

PBC Legislative Update



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Fifth Week of Session Update

State Issues

Budget

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

This week the House and Senate passed their respective budgets off the floor of their respective bodies and have set up for the conference process. Total funds expended in the House budget are \$75.3 billion and in the Senate budget are \$74.87 billion. Several important amendments for film and television, quiet zones and sickle cell were included on the floor of the Senate. Key initiatives to Palm Beach County are allocated in the House and Senate budgets as follows:

Program	House	Senate
Education		
Palm Beach State College – Lox Campus	\$ 1,000,000	\$ 6,000,000
WestTech Adult Education Glades Workforce	\$ 426,628	\$ 426,628
ChildNet – Palm Beach County	\$ 0	\$ 25,000
Place of Hope – Haven Campus	\$ 0	\$ 25,000
Health and Human Resources		
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
Sickle Cell Research – Tampa Bay Area		\$ 50,000
Criminal Justice		
PILT - South Bay Correctional	\$ 275,560	\$ 275,560
PILT - Sago Palms South Bay	\$ 142,900	\$ 142,900
Natural Resources		
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 th Street Imprv.		\$ 650,000

* Funded in the Senate IRL / Everglades Package

C-51 Sediment Management	\$ 0	\$ 500,000
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

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 th DCA Courthouse Construction	\$ 3,000,000 (Maint.)	\$ 7,001,861
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It is expected that conference committees may begin to meet next week to start reconciling differences between the respective budgets.

Sober Homes

By: County Staff, Corcoran & Johnston and Ericks Consultants

On Wednesday, in the House Health & Human Services Committee, Representative Hager presented HB 479, relating to Substance Abuse Services.

HB 479 would provide for voluntary certification through an outside entity under contract with the DCF. The bill would require level II 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. There was a technical amendment adopted that moves the effective date from October 1st to July 1st and permits licensees to refer the patients to their own sober homes. The Florida Smart Justice Alliance stated their support of the bill and the effort put forth to remedy unlicensed sober houses. The bill passed favorably by a unanimous vote.

The Senate bill, SB582 by Sen. Jeff Clemens, would make registration with DCF mandatory and charge unlicensed operators with first-degree misdemeanors. The level II 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.

Limousine Preemption

By: Ericks Consultants and Corcoran & Johnston

On Friday, in the House Economic Affairs Committee, Representative Grant presented HB 1389, relating to Chauffeured Limousines. This bill provides that the licensure and regulation of chauffeured limousines, chauffeured limousine services, and drivers of chauffeured limousines, is specifically preempted to the state to be regulated by the Department of Highway Safety and Motor Vehicles (DHSMV).

The Committee barely approved the bill, in an 9-8 vote, after adopting an amendment that would significantly restrict the bill's geographical application to one area (i.e., only Hillsborough County). The bill was amended to only apply to special taxing districts and would prohibit them from regulating the minimum wait times, minimum fares, and number of licenses for only limousines for hire that use a digital request service, such as the Uber application for mobile devices. Supporters claimed that overregulation in Southern counties were preventing them from making a living while opponents feared under regulation and the flight of capital at the hands of a new business model. Much of the testimony provided was related to the prior version of the bill. Many committee members voting against the bill agreed that local regulation is appropriate for the livery industry and that new companies should continue to work with local governments rather than use the state for circumvention.

Meanwhile, on Thursday, the Senate Transportation Committee temporarily postponed SB 1618, relating to Chauffeured Limousines, by Chairman Brandes. This legislation preempts the licensure and regulation of chauffeured limousines, chauffeured limousine services, and drivers of chauffeured limousines to the state.

Spring Training Baseball

By: County Staff and Corcoran & Johnston

On Tuesday, in the House Appropriations Committee meeting, HB 7095, relating to Professional Sports Facilities Incentive Application Process, was introduced. The bill 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 legislation passed in the Senate that would create a more favorable opportunity for the expansion of Spring Training Baseball; however, the House version does not include the Spring Training language favored by Palm Beach County. 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. 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 Senate bill is still in the Appropriations Committee.

