

PBC Legislative Update



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UP NEXT WEEK IN TALLAHASSEE

Start of the Legislative Session and Palm Beach County Day

STATE ISSUES

PALM BEACH COUNTY DAY

By: County Staff

With over 170 registered attendees, the county was well represented in Tallahassee for Palm Beach County Day. Mayor Vana, Vice Mayor Berger, and Commissioners Abrams, McKinlay, Taylor, and Valeche participated in over 50 meetings scheduled for the opening week of session. Productive meetings were held with dozens of legislators and officials to discuss our legislative agenda for the 2015 session. Highlights included meetings with Governor Scott (pictured below), Lt. Gov. Lopez-Cantera, Agriculture Commissioner Putnam, Chief Financial Officer Atwater, House Speaker Crisafulli, and Senate President Gardiner.



CHILD NET

By: County Staff

On February 19th, The Joint Legislative Budget Commission approved a request from DCF to increase their budget authority within the Federal Grants Trust Fund within the Family Safety and Preservation Services budget entity by over \$10.5 million partly in order to help plug a deficit of over \$5 million in ChildNet in Palm Beach County. The deficit was caused by a large, recent increase in the amount of children entering into the foster care system. This is one of the first priorities of the County Legislative agenda accomplished this year.

BUDGET

By: County Staff and Ericks Consultants

The Chairman of Senate Appropriations announced this week that the Senate will not

be working on producing a budget until notice of a conclusion to Federal and State negotiations surround a hospital funding program worth up to almost \$2 billion total for the state and hospital systems. The U.S. Centers of Medicare and Medicaid Services has announced that the program will not be renewed in its present form. The Chair felt that Federal decision to discontinue the state's LIP waiver could result in a \$1 billion loss to the budget this year creating too much uncertainty. However, the Chair of House Appropriations announced in response that the House plans to proceed with budget planning with the assumption that LIP funding will be there. Governor's Scott proposed budget rests upon the assumption that the funding will remain.

MEDICAID EXPANSION/ LOW INCOME POOL DISCUSSIONS

By: Corcoran and Johnston

This week, in Senate Health Policy, Senators were given a presentation by Joseph Moser, Indiana Medicaid Director, Brian Neale, Governor Pence's Health Policy Advisor, and Seema Verma, Governor Pence's Health Policy Consultant, on the Healthy Indiana Plan (HIP) 2.0.

On Friday, the Senate rolled out their Medicaid expansion proposal, SB 7044, relating to the Florida Health Insurance Affordability Exchange Program (FHIX). This plan is seen as a marketplace for enrolling individuals in private insurance coverage while drawing on federal funds. The Senate believes this plan looks very different than Medicaid and they also place restrictions on applicants in order to receive coverage. In this bill, applicants would have to show proof of employment, on-the-job training or pursuit of education. A parent with a child under the age of 18 would have to show proof for at least 20 hours a week and childless adults would be required to spend 30 hours a week engaging in one of the above listed activities. The bill will be heard in Health Policy on March 10th. Currently, the House remains steadfast in their decision to not expand Medicaid.

WATER POLICY AND AMENDMENT 1 FUNDING

By: Anfield Consulting, Ericks Consultants, and Ron L. Book PA

The first bill to pass out of the House this Session was the House water package, HB 7003, in a 106-9 vote. The bill creates a "policy framework" for springs protection, everglades restoration and water quality and quantity. The framework relies heavily on the Best Management Practice (BMAP) process, which will be used to identify needs and determine necessary projects to achieve environmental goals. It would then be up to the Legislature to fund the projects recommended by the BMAPs, which are reviewed every 5 years. Some opponents of the bill were critical of the reliance on BMAPs. The bill sponsor contended that a BMAP was not intended to be a solution but a process to help determine solutions. Other criticisms of the bill included the absence of addressing urban output and demand as well as relying on state agencies such as DACS and DEP for environmental monitoring. The bill covers both first and second magnitude springs.

