

PBC Legislative Update



APRIL 28, 2013

VOLUME 6 NUMBER 13

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Eighth Week of the 2013 State Legislative Session

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State Issues

Eighth Week of the 2013 State Legislative Session

Budget

By: Ericks Consultants, Anfield Consulting, Corcoran & Johnston, Pittman Law Group

Budget conferencing, the process by which the Senate and House work out their budget differences, began last Thursday and has been ongoing for over a week. The budget must go to print next Tuesday to avoid an extended session. Only a few differences remain between the two Chambers' separate proposals. Below are some of the **House and Senate local budget highlights**. The conference position indicates the agreed amount of funding between the House and Senate in the budget.

	<u>House</u> / <u>Senate</u>	<u>Conference</u>
TOTAL BUDGET	\$74.4 B / \$74.3 B	
Env and Nat Res		
Florida Forever – Statewide	\$ 75 M / \$ 60M	\$ 70,000,000
Water Projects- Statewide	\$ 24 M / \$ 48M	\$ 58,000,000
JW Corbett Levee	\$ 8.3 M / \$ 1 M	(open item)
Glades Utility Water Infrastructure	\$ 0 / \$ 1 M	\$ 1,000,000
Lake Worth Lagoon Initiative		
Lake Park Seagrass	\$ 250K	\$ 125,000
Monastery Artificial Reef	\$ 300K	\$ 150,000
North Palm Beach Living Shoreline	\$ 0 / \$ 200K	\$ 100,000
Monitoring & Admin	\$200K / \$ 200K	\$ 100,000
Loxahatchee River Initiative	\$500K / \$ 1 M	\$ 1,300,000
Riviera Beach Water and Projects		
Ave O Stormwater Easement	\$212,500 / \$212,500	\$ 0
West 18 th Stormwater Laterals	\$375,000	\$ 200,000
West 6th Stormwater	\$325,000	\$ 200,000
Lake Park Lake Shore Drainage		\$ 200,000
Everglades Restoration	\$ 32 M / \$ 70 M	\$ 70,000,000
Beach Restoration - Statewide	\$ 20.2 M / \$ 35.65 M	\$ 26,770,992
Jupiter Carlin		\$ 2,500,000
North Boca Raton		\$ 790,000
Ocean Ridge		\$ 1,114,000
Inlet Management		\$ 1,992,800
Singer Island		\$ 550,000
Coral Cove		\$ 150,000
Total Maximum Daily Loads	\$ 9.385 M / \$ 9.385 M	\$ 9,385,000
Petroleum Tank Clean-up	\$ 125 M / \$ 135 M	\$ 125,000,000

Criminal Justice

PB Sheriff Prevention Intervention Plan	\$ 100 K / \$ 50 K	\$ 100,000
State Attorney – Addt'l Insurance		
Fraud Prosecutors (4)		\$ 287,400
PILT - Sago Palms		\$ 142,900
Council on Status of Black Men and Boys		\$ 100,000

Transportation and Eco Dev

Transportation Disadvantaged	\$ 112 M / \$112 M	\$ 112,000,000
Glades Street Funding	\$ 1 M	\$ 1,000,000
Torrey Island Master Plan	\$ 75 K	\$ 75,000
Libraries	\$ 22.2 M / \$ 21 M	\$ 23,200,000

Education

Palm Beach State College Lox Campus	\$ 0 / \$ 5 M	\$ 6,500,000
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Budget Conference Weekend Update: As of Sunday morning, the House and Senate Appropriation Chairs were still meeting in conference and had resolved most of the major outstanding issues in the budget. Implementing and proviso language still remained to be resolved which includes the JW Corbett funding issue in PBC.

Citizens Insurance

By: Lobbytools

Sen. David Simmons amended SB 1770, which is designed to reduce the number of policies in Citizens Property Insurance Corp., to protect its existing customers from rate increases, getting enough votes to pass the Senate.

After a delay of two weeks as Simmons tried to reach consensus, the bill passed 24-15, with bipartisan votes on both sides. Simmons said his main goal was reducing the amount of policies going into Citizens and reducing the risk of assessments on non-Citizens policyholders after a cataclysmic storm. State-backed Citizens has 1.2 million policies and is the largest property insurer in the state.