Juvenile Detention Costs

By: Ericks Consultants

After multiple weeks of temporarily postponing the bill, Senate Community Affairs Committee approved SB 1532 that would revise 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. An amendment to repay the money owed to the counties from prior fiscal years of overbilling based upon the incorrect methodology was withdrawn. The House version contains similar repayment language. The amendment sponsor reminded the committee that the State aggressively pursued back pay from the counties for Medicaid cost share last year and would be acting hypocritically were it to not provide back pay to the counties for DJJ cost share. The bill sponsor claimed that providing back pay would result in a methodology going forward that would be less favorable to the counties. The withdrawn amendment 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 Florida Association of Counties spoke in favor of the bill. Meanwhile, 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

Senator Nancy Detert was able to amend the Senate budget proposal on Thursday to include \$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.

The \$20 million appropriation is in addition to SPB 7128 filed this week, which would include \$50 million per year in film incentive funding through fiscal year 2019-2020, but that requires a 10 percent local match by the county in which the film incentive applicant will engage in "principal photography or project production". Palm Beach County is currently working to clarify the local match requirements.

SPB 7128 will be heard in the Senate Commerce & Tourism Committee on April 7. SPB 7128 also may be a budget conference issue, as the House companion bill on film incentives is currently stalled in its first committee of reference.

Gaming

By: Miami-Dade OIA Staff

Sen. Garrett Richter, said during session Thursday that negotiations between the state and the Seminole Indian tribe over gaming have hindered other proposals and that a comprehensive package on gaming will not be presented in the Florida Senate this year.

Chairman Richter had led the discussion to implement more gambling in the state, opening it up to outside interests, including Las Vegas-style casinos in South Florida, as well as to establish a gaming commission to oversee the sector in the state.

Richter cited the ongoing compact negotiations between Gov. Rick Scott and the Seminole Indian tribe, which has seven gambling establishments in the state. One of the central elements of the deal is a provision that guarantees a degree of gambling exclusivity for the tribe.

Gov. Scott has been in contractual meetings with the tribe for a deal that is expected to earn the state \$234 million this year.

"Recently it has become very apparent to all of us who are tracking this issue that unless the governor negotiates a new compact with the Seminole tribe, there won't be any comprehensive reform legislation this year," Richter said. "Sound policy must take into account the compact's substantial revenue sharing and exclusivity provisions."

Major bills have been introduced this legislative session in an attempt to broaden and expand Florida's gaming sector, as well as introduce a formal, dedicated oversight commission.

Medical Examiners

By: Corcoran and Johnston and County Staff

A Department of Health bill, HB 819, was amended Thursday in committee to include a \$50 cap on fees that can be charged by Medical Examiners. Miami-Dade currently charges a fee of \$63 and Broward County 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.

Tax Cut Package

By: Ericks Consultants and Corcoran & Johnston

On Thursday, in House Session, HB 5601, relating to Economic Development, was heard on the House floor. This legislation includes the following provisions:

- 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 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. During the debate portion of the bill, House members voiced concerns with the tax shift to local governments. In response, House Appropriations Chair Seth McKeel committed that he would fix this provision before the bill returned to the floor. The bill was then voted on and passed by a vote of 106-11.

Multiple bills in the Senate contain several of the same provisions and were approved by the Senate Finance & Tax Appropriations Subcommittee to move into the Senate Appropriations committee.

Florida Retirement System

By: Corcoran & Johnston and Ericks Consultants

The House State Affairs Committee voted 11-6 along party lines to submit Proposed Committee Bill (PCB) SAC 14-02 re: Florida Retirement System (FRS) as a committee bill this morning. PCB SAC 14-02 would make the following changes to the FRS, effective July 1, 2015:

1. Increases the vesting period for members enrolled in the pension plan

- from 8 years to 10 years;
2. Changes the default from the pension plan to the investment plan for new members who do not affirmatively choose a plan;
 3. Extends the time period for member's to make a plan selection from the last day of the 5th after the month of hire to the last day of the 8th month after the month of hire; and
 4. Prohibits new members initially enrolled in a position covered by the Elected Officers' Class or Senior Management Service Class from participating in the pension plan and requires participation in the investment plan.