The bill summary is as follows:

Under current law, if water quality minimum standards are not being met, even though farmers are implementing Best Management Practices (BMP), the Department of Agriculture and Consumer Services (DACS) is the only authorized entity to reevaluate those BMPs. The PCB authorizes DACS, the Department of Environmental Protection (DEP), and the Water Management Districts (WMD) to each have the same ability to initiate the re-evaluation of those BMPs (specifically raised to the committee by the Nature Conservancy and the Audubon Society).

The bill clarifies that land owners who are complying with the Everglades Agricultural Area (EAA) BMPs, are not required to implement duplicative DACS BMPs, if their property is also located within the Lake Okeechobee watershed, unless the agencies determine that new or improved BMPs are needed to meet the TMDL for the Lake Okeechobee watershed.

In the Springs area, the Springs Protections measures applies to first and second magnitude springs located in a state or federal land.

The bill removes the requirement for DEP to adopt Springs Protection Zones, which would be duplicative, the committee will be focusing efforts through this amendment on the BMAP process. It sets a hard deadline of December 1, 2018, for DEP to establish the TMDLs and BMAPs for the impaired priority Springs. (raised to the committee by the Sierra Club). The strike all amendment also requires agricultural operations to implement BMPs if they are located within the area of the BMAP.

Lastly, the language adds several requirements to the regional water supply planning process, and shifts those requirements to the Water Management District's 5-year water resource development work program. Requires the work programs to include an annual funding plan for water resource and water supply development projects.

Additional language in the bill clarifies local government responsibilities. The amendment removed a provision that would give primary responsibility to local governments to provide urban stormwater management and domestic wastewater management, and clarifying that "Local governments have primary responsibility for providing urban stormwater management services pursuant to the provisions of their municipal separate storm sewer system permit and the operation of wastewater collection and treatment facilities."

Meanwhile, the Senate Committee Environmental Conservation and Preservation held a workshop on a Senate water package, SB 918 by Dean that does not resemble the House package. The bill requires DEP to submit an annual report on all consolidated water projects and create a 5-year workplan. It creates the Florida Water Resources Advisory Council to provide recommendations on water projects submitted by local governments. It sets statewide quality standards and creates a database to centrally house collected water quality data. It includes springs protection and database of conservation lands owned by the state.

GAMING

By: Corcoran & Johnston and Ron L. Book, PA

This week, House Majority Leader Dana Young filed HB 1233, relating to Gaming and called the "Florida Gaming Control Act of 2015. She also filed House Joint Resolution 1239, relating to the same. Both bills negate the Seminole Indian gaming compact, reform nearly all gambling legislation in Florida and ban future gambling expansions unless they are authorized by constitutional amendment. The package creates a Department of Gaming Control overseen by a Gaming Control Commission. It would allow for two destination casinos in South Florida and revises provisions relating to amusement games and greyhound racing among others. The bill also contains language to allow pari-mutuels to have slot machines in counties where voters have approved of slot machines through a countywide referendum. The language would benefit the Palm Beach Kennel Club. The bill has not been referenced to any committees, and its Senate companion has not yet been filed.

Additionally, The bill does the following:

- Allows two destination resort licenses for Florida. The bill provides incentives for resort casinos to buy existing permits instead of obtaining new ones. Those casinos would also have to make a \$2 billion capital investment and pay a minimum of \$175 million in taxes per year, gain the support of local governments via referendum. Ten percent of the resort casino's floor space would be dedicated to games.
- Decouples greyhound racing and gambling.
- Dog tracks would be required to report animal injuries

- Reduces existing pari-mutuel tax rate from 35 % to 25 %
- Ends all tax credits for dog tracks and allows four tracks to operate in the state
- Create a moratorium on new gambling permits.

While Leader Young's bill was filed nearly a week ago, it has not yet been referred to any committees. The Senate has not yet introduced their approach to gaming.