A rewrite of the bill keeps existing Citizens customers as of Jan. 1, 2014 under the 10 percent cap on annual rate increases. New customers, however, would go into Citizens at "actuarially sound" rates that are in line with the private market. In some areas that would mean a small increase but in other coastal regions it could mean rate increases of up to 60 percent.

The bill puts prospective Citizens customers into a "clearinghouse" that would shop policies in the private market. Only if a private company cannot be found to cover the home will the policy enter into Citizens.

Simmons' original bill would have prompted Citizens customers entering the clearinghouse to take the offer from any private company that offers a rate within 15 percent of Citizens' rates, but the rewrite now calls for private companies to offer a rate equal or less than Citizens.

The bill still must clear the House that has considered a bill with far fewer provisions.

Internet Sales Tax

By: Lobbytools

New concerns from Gov. Rick Scott are holding up legislation that would prompt the collection of a sales tax on goods purchased online, sponsors of the measure said this week.

Scott has stated previously that he would sign a bill that calls on Internet retailers like

Amazon to collect the 6 percent state sales tax, provided the bill is “revenue neutral,” or contains offsetting tax cuts.

However, according to Rep. Ritch Workman, R-Melbourne, chairman of the House Finance and Tax Subcommittee, Scott now wants any Internet sales tax measure to be “family neutral” and have a neutral impact on all households in the state.

Workman added that the bill wasn’t dead this year but it was “in a holding pattern”.

Sen. Nancy Detert, R-Venice, the sponsor of SB 518 in the upper chamber who has been pushing for an Internet sales tax for a decade, also said concerns from Scott’s office are holding up the bill.

Medicaid

By: Ericks Consultants and County Staff

Senate Health Policy voted to file a committee bill that would address Medicaid cost share between counties and the state. Senator Grimsley stated that new legislation was needed to address this year’s transition to the new DRG system of payment.

Last year, the Legislature passed a bill that required counties to pay for a backlog of disputed costs without reforming the flawed system that led to those disputes. The bill provides a cost to Palm Beach County of approximately \$15.5 Million. It is expected that negotiations between the House and Senate will continue on this item into the final week of session.

Medicaid Expansion

By: Ericks Consultants and County Staff

The House debated nearly all day Thursday and partially Friday between the two plans for Medicaid Expansion that the Senate passed last week. The “Corcoran Plan” sets up a program to allow a limited number of Floridians that qualify for 100% of the Federal Poverty Level to receive \$2000 subsidies to purchase insurance on the private market. Those who do not qualify will have to rely on community clinics and non-profits and be incentivized to “get a job” to get insurance. The idea behind the plan is that the private market competition will lead to quality outcomes at an affordable price compared to an expansion of a government system with questionable access and quality dependent on federal dollars. The bipartisan “Negron Plan” accepts the \$5 Billion dollars a year from the Federal government and expands coverage to 1.1 million Floridians through a beefing up of the Florida Healthy Kids program. The Corcoran Plan won in the House. Both plans won in the Senate. If the House and Senate can’t decide on which plan to implement by the end of next week, a special session may have to be convened sometime this summer.

Transportation Package

By: Anfield Consulting, County Staff, and The Moya Group

Department of Transportation (SB 1132/ HB 7127)

Background and status update: This 100+ page bill, which is the FDOT’s overall “transportation package” of changes, touches on a large number of subjects relating to transportation, transportation authorities, and transportation development. Additional amendments were added this past week that added a number of provisions. Below are some of the highlights included in the bills:

- Mitigation for wetlands impacts of transportation projects [\[Both\]](#)
- Authorization for FDOT to maintain local roads leading to state parks to ensure park access. [\[Both\]](#)
- A requirement for FDOT approval of outdoor public information systems on water management district lands if such approval is required by federal law to ensure that such systems do not violate federal highway regulations. [\[House Version\]](#)

- Provisions for an application and permitting process for the construction of communications facilities for high-speed rail, along with legislative intent and definitions towards this purpose. [Both]

In the Senate amendment the following language was added:

