

# PBC Legislative Update



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## State Issues

### JANUARY 22-25 COMMITTEE MEETINGS

#### Pensions

*by: Corcoran & Johnston and Ericks Consultants*

On Thursday, the House Subcommittee on Government Operations workshopped a draft bill that would include eliminating the state's current pension system and shifting new employees to a 401(k)-style plan. It would direct the State Board of Administration to create investment plans for new state, county, school district and municipal employees hired after Jan. 1, 2014, whose pensions are administered by the Florida Retirement System. It would also stop new employees from collecting disability benefits from the pension system.

Under this kind of plan, the state would make an annual per-employee payment and could require that it be matched by an employee. The contributions would be invested in the stock market, and retirement benefits would ultimately depend on how the market performed. The plan would also be portable. Several representatives of public employee unions testified against the notion that changes needed to be made, pointing out that Florida has one of the least unfunded liability amounts in the country.

Over the summer, Speaker Weatherford requested two actuarial studies of the impact and potential cost savings for the state of switching to a 401(k) plan with and without survivor benefits. The studies are not completed as of yet.

Senator Ring officially filed legislation that resulted from the Governmental Oversight and Accountability workshop on pensions on Thursday. Ring's plan gives municipalities more flexibility in funding plans with premium tax dollars. The League of Cities opposes Ring's bill because it requires plans to be funded at 2011-12 levels despite any cost reductions that have taken place since then. The League also opposes the bill because it further complicates the extra benefits mandate rather than just repealing it and allowing for local negotiations to work those details out. Police and fire unions are remaining cautious about the bill. They back the overall intent, but do not want to see more sweeping changes- particularly, a repeal of the mandate.

#### Ethics Legislation

*by: Ericks Consultants*

The Senate Ethics and Elections Committee unanimously passed its Ethics Reform bill, SPB 7006, on Tuesday. The bill restricts the use of CCE funds (banning dinners, etc.), expands the 2 year lobbying ban for former legislators to include lobbying the executive branch, requires full online disclosure of legislators net worth, prevents legislators from voting on bills that will privately benefit themselves or family members, prevents dual public employment or "double dipping," and gives the Commission on Ethics more teeth in penalties associated with late disclosures. The next stop for the bill will be Senate Community Affairs. Also, the House Ethics and Elections Committee heard from the Commission on Ethics on its proposals and took public testimony from several watchdog groups on reform concepts.

## **Everglades Restoration**

*by: Ericks Consultants*

Multiple committees heard presentations on the Everglades Restoration, which supplies water to millions of Floridians. The House State Affairs Committee met with the Agriculture & Natural Resources Subcommittee to open joint discussions on Everglades Restoration. There, members of both the sugar industry and environmental groups presented conflicting statistics as to who is to blame for phosphorus levels in the water. Sen. Wilton Simpson is expected to file a bill that addresses Everglades Restoration that, he assures, will be "fair and reasonable" and address concerns from "all groups."

Also, the Cabinet approved on Tuesday a no-bid 30 year contract with A. Duda & Sons, Inc. and Florida Crystals Corporation to continue to operate on Everglades land. Environmental groups are concerned about the length of time for the contracts.

## **Gaming**

*by: Corcoran & Johnston and Ericks Consultants*

On Tuesday, several individuals, on behalf of the pari-mutuel industry, presented to the Senate Gaming Committee. They discussed their historical roots in the State as well as their contributions to the economy but also their concerns that their business is a dying one, especially if the Legislature does not take action soon. All those who spoke discussed their support of and pride in the industry and that they promote a free market and level playing field. Anti-gambling organizations also spoke before the committee.

Chair Garrett Richter discussed his plans for the committee this Session, noting a study that will examine all forms of gambling and the impact all organizations would have on the State of Florida, both socially and economically. Chair Richter indicated that there likely will not be a bill until next Session, as we have learned from House and Senate leadership in the last few months, but that there is a chance that the committee will tackle the issue of internet cafes this Session.

On Thursday, the Florida Supreme Court struck down a law that would have allowed two pari-mutual license holders (one in Palm Beach County) to convert their permits to greyhound racing because there wasn't advance noticed or voter approval of the law as required by the State Constitution.

## **Appropriations**

*by: County Staff and Corcoran & Johnston*

This week county staff and lobbyists met with legislators regarding pending appropriation needs. We met with Representative Ed Hooper, Chair of the House Transportation and Economic Development Appropriations Subcommittee and Representative Ben Albritton, Chair of House Agriculture and Natural Resources Appropriations. We were able to discuss several funding projects that will fall under their jurisdiction, including Glades region inland port, Glades road projects, Lake Worth Lagoon, beaches, and flooding issues in the Acreage.