ENTERPRISE ZONES

By: Corcoran & Johnston, Ron L. Book, PA, and Ericks Consultants

The Florida Enterprise Zone (EZ) program set forth in statute, sunsets, or expires, in 2015. A strong majority of Senate and House Leadership feel that the EZ program needs to be wholly rewritten or allowed to sunset. Leadership has remained skeptical of the value of the Enterprise Zone program. Over several committee weeks, both the House and Senate have held workshops on the program. The Florida League of Cities and Florida Association of Counties have continued to represent the benefits of specific portions of the EZ programs across the state and advocate in favor of the program extension. At this time the outlook is not certain. Last week, Florida Tax Watch released a study supporting the program and recommended changes to the marketing strategy, which should be more focused on jobs created in beginning and second stage companies, and recommended creating a multiple tiered system that would be more suited to small and large businesses.

SB 392 sponsored by Senator Clemens would revise the Enterprise Zone Act, and has been referenced to four committees: Commerce and Tourism, Finance and Tax, Appropriations Subcommittee on Transportation, Tourism, and Economic Development, and the full Appropriations committee.

In the House, PCB EDTS 15-03 creates ss. 290.50 and 290.60, F.S., which establish the Local Enterprise Zone program and the Enterprise Zone Certification program respectively.

The proposed Committee Bill (PCB) EDTS 3, does not reauthorize the state Enterprise Zone (EZ) program, but allows for a local EZ program without any state dollars. The local program is optional, however, if a local government creates a new EZ, the bill exempts newly established or expanding businesses from paying local business taxes, impact fees, building permit fees and any local special assessments. Additionally, the bill would exempt these businesses from complying with local sign ordinances, tree ordinances and would prohibit local governments from issuing a citation or civil code ordinance violation within the newly established local zone, for 24 months.

It prohibits local governments from imposing impact fees on small businesses of 12 or less employees and buildings less than 6000 square feet. The bill also extends permit expirations for two more years, issued by DEP or the Water Management District, and local development orders and building permits.

BAKER ACT

By: Corcoran and Johnston

This week, the House Children, Families & Seniors Subcommittee convened and John Bryant, Assistant Secretary for Substance Abuse and Mental Health from the Department of Children and Families, gave a presentation on the mental health and substance abuse safety net system. Currently, in Florida, priority populations for mental health and substance abuse are pregnant women, intravenous drug users, and parents with substance abuse issues. The department's program contracts 4 hospitals for psychiatric treatment. The overall budget in expenditures illustrated that 41% of dollars were used for adult mental health, 14% for children, 18% forensic commitment, and 4% sexual violence. During fiscal year 2013 the department served more than 320,000 individuals (47,000 of those were children).

MENTAL HEALTH & SUBSTANCE ABUSE

By: Ericks Consultants

A group of Republican and Democratic Senators and Representatives held a press conference announcing a ten-part Mental Health and Substance Abuse initiative, which is contained in multiple bills filed this week. The ten-part plan consists of:

1. Establishment of Florida Behavioral Health Commission to prepare comprehensive State Strategic Behavioral Health Plan to address: (FBHC)
2. Establishment of Behavioral Healthcare Workforce Loan Forgiveness Program upon licensure to sunset in 5 years.
3. Establishment of dedicated funding of \$9M annually for the Criminal Justice, MHSA Reinvestment Grant.
4. Establish a Statewide Center of Excellence for Criminal Justice, MHSA
5. Substance Abuse Mental Health Data System
6. Baker Act/Marchman Act recommended changes as identified by the Florida Supreme Court Task Force on Substance Abuse and Mental Health in Courts.
7. Indigent Psychiatric Medication Program
8. Expansion of the Crisis Intervention Team Program through pilot program within the Florida Sheriffs Association.
9. For individuals whose most serious charge is a misdemeanor 3rd degree felony, or non-violent second-degree felony, allow for competency determination to be based on only one evaluation by a Board Certified Psychiatrist.
10. Conduct an independent evaluation of the Miami-Dade Forensic Alternative Center to determine program effectiveness and efficiencies and comparison evaluation utilizing the same criteria of state forensic programs within state run facilities