- Allow a board of county commissioners to lease real and personal property for purposes of economic development under 125.045, F.S.
- Provide that certain local governments cannot prevent vehicular traffic in and out of a state university facility parking lot if that university facility is regulated by the Board of Governors of the State University System.
- Prohibit public transit providers from using public transit block grants to pursue strategies or actions leading to or promoting the levying of new taxes through public referendum.
- Provide exemptions from ERPs (Environmental Resource Permits) for the following:
 - Construction, operation, or maintenance of wholly owned, manmade ponds as defined in s. 403.927 constructed entirely in uplands. (This exemption does not cover connections or expansions to wetlands or other surface waters.)
 - Activities affecting wetlands created solely by the unauthorized flooding or interference with natural flow of surface water caused by an adjoining landowner. (Requests for this permit must be made within 7 years of the flooding or interference. Does not include dredge and fill activities that discharge into federal waters or wetlands.)

E2/HB 7127 was passed on Third Reading and is now in the Senate in Messages. **CS/SB 1132** is currently on the Special Order Calendar.

Transportation Concurrency

By: Ericks and Anfield Consultants

The Legislature passed HB 319/SB 972, which revises statutes related to local government transportation concurrency. The bill would require local governments that don't have transportation concurrency to base alternative funding systems on the same principles as transportation concurrency; the alternative system must allow new developments to pay its impact fees but not impact fees for existing deficiencies (if the plan isn't mobility based); allows local governments to pool contributions from multiple applicants towards one project; allows good faith offers to enter into binding agreements to satisfy concurrency; and requires local governments to provide the basis of land owner's proportionate share assessments.

Meanwhile, the House passed HB 321, which would place a moratorium on charging impact fees to "mom and pop" developments 6,000 sq. ft. and under. The moratorium can be overruled by the local governing board. Its Senate companion, however, has not made it to the floor and an attempt to amend the language onto another Senate bill was thwarted this week.

Living Wage Preemption

By: Ericks Consultants, County Staff

On Friday, April 26th, HB 655 passed the Senate, 25-13. As it now stands, the bill would not affect living-wage ordinances in South Florida counties that provide for a higher living wage for employees and contractors doing business with the county. It reserves to the state authority to set standards for health care, including sick leave, vacation time, disabilities and death benefits. It also sets up a task force to study and recommend a statewide policy for sick leave.

The original filed bills pre-empted local ordinances on sick leave, saying it could put a city or county at a competitive disadvantage. The bill goes back to the House for final consideration.

Elections

By: The Moya Group, Ericks Consultants and County Staff

HB 7013 by Rep. Boyd was substituted for SB 600 by Sen. Latvala on the Senate Floor. The elections reform package was passed back and forth between the two chambers due to amendments being added to the bill. The bill would give supervisors of elections more discretion in setting early voting days (minimum of 8 and a maximum of 14) and more options for early voting locations. It also limits the amount of words on ballots, allows for late voter registration, imposes a time limit on counting early voting results, as well as other provisions related to absentee ballots and canvassing boards. The House bill was passed early and unanimously. However, Senate Democrats opposed the legislation in the Senate for not going far enough. The language remains that moves the ADA requirement date for system compatibility from 2016 to 2020. That provision would save Palm Beach County between \$14-\$15 million dollars over the next two fiscal years.

Campaign Finance

By: Ericks Consultants and County Staff

On March 22nd, the House heard and passed HB 569 by Rep. Schenck by a vote of 75-39. On Wednesday, HB 569 was substituted for SB 1382 by Sen. Latvala, amended and passed the Senate by a vote of 37-2. The House concurred with the amendment adopted by the Senate by a vote of 79-34. The House and Senate finally reached an agreement on individual contribution limits: \$1,000 for local and legislative races, \$3000 for statewide races. Candidates will be required to file finance reports much more frequently and, controversially, incumbents are allowed to retain \$20,000 to be used in their next race for the same seat. Senators Clemens and Abruzzo were the only two no votes on the bill in the Senate. The bill is now awaiting approval from the Governor, who has threatened to veto the contribution limit raise. The bill would also allow local government officials with four-year terms to transfer up to \$20,000 from leftover campaign funds for "office accounts". Committees of continuous existence would be eliminated, but candidates or organizations could have "political committees" which could collect money and spend it directly on advertising or other campaign expenses for a candidate. The current CCEs can only collect the money and transfer it to other committees or "electioneering communication organizations."