PCB SAC 14-02 applies only to new employees initially enrolled in FRS after July 1, 2015. It does not make changes to benefits of current FRS members and retirees.

Prior to the filing of PCB SAC 14-02, the House had pursued FRS proposals requiring all new employees to enroll in a 401(k)-style pension as a priority of the current House Speaker. Earlier this session, the Senate considered SB 1114, which would have required all non-special risk employees initially employed after July 1, 2015 to enroll in a "cash balance" retirement plan, a hybrid between a 401(k)-style plan and a pension plan, but SB 1114 did not appear to have sufficient support among senators to pass the Senate.

PCB SAC 14-02 is substantially similar to a Senate proposal from last session, SB 1392, which was the Senate's counterproposal to the House proposal requiring all new employees to enroll in a 401(k)-style pension. The House now filing PCB SAC 14-02 signals that the House and Senate may have reached a compromise to pursue PCB SAC 14-02 as their FRS reform proposal for the 2014 session.

The bill that was opposed by union representatives, remains a priority of the Speaker of the House. The bill has not yet been assigned to any committees of reference.

Public Records

By: Ericks Consultants and County Staff

The House companion to the fast-tracked, controversial public records bill which was unanimously passed out of the Senate last week was amended in the House Government Operations Subcommittee this week to reflect a compromise by stakeholders. One of the most controversial elements of the bill would be opening up records in membership organizations that have public entities as members was removed as were other vague provisions relating to where one can make a public records request. The bill will still allow the public to make verbal public records requests, contain costs of public records requests, and still bring private businesses that contract with a public entity under public records laws. 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 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 language that was ultimately adopted in Committee. Both the House and Senate bill, SB 1474 by Sen. Abruzzo, have one more committee of reference each.

County and Municipal Parks

By: Ericks Consultants

Another House committee approved HB 677 that 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 House Local & Federal Affairs Committee voted unanimously to move the bill into its final of three committees. Its Senate companion is also in its final of three committees.

Coastal Management

By: Ericks Consultants

A bill to promote ecotourism by streamlining the area wide permits process for various coastal construction projects along the CCCL continued to move in both the House and Senate after environmental groups signed off on it. The Senate Appropriations Subcommittee on General Government unanimously approved SB 956, which now has one more committee of reference before going to the full Senate. Meanwhile, the House bill is now ready to go before the full House after being unanimously approved by the House State Affairs Committee. The legislation would also authorize the department to grant privileges or concessions for the accommodation of visitors in and use of aquatic preserves and their associated uplands.

Local Bills

By: Corcoran & Johnston

On Thursday, the House Local & Federal Affairs Committee heard several local bills. Representative Rooney presented **HB 1229**, regarding **Port of Palm Beach District**, which codifies, amends, reenacts, and repeals all special acts and court decrees relating to Port of Palm Beach District to create a single, unified charter. There was a technical amendment that was adopted without objection. There was no debate and the bill passed unanimously.

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. There was no debate and 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. There was no debate and the bill passed unanimously.

Wage Theft

By: Ericks Consultants and Corcoran & Johnston

SB 926, the Senate proposal to apply a uniform wage theft model across the counties was, once again, dramatically altered this week. Last week the Senate Judiciary adopted a controversial amendment that would have allowed for counties to choose between two ordinances based upon the Miami-Dade County model or the Palm Beach County model. This week, the Senate Rules committee adopted an amendment that would remove both 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 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.