LOCATION OF UTILITIES

By: Corcoran and Johnston

HB 391, relating to Location of Utilities, by Representative Ingram passed the House Local Government Affairs Subcommittee by an 11-1 vote this week. Historically, absent an agreement providing otherwise, utility companies generally have been required to pay, as part of the use, maintenance, improvement, extension or expansion of a public road, highway, or publicly owned rail corridor, to relocate a utility line or facility. In 2014, the Florida Second District Court of Appeal held that a utility is required to pay to move its utility lines from one public utility easement to another public utility easement as part of a city's road construction project. HB 391 revises several provisions related to utilities by making certain statutory provisions applicable only to utility lines and facilities located within the right-of-way limits of a road, rather than those lines facilities located upon, under, over, or along any public road or highway, or publicly owned rail corridor. Specifically, the bill:

- Prohibits a municipality, county, or authority from requiring utilities to resubmit information already in the possession of or previously provided to the municipality or county.
- Alters the requirement for a utility to pay, subject to certain exceptions, to remove or relocate utility lines or facilities that unreasonably interfere with the safe continuous use, maintenance, improvement, extension, or expansion of a public road or publicly owned rail corridor, by:
 - Restricting that requirement only to utilities located within the right-of-way limits of the road or rail corridor, rather than upon, under, over, or along the road or rail corridor.
 - Requiring that if a governmental authority requires relocation for any purpose other than unreasonable interference, or as a condition or result of a project by a different entity, then the utility is not required to bear the relocation costs.
 - Adding a new exception to the requirement that utility owners pay for removal or relocation of the utilities.

RED LIGHT CAMERAS

By: Corcoran and Johnston and Ericks Consultants

On Thursday, the Senate Transportation Committee heard a presentation by the Department of Highway Safety and Motor Vehicles (DHSMV) on the red-light camera summary report. During the 2013-2014 fiscal year 940,814 notices of violation were issued throughout the state of Florida: 68% of those were paid timely, 4% were contested, and 28% moved to a uniform traffic citation. In-person citations by police officers for red light violation have steadily decreased over the last 3 fiscal years by 26%. 29 jurisdictions reported an increase in total number of crashes at red light camera intersections on state roads while 23 reported a decrease. The representative stated that, based on the data available, it is difficult to make an argument regarding the safety value of red light cameras.

The Senate Committee on Transportation unanimously approved the Department of Highway Safety and Motor Vehicle package, SB 1184. However, the package was amended to require counties and municipalities to file annual reports with the Department specifying the location each camera, the date the camera became operational, violations issued, crashes occurring within 250 mi radius, safety countermeasures that can be taken to increase the intersections safety and the date which any countermeasures were implemented. Should a local government fail to comply with reporting requirements, all revenue from violations issued must be remitted to the state. Additionally, new red light cameras may not be installed unless a DOT has conducted a traffic engineering study to identify engineering countermeasures that will increase intersection safety and it is determined that a red-light camera installation is the only available solution. The bill has two more committees in the Senate. Its House companion, which does not contain red light camera language, has not yet received its committee assignments.