## **Protest Activities**

*by: County Staff*

On Wednesday, Rep. Pat Rooney presented HB 15 to the House Criminal Justice Subcommittee. This legislation expands current law targeting funeral disturbances. It would make it a first degree misdemeanor to engage in or cause a protest within 500 feet of the property line of any residence, cemetery, funeral home, house of worship, or other location during or within 1 hour before or 1 hour after the conducting of the funeral, burial, or memorial service at that place.

This bill passed the Subcommittee by a unanimous vote of 13-0. Its next stop is the House Judiciary Committee.

## **Gun Law Changes**

*by: County Staff*

County staff and lobbyists met with Sen. Greg Evers Chair of the Senate Criminal Justice Appropriations Committee to discuss several issues related to local gun control. In our discussion, we requested the state reevaluate places where concealed weapons are not permitted and asked to include day care centers in the current list. Additionally, we discussed further revisions to state law concerning the use of shooting ranges on residential property. Based on comments by Senate President Don Gaetz this week, it seems unlikely the Senate will move forward on gun legislation during the upcoming session.

## **Pay Increases for State Workers/Teachers**

*by: Ericks Consultants and County staff*

Gov. Scott held a press conference this week where he called for teacher salaries to be increased by \$2,500 for a total of \$480 million added to the budget as part of a way for Florida to attract and retain the best teachers. It would be up to the legislature to act upon this proposal in their budget. House Speaker Will Weatherford said Thursday he and other House members believe that increases based on merit should continue to be a focus.

Comments this week by Senate President Gaetz indicated his willingness to discuss salary increases for all state employees. Gaetz referenced state workers who have gone for almost six years without a salary increase.

## **Early Learning**

*by: County Staff*

Unresolved questions of funding and governance for Florida's early learning programs are shaping up as major issues again this year, with the hope of better collaboration by industry stakeholders. Representative Eric Fresen, Chair of the House Education Appropriations Committee plans to sponsor a comprehensive bill that would "first and foremost reorganize the structure and governance" of early learning, folding it into the Department of Education and to establish a more permanent funding formula to provide stability to the early learning community.

Virtually all the stakeholders want to reduce the statewide list of children waiting for a slot in a school readiness program, estimated at 68,000.

## **Assault or Battery on Utility Workers**

*by: Foley & Lardner*

**SB 511** by Representative Reggie Fullwood was filed this week. The bill adds "utility workers" to the list of specified persons to be protected from certain assault or battery offenses while performing their official duties. Under the bill, assault or battery against these workers would carry increased penalties similar to those imposed on persons committing similar crimes against law enforcement officers or firefighters. An identical bill by Senator Darren Soto, **SB 344** was filed earlier this month and has been referred to several committees for review.

## **Red Light Camera Repeal**

*by: Foley & Lardner*

Legislation repealing the red light camera law, HB 4011 by Rep. Daphne Campbell, has been filed for consideration during the upcoming Session. The bill was referred this week to the Economic Affairs Committee and to House Appropriations. While we have not yet seen a Senate companion bill repealing the red light cameras, we anticipate that there will be considerable discussion on camera technology this Session.

## **Property Insurance**

*by: Ericks Consultants*

The Senate Committee on Insurance & Banking is expected to release a property insurance reform bill by Feb. 1. The bill will address raising the rate cap on Citizens premiums, allowing the private sector to share risk with Citizens policies, and shrinking the Florida Hurricane Catastrophe Fund. Chairman Simmons promises that the bill will provide an alternate plan for coastal residents in order to ensure support from coastal legislators.

## **Housing Foreclosure Settlement Funds**

*by: Ericks Consultants*

Attorney General Bondi, Senate President Gaetz and House Speaker Weatherford held a press conference on Thursday to assure the \$200 million remaining in foreclosure settlement dollars will not go to fund "member's favorite projects" but to provide housing relief. Speaker Weatherford suggested the money will mostly go to victims of "robo-signing" practices, but could also help fund affordable housing projects, renter and homeowner assistance, foreclosure prevention, legal aid expenses, neighborhood rehabilitation, counseling programs, and to hire more judges to decrease the dire backlog of homes in foreclosure and distress. The House Transportation and Economic Development Subcommittee will hear an in-depth review of the appropriations of settlement dollars from the Florida Housing Finance Corporation at some point in February.

## **Community Development Block Grants**

*By: Ericks Consultants*

In the House Economic Development and Tourism Subcommittee on Wednesday, a representative from the Department of Economic Opportunity (DEO) proposed changes to the Community Development Block Grant (CDBG) that would emphasize the necessity of funding to benefit low-to-moderate income (LMI) persons. Representative Reed inquired about the definition of a LMI person, to which DEO representative explained that it was dependent on the location and he would provide further information at a later date. The purpose of the CDBG funds is for the rehabilitation and preservation of housing and neighborhood revitalization. The purpose of this change is to allow a full range of activity to use funding toward these areas, which was not granted in the past, as a grassroots economic development project developed by the DEO with funds granted by the CDBG. Representative Watson questioned the level of consistency of these projects when funds are allocated and also at planning and development meetings. DEO representative expressed that they worked in conjunction with task forces to make the process less "glitchy." Representative Rogers was curious about how these adjustments would make the grant more competitive and whether it was dependent on population size. DEO representative explained that the removal of the grant from the current statute would create specific competition rules to work with stakeholders in how money was to be spent, not depending on the population rate, with accountability being monitored and managed by the DEO.