DHSMV – Red Light Cameras

By: Ericks Consultants

The House passed the Department of Highway Safety and Motor Vehicles package with only one no vote, and it is scheduled to be taken up in the Senate on Monday. The bill currently contains a provision that prohibits red light cameras from issuing right on red violations, and could be amended on Monday to provide for a red light camera hearing process as well.

Criminal Justice Commission

By: The Moya Group and County Staff

On Wednesday, the House passed HB 361 by Rep. Kerner by a unanimous vote of 112-0. It was substituted for SB 1042 by Sen. Abruzzo on Thursday and passed out of the Senate by a vote 35-1 (the one no vote was later changed to a yes vote). This legislation provides an exemption from public meeting requirements for that portion of a meeting of a duly constituted criminal justice commission at which specified members of the commission discuss active criminal intelligence information or active criminal investigative information currently being considered by, or which may foreseeably come before, the commission. It is now waiting to be signed into law by the Governor.

Animal Care & Control

By: County Staff

On April 11th, the Senate heard and unanimously passed SB 674 by Sen. Montford, legislation relating to animal shelters and animal control agencies. On April 17th, the House substituted SB 674 for the House companion, HB 997 by Rep. Cummings, and passed it by a unanimous vote of 114-0. This legislation requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals. Senate Bill 674 was signed into law by the Governor on Wednesday, April 24th.

Animal Cruelty

By: County Staff, The Moya Group and Ericks Consultants

On April 17th, HB 851 by Rep. Moskowitz was heard and passed by the House by a unanimous vote of 118-0. On Friday, the Senate substituted HB 851 for SB 504 by Sen. Brandes and also passed it by a unanimous vote of 35-0. This legislation specifies that a person who commits multiple acts of animal cruelty or aggravated animal cruelty against one animal or many animals may be charged with a separate offense for each act. This bill also makes it a second degree misdemeanor for a person to dye or artificially color animals under 12 weeks of age, or fowl or rabbits of any age; bring dyed or artificially colored aforementioned animals into the state; or sell, offer for sale, or give away as merchandising premiums baby chickens, ducklings, or other fowl under 4 weeks of age or rabbits under 2 months of age to be used as pets, toys or retail premiums. Lastly, the bill amends the definition of "racketeering activity" to inevitably make it a third degree felony for a person to use animals for fighting or baiting. HB 851 is now heading to the Governor's desk for his signature.

Value Adjustment Boards

By: The Moya Group and County Staff

SB 1200 by Sen. Wilton Simpson relating to Taxation of Property has been placed on the special order agenda to be heard on the Senate floor 4/29/13.

The House companion, HB 1193 by Rep. Beshears has successfully passed through all of its referred committees and was heard on special order calendar this week.

The bills delete the authorization for a value adjustment board, upon its own motion, to review lands classified by a property appraiser as agricultural or nonagricultural. The language also removes the requirement that a property appraiser must reclassify, as nonagricultural, certain lands that have been zoned to nonagricultural use. The bill deletes the authorization for a Board of County Commissioners to reclassify as nonagricultural certain lands that are contiguous to urban or metropolitan development. Also removed is the evidentiary presumption that land is not being used primarily for bone fide agricultural purposes if it is purchased for a certain amount above its agricultural assessment. The language also deletes the authorization for a value adjustment board, upon its own motion, to review property granted or denied classification by property appraiser as historic property that is being used for commercial or certain nonprofit purposes. HB 1993 also removes the authorization for a value adjustment board, upon its own motion, to review land granted or denied high-water recharge classification by property appraiser. Finally the legislation deletes the authorization for a value adjustment board to review property tax exemptions, upon its own motion or motion of a property appraiser, and deletes certain notice requirements relating to review of such exemptions. The bill provides for retroactive application.