SOBER HOMES

By: Ericks Consultants and Ron L. Book, PA

Sober Homes SB 326 sponsored by Senator Clemens, was heard this week and amended to accomplish the following:

- Directs the Department of Children and Families to approve at least one credentialing entity for the voluntary certification of recovery residences by December 1, 2015.
- Limits the requirement to conduct level 2 background screening to owners, directors and chief financial officers and deny a recovery residence's application if any owner, director, or chief financial officer has been found guilty of, regardless of adjudication to any offense listed in s. 435.04(2), F.S. unless the department has issued an exemption under s. 397.4872, F.S.
- The committee substitute directs the credentialing entity to establish application, examination, and certification fees that shall not exceed \$225 and an annual certification renewal fee that shall not exceed \$100.
- Provides for the immediate removal a certified recovery residence administrator who is arrested or found guilty of certain offenses outlined in the bill. Provides notification requirements; timeframe within which to hire a new administrator and revocation of certificate for failure to follow requirements.
- Provides criteria for a certified recovery residence administrator to qualify a recovery residence for referrals from licensed service providers and allows the administrator to act as a qualifying agent for only one recovery residence at any given time.
- The committee substitute clarifies that exemptions from disqualifying offenses for staff or administrators cannot be granted under any circumstances for certain types of offenses. SB 326 by Senator Clemens, passed the Senate

Committee on Children, Families, and Elder Affairs by a vote of 4 – 0, and is now on the agenda for the Appropriations Subcommittee on Health and Human Services, next week.

Sober Homes / Substance Abuse Services, HB 21 by Representative Hager, the House companion, passed through its first committee 11 – 0 earlier, but was not heard this week. However, the bill has had a committee reference removed, clearing the way for it to be heard next in its last committee, Health and Human Services.

The City of Delray Beach, the Florida League of Cities, Palm Beach County, the Florida Association of Counties, and Florida Association Recovery Residences support the legislation.

AGRITOURISM PREEMPTION

By: Ericks Consultants

Committees in both the Senate and the House approved HB 594 that would prohibit local governments from enforcing ordinances and regulations that prohibit or restrict agritourism on bona fide agricultural lands. The bill is in response to two counties that continued to enforce agritourism ordinances after a 2013 law prohibiting the adoption of such ordinances. The Senate bill has one committee stop left in the Senate. Its House companion has two more committees of reference.

HAZARDOUS WALKING

By: Ericks Consultants

The Senate Committee on Community Affairs unanimously approved HB 154 that would revise the process by which hazardous walking conditions for school children are identified and addressed. With the Florida League of Cities backing, the committee amended the bill to designate the local government with jurisdiction as the entity responsible for reporting determinations of the investigatory group to the Superintendent and changed the requirement to place a correction to a hazardous walking condition in the local government annual 5 year CIP to its annual 5 year transportation plan. The Florida Association of Counties testified that some counties had developed alternative approaches to the issue of hazardous walking conditions and that the bill would potentially prohibit these alternative methods from being used. One member expressed reservations over the potential impact to local governments. The bill has two additional committee stops in the Senate. Its House companion also has two more committee stops.

LOCAL GOVERNMENT SERVICES LOW VOLTAGE ALARM SYSTEMS

By: Ericks Consultants

The House Local Government Subcommittee and Senate Committee on Regulated Industries approved a bill that would reduce the maximum amount a local government may charge for permit fees for low-voltage alarm systems from \$55 to \$40. The bill would also prohibit local governments from charging any additional fees for the installation of a new or replacement of an old system. The bill also clarifies that a wireless alarm system does not require a permit. The Florida League of Cities testified in opposition the permit fees cover important administration costs that enable a more timely permitting process and local governments may have to raise fees for other services in order cover the true cost of inspection should the maximum charge be reduced. Comcast, AT&T, ADT and Associated Industries of Florida support the bill. The House bill has one committee of reference left in the House. Its now identical Senate companion was approved in its first of three committees of reference in an 11-1 vote.

REDUCED ENTRANCE FEES FOR COUNTY & MUNICIPAL PARKS

By: Ericks Consultants

The House Veteran and Military Affairs Subcommittee approved a bill that would require counties & municipalities to provide discounts on park entrance fees to military service members, veterans, as well as spouses & parents of certain deceased

military service members, law enforcement officers and firefighters. The bill is scheduled again next week in its second of three committees of reference. Two similar bills have been filed that include discount public transit fares for military veterans that have not yet been heard in any committees.

