ahead: County Transportation Funding and Financing,"* a study assessing the role of counties in transportation and the challenges and solutions to the funding and financing of their transportation systems. Click [here](#) to view this comprehensive report.

Upcoming 2014 Legislative Session Dates

March 27, 2014 Florida Association of Counties 2014 Legislative Day

May 2, 2014 Legislative Session Scheduled to Concludes