Homelessness

By: County Staff and Ericks Consultants

On April 12th, HB 93 by Rep. Reed was heard and passed the House by a vote of 113-1. On Friday, April 26th, the Senate substituted HB 93 for its Senate companion, SB 402 by Sen. Joyner, and passed it out by a unanimous vote of 37-0. This legislation would allow for a voluntary contribution to be collected at the Department of Highway Safety

and Motor Vehicles to aid the homeless. It also establishes a homeless prevention grant program to be administered by local homeless continuums of care to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises. It is now waiting for the Governor's signature.

Agritourism (SB 1106 & HB 927)

By: Anfield Consulting

Background: In 2003, the Legislature passed the Agricultural Lands and Practices Act, which prohibits counties from passing ordinances regulating, prohibiting, restricting, or otherwise limiting the agricultural activities of a bona fide farm or farm operation on land classified as agricultural if those activities are already regulated by a state or federal agency. The intent of the act is to protect growers from potentially duplicative ordinances passed by local governments.

Proposed Changes: These bill(s) would expand this law to cover not just counties but any other "governmental entities" (with the clarified exception of water management districts). Under the bill's provisions, agricultural operations would only be regulated under Best Management Practices, rules, or interim measures adopted by DEP, DACS, a WMD, the US Dep. of Ag., the US Army Corps of Engineers, or EPA.

Local governments would also be prohibited from charging fees on bona fide agricultural activities regulated by state or federally mandated BMPS, interim measures, or rules.

Update: On Tuesday, the Senate Appropriations Committee adopted a **single amendment** to SB **1190**. The amendment clarifies that the agricultural land must be certified as being used for "bona fide agricultural purpose" as established in s. 193.461 (3) (b). It also exempts non-residential farm buildings, fences, and signs from the Florida Building Code and local codes and fees, except as they relate to flood plain management regulations. Signs located on public roads may not violate standards provided in s. 497.11 F.S. The bill was passed as a **CS** and will next be taken up on the Senate floor. This amendment conforms the bill to changes made the House companion in the House last week. **E1/HB 203** has passed the full House and is in Messages in the Senate.

Numeric Nutrient Criteria (CS/HB 7115 & SB 1808)

By: Anfield Consulting

This legislation amends current law to direct DEP to establish numeric nutrient criteria for remaining waterbodies in the state that were not covered under the rules approved by EPA on November 30, 2012. The bills also specifies that once EPA removes federal numeric nutrient criteria and ceases future numeric nutrient criteria rulemaking in the state, Rule 62-302.531(9), F.A.C., described above, will be removed from the Florida Administrative Code. Any additional estuary criteria adopted by DEP during 2013 would be exempted from legislative ratification.

DEP would be directed to establish specific numeric nutrient criteria for unimpaired waters (including DEP's calculation of the current conditions of those waters) and for those estuaries and non-estuarine coastal waters without numeric nutrient criteria established by rule or final order as of the date of the report, and directs DEP to send a report to the Legislature and Governor conveying the status of establishing numeric nutrient criteria.

Update: On Wednesday the Senate passed **CS/SB 1808** on Third Reading. The Senate bill has been sent to the House in Messages. **CS/HB 7115** is currently on Second Reading in the House.

Tax Collector Audit Amendment

By: Foley and Lardner

This week, the Senate passed SB 1828 that includes a provision to help Tax Collectors more efficiently track bed tax collections. The provision states that if approved by ordinance, the county may require specific details regarding bed tax collections. This new information will help counties like Palm Beach who self-administer bed tax collections to identify and monitor their property files to ensure that the revenue due the county is collected and properly accounted. The House bill is HB 7105 by Rep. Caldwell and is currently on the House Calendar.

Land Inventory

By: Ericks Consultants

SB 1074 was substituted for its House companion, HB 1145, meaning the controversial language that would have forced local governments to inventory all unused square footage in all government owned property is now gone. The bill now would only require state agencies to report on state owned or leased property.

Affordable Housing Loophole

By: Foley and Lardner

HB 437 by Representative Dan Davis dealing with community development passed the Florida Legislature this week. The bill includes the repeal of the ad valorem exemption for specific limited liability partnerships providing affordable housing. The closing of this loophole will have a substantial positive fiscal impact on the ad valorem tax collections for Palm Beach County. HB 437 will go to Governor Scott for his final action.