LOCAL PREFERENCE IN CONSTRUCTION

By: Ericks Consultants

In a narrow 6-5 vote, the House Local Government Affairs Subcommittee approved HB 413 that would preempt local preference ordinances for construction projects that are funded by a certain percentage of state dollars. The Senate Community Affairs voted 5-2 to approve the same bill. The bills were amended to move the threshold that would trigger the preemption from 20% of state funding to 50% of state funding in a compromise with local governments. An amendment to the Senate bill that would have eliminated the threshold and allow for any percentage of state funding to trigger the preemption failed. The bill is a top priority for the Florida Associated Builders and Contractors. Members who supported the bill argued in favor of free markets and claimed that local preferences are discriminatory and force taxpayers to pay higher prices. The Florida League of Cities and Florida Association of Counties testified that local preferences were vital economic development tools for local economies and enabled elected officials to be stewards of local taxpayers. They also testified that many of the local preferences that exist in the state include reciprocity with other local governments. The Florida AFL-CIO, Florida Electrical Workers Association and Miami-Dade County also opposed the bill. The House bill has two more committees of reference before going to the full House. The Senate bill also has two more committees of reference before going to the full Senate.

PUBLIC WORKS CONSTRUCTION PREEMPTION

By: Ericks Consultants

The House Government Operations Subcommittee voted 10 to 2 to pass a bill that would place certain controls on a public entity contracting for public works projects. HB 527 would require all projects to improve or construct a public building that cost in excess of \$300,000 must be competitively bid. The bill would prohibit a public entity from requiring contractors, subcontractors or material suppliers submitting bids for public works projects to pay employees a certain wage, enter into labor agreements, provide certain benefits, hire employees from a designated source or participate in certain training programs. Public entities could also not require that the contractor, subcontractor or material supplier responding to a public works construction, maintenance or improvement bid be associated with any certain association, organization or union. The Association of Builders and Contractors and the Association of General Contractors support the bill. The Florida League of Cities and Florida Electrical Workers Association opposed the bill. One member voting in favor of the bill pledged to work with the sponsor to make the bill more local government friendly. The bill has three more committees of reference in the House. Its Senate companion is scheduled in its first of three committees of reference next week.

MEMBERSHIP ASSOCIATIONS THAT RECEIVE PUBLIC FUNDS

By: Ericks Consultants

The House Government Operations Subcommittee voted 8-4 along party lines to approve HB 549 that would prohibit membership associations whose membership includes elected or appointed public officials and whose budget is funded 25% or more by taxpayer dollars from entering into litigation against the state. The bill would also put transparency requirements on the associations, including a detailed report of membership dues, assets and liabilities, salaries of certain employees, benefits packages, and disbursements for lobbying and litigation to be sent to the Legislature annually. The bill excludes labor organizations. The bill sponsor used a specific example of current litigation by the Florida School Board Association against the state. Americans For Prosperity supports the bill. The Florida League of Cities testified that there were some concerns. The bill has two more committees of reference in the House. Its Senate companion has not yet been heard in its first of two committees of reference.

PROPERTY APPRAISERS – HB 213

By: Ericks Consultants

A bill that would clarify that the Board of County Commissioners (BCC) must fund the property appraiser's budget at the level approved by DOR, even during an administrative appeal, passed its final House committee and is now ready to go before the full House. Its Senate companion has not yet been heard in its first of three committees of reference.

AFFORDABLE HOUSING

By: Ron L. Book, PA

The industry and its advocates took issue with SB 586 that establishes the distribution of 33% of the documentary stamp tax revenues go to the Land Acquisition Trust Fund. As a result of SB 586 and its method of restructuring how doc stamp money is distributed, the bill would significantly reduce funds that go into the housing trust funds, as the total amount of doc stamp revenue collected, now 33% goes toward the Land Acquisition Trust Fund first, then the distribution of remaining funds is allocated. The percentage is the same but the amount of doc stamp funding is lower, therefore the distributed funds to the housing trust fund is lower. Senator Smith filed an amendment to essentially hold the affordable housing trust funds harmless, but withdrew the amendment in committee and the bill passed 5 - 2. SB 586 will be heard in the Senate Appropriations Subcommittee on General Government, next week.