Fuel Terminals

By: Corcoran & Johnston and Ericks Consultants

Committees in both the House and the Senate voted to amend a proposal that would have removed local control of fuel terminals to reflect a compromise by the fuel companies and the local governments. The bills would now allow for local control over the expansion of the terminal. However, it would prohibit local governments from changing the land use designation of a terminal and require local governments to allow fuel terminals damaged by natural disasters to be restored to their original capacity. The Florida League of Cities explained that this bill was a compromise between the cities and Representative Ray and supports the bill in its current form. The Senate bill, SB 1070, is now ready to go before the full Senate. Its House companion, HB 947 has two additional committees of reference before going to the full House.

School Sign Pilot Program

By: County Staff

Language was added to SB 1048 this week 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.

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.

Agricultural Gleaning

By: Ericks Consultants and County Staff

SB 1138 would protect farmers from civil liability if they allow people to come onto their land gratuitously to gather crops for food in order to enable farmers to share what would otherwise be wasted produce without fear of lawsuits. The Senate bill was passed out of the Judiciary Committee with an amendment drafted by the Trial Lawyers Association that reworked the liability protection language of the bill. The House bill By Re. Kevin Rader has one more committee of reference remaining and the Senate bill is ready for the floor.

Nonresidential Farm Buildings

By: Corcoran & Johnston

On Tuesday, in the Senate Committee on Community Affairs, Senator Dean presented SB 1342, regarding Nonresidential Farm Buildings, which 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 Florida League of Cities was concerned, citing that if group of parcels is removed, it creates additional inequity. The Florida Association of Counties opposed the bill, as well. There was no debate by the Members and the bill passed unanimously.

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 though 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.

Government Accountability

By: Corcoran & Johnston and Ericks Consultants

The Senate Governmental Oversight and Accountability committee approved SB 1628 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 exact process of control and documentation is up to the local government itself. The bill has two more committees before going before the full Senate. Its House companion has two more committee stops before going before the full House.

Ad Valorem Assessments and Renewable Energy Source Devices

By: Corcoran & Johnston

In the Senate Community Affairs Committee meeting, Senator Brandes presented SJR 916, regarding Ad Valorem Assessments and Renewable Energy Source Devices. The resolution 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 Southern Alliance of Clean Energy, individual solar contractors, Clean Footprint and the Sierra Club supported the bill but were all concerned about limiting language for the third party market. The bill passed unanimously.

Building Construction

By: OIA Staff

The Senate Judiciary Committee recommended favorably SB 1106 regarding construction services by Senator Wilton Simpson on Tuesday. SB 1106 now includes the following provisions related to building construction, building codes and permitting:

1. Requires an application to the Department of Health (DOH) for an operating permit for a public swimming pool before an application may be filed for a building permit, and provides additional requirements for obtaining an operating permit;
2. Specifies inspection criteria for construction or modification of manufactured buildings or building modules;
3. Authorizes building officials, local enforcement agencies, and the Florida Building Commission to interpret the Florida Accessibility Code for Building Construction and provides specific procedures for those interpretations;
4. Revises education and training requirements for the Florida Building Code Compliance and Mitigation Program;
5. Provides a criteria-based definition for "building energy-efficiency rating system";
6. Provides homeowners doing renovations with an additional fire safety alarm option; and,
7. Exempts certain tents from the Florida Fire Prevention Code.

The only controversial provision in the bill involves exempts tents smaller than 30 feet by 30 feet from the Florida Fire Prevention Code. At this time, this tent language does not appear in the House companion bill, HB 593 by Rep. Dane Eagle.

Environmental Permitting

By: Ericks Consultants

The House Agriculture and Natural Resources Appropriations Subcommittee passed HB 703, an environmental regulation package that 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

Eighteen members of the public testified on the bill, some opponents of the bill consisted of the Florida League of Cities, 1000 Friends of Florida, Florida Association of Counties and Audubon Florida. A major point of contention in the bill is a power shift from local control in favor of the Department of Environmental Protection. Proponents to the bill included Associated Industries of Florida, Florida Farm Bureau and the Florida Chamber of Commerce. The bill has one committee left before going to the full House and its Senate companion has three committees left before going to the full Senate.