Sober Homes

By: County Staff

While legislation was not heard in the House to regulate or register sober home facilities, this week, both the House and Senate added proviso into the budget to allow the Department of Children and Families to utilize funds to develop a plan to establish a licensure/registration process for sober home facilities and their operators. This study will include the number of sober homes operating in Florida, identify concerns in connection with the operation of these facilities, and study the impact on sober house residents and surrounding neighborhoods. The Department will also examine the feasibility of licensing, regulating, registering, or certifying sober homes and their operators. The Florida Alcohol and Drug Abuse Association and local governments will also be included, as the Department must consult with them and others to discuss this issue. A plan must be submitted to the Governor, President of the Senate, and the Speaker of the House of Representatives by no later than October 1, 2013.

We anticipate that this plan will create more discussion and legislation relating to sober home facilities and their operators in the coming months.

Criminal Gang Prevention

By: County Staff

On April 4th, the House passed HB 407 by Rep. Ingram by a vote of 116-2. On Friday, the Senate substituted it for the Senate companion, SB 788 by Sen. Abruzzo, and passed it by a unanimous vote of 38-0. This legislation:

- Increases the penalty for trespassing in school safety zones, from a second-degree misdemeanor to a first-degree misdemeanor if the person has previously been convicted of any offense contained in current law relating to criminal gangs.
- Makes it a second degree felony, ranked in Level 5 of the offense severity ranking chart, for a person to intentionally cause, encourage, solicit, or recruit another person under the age of 13 to become

a criminal gang member where a condition of membership or continued membership is the commission of any crime. The bill makes second or subsequent violations of this provision a first-degree felony, ranked in Level 7 of the offense severity-ranking chart.

- Authorizes jails to designate an individual to be responsible for assessing whether each inmate is a criminal gang member or associate and to transmit information on inmates believed to be criminal gang members or associates to the arresting law enforcement agency.
- Amends the criminal gang multiplier in current law so that the multiplier can be applied with a finding by the judge (rather than the jury) that the defendant committed the offense for the purposes of benefitting, promoting, or furthering the interests of a criminal gang in instances where the lowest permissible sentence does not exceed the statutory maximum sentence for the offense.

It is now awaiting the Governor's signature.

South Indian River Water Control District

By: County Staff

On Friday, the House took up all of the local bills in one group, heard and passed them by a unanimous vote of 114-0. HB 855 by Rep. Rooney amends the charter of SIRWCD by authorizing the Board of Supervisors of SIRWCD to construct improvements upon the real and personal property held, controlled, and maintained for recreational purposes within the District. The bill is now headed to the Senate for a vote.

National Mortgage Settlement

By: The Moya Group

On Friday, SB 1852 by Sen. Gardiner was heard and passed the Senate by a unanimous vote of 38-0. It appropriates \$200,080,474 to several state entities for various housing and foreclosure related programs and services. Florida Housing Finance Corporation would receive \$120 million of the \$200 million to support their affordable housing programs. SB 1852 appropriates the following:

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

Its House companion, HB 7111 by Hooper, has been placed on the House Special Order agenda and is expected to be substituted for SB 1852 and heard on Monday.

Federal Issues

Marketplace Fairness Act one step closer to Senate passage

By: NACo

On April 25, the U.S. Senate voted (63-30) to end debate on the Marketplace Fairness Act. Senators now head home for a one-week recess. During this recess, counties should reach out to their Senators and urge them to support the Marketplace Fairness Act and vote for final passage on May 6.

Fifth round of TIGER grant funding announced

By: NACo

U.S. Transportation Sec. Ray LaHood this week announced the availability of \$474 million for a fifth round of the TIGER competitive grant program to fund surface transportation projects that have a significant impact on the nation, a region or metropolitan area. Projects eligible for grants include highways and bridges, public transportation, passenger and freight rail transportation and marine port infrastructure investments. Applications are due June 3.