Senator Simpson filed bill SB 494 Relating to Community Block Grants on Friday, which among many other things, restricts expenditures of block grant funds by local governments.

## **Beach Funding**

*by: Florida Shore & Beach Preservation Association and County Staff*

This week we discussed with members of the legislature, as the State has done in the past, a special and separate appropriation under statewide beach management for 2013-14 to address substantial damages to our beaches on the East Coast from

Hurricane Sandy. Otherwise, we risk impacting tourism that is leading the economic recovery in our coastal communities and further we leave miles of beaches, public infrastructure and upland development vulnerable to the next storm event.

On a more immediate note, if we don't act we may leave potential federal funding for their repair on the table for our federally-authorized Corps projects (9 on the East Coast, and 4 on the West Coast). 100% federal assistance in FCCE dollars is likely to be available for storm-induced sand losses to federal projects ( a calculated \$25 M for Debby and a 50% generic estimate for Sandy, pending project specific reports, totals \$66.6 M in federal Rehabilitation Assistance). Additional federal construction (CG) cost-sharing dollars through the Congressional Sandy Supplemental, an Omnibus Bill or even a 2014 Energy & Water Appropriations Act will be available but far more difficult to secure for our Florida Projects.

Unfortunately, with the recent FEMA denial for Florida storm recovery funding, all non-federal beach and dune nourishment projects from Brevard thru Broward, with estimated damages of over \$50 million, will either be left in a state of disrepair, or the State must partner with impacted local governments to at least provide some level of financial cost-sharing (to address in part the loss of 75% FEMA Category G funding).

## Federal Issues

### Weekly Update

*By: Becker And Poliakoff*

**THE SENATE:** will consider in Monday the Hurricane Sandy relief package, H.R. 152, which the House passed on Jan. 15. The measure would provide \$200 million less than the Sandy relief bill, H.R. 1 that the Senate passed at the end of the 112th Congress and that has expired.

**THE HOUSE:** voted 285-144 on H.R. 325, which would temporarily suspend the U.S. debt limit. In bringing the bill for consideration on the House floor, GOP leadership will not insist that a short-term debt limit extension be accompanied by a spending cut of the same size. However, the bill would require House members' salaries to be held in escrow if the House does not adopt a budget resolution and identically that the Senators' salaries to be held in escrow if the Senate does not do the same.

In one of her last actions as Secretary of State, Hillary Clinton testified Wednesday before House and Senate committees on the attacks on the U.S. mission in Benghazi, Libya. The House Foreign Relations Committee held a hearing on the nomination of Senator John Kerry (D-MA) to succeed Clinton at the State Department.

**THE WHITE HOUSE:** Monday, January 21<sup>st</sup>, 2013 marked the 57th Inauguration and Barack Obama was sworn in as the 44th President of the United States.

### ASSAULT WEAPONS BAN

Senator Dianne Feinstein (CA) was joined by a broad coalition representing Congress, law enforcement, doctors, clergy and gun violence victims to announce the introduction of the *Assault Weapons Ban of 2013*. The bill bans military-style assault weapons and high-capacity ammunition feeding devices capable of holding more than 10 rounds.

#### **The Assault Weapons Ban of 2013 has two principal goals:**

- First, the bill prohibits the sale, manufacture, transfer and importation of more than 150 of the most commonly-owned military-style assault weapons. It also bans an additional group of assault weapons that can accept a detachable ammunition magazine and have one or more military characteristics.



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- Second, the bill bans large-capacity magazines and other ammunition feeding devices that hold more than 10 rounds of ammunition. These devices allow shooters to fire numerous rounds in rapid succession without having to stop and reload.

The legislation also protects the rights of law-abiding citizens who use guns for hunting, household defense or legitimate recreational purposes. The *Assault Weapons Ban* includes a grandfather clause that specifically exempts all assault weapons lawfully possessed at the date of enactment from the ban. The legislation also excludes:

- More than 2,200 legitimate hunting and sporting rifles by specific make and model;
- Any gun manually operated by bolt, pump, lever or slide action; and
- Weapons used by government officials, law enforcement and retired law enforcement.

**Other key provisions in the bill:**

- Requires background checks on all future transfers of assault weapons covered by the legislation, including sale, trade and gift.
- Requires that grandfathered assault weapons be stored safely using a secure gun storage or safety device in order to keep them away from prohibited persons.
- Prohibits the sale or transfer of high-capacity ammunition feeding devices that are currently in existence.