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. On Wednesday, the Senate Appropriations Subcommittee on Transportation, Economic Development, and Tourism adopted a **Strike-all** 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. On Friday the House companion, **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.

Yellow Dot Program

By: County Staff

On Thursday, SB 262 by Sen. Joseph Abruzzo passed the full Senate by a unanimous vote of 38-0. Sen. Abruzzo recognized numerous Palm Beach County community organizations and thanked them for their support, including COWBRA, Alliance of Delray, and West Boca Community Council. 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.

Texting While Driving

By: County Staff

On Tuesday, SB 1078 by Sen. Darren Soto passed out of the Senate Communications, Energy and Public Utilities Committee, its first of four committees of reference, by a unanimous vote of 9-0. 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 2nd degree felony for a person who is texting while driving and causes the death of a human being or fetus. The offense becomes a 1st 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.

County Bills With No Action This Week:

Homelessness Challenge Grants

Committees in both the House and Senate approved bills that 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 in the House (see summary below on HB 723) but remains on its Senate companion.

Local Discretionary Surtax For Infrastructure and Homelessness

The House Finance & Tax Subcommittee approved HB 723 that would allow a county to use proceeds and interest collected from a local government infrastructure surtax to fund transportation infrastructure projects. The committee adopted an amendment that removed an additional authorization that would allow the majority of voters within a county to authorize a sales surtax of up to one half of one percent to be used for homelessness services and facilities. The bill has two more committee stops before going before the full House. Its Senate companion, SB 786 which has two committees of reference remaining before going to the full Senate and still contains the homelessness surtax provision.

Transportation - Rural Cities

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.

Ethics Package

SB 864, 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

The Senate Judiciary committee approved 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 2nd 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.

Preferences in Award of State Contracts

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 can sometimes artificially inflate prices. The bills were each amended to establish a threshold of 20% of state funds used in the project in order for the preemption to kick in. The House bill has three more committees of reference before going before the full House, while the Senate bill, SB 612 has two more committees before going before the full Senate.

Red Light Cameras

HB 7005, would provide 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. The bill would also require cities and municipalities to collect and report data on red light camera intersections to better statewide policy analyses.

Meanwhile, the Senate Transportation Committee temporarily postponed a proposed committee substitute with similar language. 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.



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County Administrator

Robert Weisman

**Palm Beach County
Legislative Affairs**
301 North Olive Avenue
Suite 1101.4
West Palm Beach, FL
33405

**Todd J. Bonlarron
Director
Phone**
Office (561) 355-3451
Mobile (561) 310-7832

Fax
(561) 355-3982

E-mail
tbonlarr@pbcgov.com

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Up During Week Six:

Conveyance of property by eminent domain:

<http://flsenate.gov/Session/Bill/2014/1172/BillText/Filed/PDF>

Charitable Exemption from Ad Valorem Taxation:

<http://flsenate.gov/Session/Bill/2014/0587/BillText/c1/PDF>

Gasoline Stations: <http://flsenate.gov/Session/Bill/2014/1184/BillText/c2/PDF>

FRS: <http://flsenate.gov/Session/Bill/2014/1198/BillText/Filed/PDF>

Environmental Permits: <http://flsenate.gov/Session/Bill/2014/1464/BillText/c1/PDF>

Local Government Infrastructure Surtax for Water Bodies:

<http://flsenate.gov/Session/Bill/2014/1102/BillText/Filed/PDF>

Tax Cut Package

Residency of Candidates:

<http://flsenate.gov/Session/Bill/2014/0602/BillText/c2/PDF>

Upcoming 2014 Legislative Session Dates

April 14-18, 2014 Senate Passover/Easter Recess

May 2, 2014 Legislative Session Scheduled to Conclude