HOUSE CLEARS FUNDING MEASURE TO AVERT FAA FURLOUGHS CAUSED BY THE SEQUESTER

By: NACo

On Friday, the House passed H.R. 1765, by a vote of 361-41, thus transferring \$253 million from the FAA's Airport Improvement Program to the FAA's Operations account to prevent further furloughs of air traffic controllers and (possibly) to prevent the closure of air traffic control towers operated under contract.

The bill is identical to the one passed by the Senate yesterday, meaning H.R. 1765 will go to the White House for President Obama's signature immediately.

The bill moves up to \$253 million from the slow-spending AIP account to the fast-spending Operations account. As a result, the Congressional Budget Office estimates that H.R. 1765/S. 853 would increase the FAA's outgoing cash flow from the Operations account by about \$200 million in fiscal year 2013 but would also lower the outgoing cash flow of the AIP program in subsequent years so that the bill only increases total FAA outlays by \$4 million over a ten-year period.

While the Senate passes its bill unanimously without debate, House Minority Whip Steny Hoyer (MD) led spirited opposition to H.R. 1765 on the grounds that it would not do anything to mitigate the effects that sequestration is having on social programs or defense programs. However, most members appeared concerned that a vote against the bill would draw heat from constituents who got stuck with flight delays, so in the end, only 29 Democrats and 12 Republicans voted against the legislation.

Congresswoman Ileana Ros-Lehtinen, along with her South Florida colleagues Mario Diaz-Balart, Debbie Wasserman Schultz, Frederica Wilson and Joe Garcia re-introduced legislation that would give cities greater flexibility to use funds from Community Development Block Grants (CDBG) for public services programs that have decreased because of budget cuts and the recent economic downturn.

The legislation "CDBG Public Services Flexibility Act" was introduced Thursday, in the House and also in the Senate by Senator Bill Nelson. The bill intends to provide communities with greater flexibility to use funds from CDBG for public services. It does not increase funding or change the overall formula for the CDBG programs, but rather it increases the CDBG public service percentage expenditure for participating



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Shelley Vana

Mary Lou Berger

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communities from 15 to 25 percent.

Said Ros-Lehtinen, "During times of budget cutbacks and weak economic growth, the most impacted segment in our communities are the ones that need the most from government services: low income individuals and families. This is why my South Florida Congressional colleagues and me, along with Sen. Nelson, are re-introducing this important legislation so that we can help diminish the pain many of the less fortunate in our state and across the nation will experience as a result of fewer social services. This bill has a simple goal and that is to give greater flexibility to cities in how they spend their CDBG funds in their public services accounts. I urge my colleagues to support our effort to assist those that need our help during these tough economic times."

"The CDBG grant program is used by cities and counties to address local housing, community, and economic development issues. This legislation gives communities greater flexibility in helping meet their unique needs. By increasing the expenditure cap, public services such as food banks, child care, senior services, and crime prevention can continue to be provided to at-risk and vulnerable populations," Said Cong. Diaz-Balart.

"During tough budget times this would enable local leaders to more specifically decide what's best for their community," said U.S. Sen. Bill Nelson.

Weekly Update

By: Becker And Poliakoff

THE SENATE: Took up S. 743, allowing states to collect sales and use taxes from out-of-state sellers for purchases made over the Internet and through catalogs. Majority Leader Harry Reid (D-NV) bypassed the Senate Finance Committee and brought the legislation directly to the floor. Chairman Max Baucus (D-MT), who opposes the bill, represents one of five states without a sales tax. It is a geographic issue that pits lawmakers from states that collect sales tax versus those that do not. Retailers are divided too since Wal-Mart Stores supports the bill, as does Amazon.com and opposing it are Apple, Google, Facebook and Americans for Tax Reform.

The Senate Judiciary Committee began holding hearings on the "gang of eight" immigration bill.

THE HOUSE: Plans to take up under H.R. 1549, transferring funds from the Affordable Care Act's public health fund to a program intended to offer coverage to those with pre-existing conditions. The bill provides \$4 billion for the fund for people with chronic health problems, which was suspended Feb. 15 because the program had run out of money. The House Energy and Commerce Committee approved the bill on April 17 by a vote of 27-20.