ENTERTAINMENT INDUSTRY TAX CREDIT

By: Ericks Consultants and Ron L. Book, PA

SB 1046 by Senator Detert reforms several elements of the state's entertainment industry incentives. The bill renames the Office of Film and Entertainment as the Division of Film and Entertainment, establishes new policies that ensure film incentives funding appropriations will be spread out over multiple years, and makes direct-to-internet productions eligible for incentives. It creates a new Entertainment Industry Quick Action program to respond to extraordinary opportunities and to compete effectively with other states. Below is a summary of the bill.

- Creates within the State Economic Enhancement and Development Trust Fund, the Entertainment Industry Quick Action Account. The Entertainment Industry Quick Action Account shall consist of moneys appropriated to the account for purposes of the program authorized. Moneys in the Entertainment Industry Quick Action Account may be used only to make payments authorized under s. 288.1256. The department may adopt rules necessary to provide for the use of moneys in the Entertainment Industry Quick Action Account and for the administration of the Entertainment Industry Quick Action Account.
- Creates within Enterprise Florida, Inc., the department the Office of Film and Entertainment for the purpose of developing, recruiting, marketing, promoting, and providing services to the state's entertainment industry. The division shall serve as a liaison between the entertainment industry and other state and local governmental agencies, local film commissions, and labor organizations.
- Creates a film and entertainment commissioner, appointed by the Governor, to serve at the pleasure of the Governor, and is subject to confirmation by the Senate.
- The Division is to coordinate with local or regional offices, maintained by counties and regions of the state, local film commissions, and labor

organizations, and coordinate with each other to facilitate a working relationship. These entities are to develop strategies to identify, solicit and recruit entertainment production opportunities for the state, including implementation of programs for rural and urban areas designed to develop and promote the state's entertainment industry.

- Creates the Florida Film and Entertainment Advisory Council to serve as an advisory body to the Division of Film and Entertainment within Enterprise Florida, Inc.
- Sets forth each year, two periods during which applications will be accepted. The application periods will run from January 1 - June 30 and July 1 - December 31. Additionally, the bill details the application certification requirements.
- Creates the Entertainment Industry Quick Action Fund within the department, in order to respond to extraordinary opportunities and to compete effectively with other states to attract and retain production companies and to provide favorable conditions for the growth of the entertainment industry in Florida. SB 1046 is on the agenda for the Committee on Commerce and Tourism next week.

GLEANING

By: Anfield Consulting

It is common practice by farmers to open up their lands to visitors after commercial harvesting is completed in order to pick any remaining excess crops not yet harvested.

The Senate Committee on Judiciary unanimously approved SB 158 that would provide that would protect farmers from civil liability should they gratuitously allow a person on to their farmland to harvest food, a process known as "gleaning." The farmer would still be liable if he or she failed to warn of an unobvious danger the farmer is found to have "actual knowledge of" as well as any intentional acts or gross negligence that lead to injury or death. It also expands the timeframe of the exemption from just after harvest to being year round.

The bill sponsor worked with the Florida Justice Association to address concerns that prevented the legislation from passing last year. Palm Beach County, Associated Industries of Florida, Florida Farm Bureau and Florida Fruits and Vegetables Association supported the bill. It is now ready to head to the floor in the Senate. Its House companion, HB 137, has not yet been heard in its first of three committees of reference.

COMMUNICATIONS SERVICES TAX

By: Ericks Consultants and Ron L. Book, PA

SB 110 by Senator Hukill reduces the state portion of the CST rate by 3.6 percent, from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services, from 10.8 percent to 7.2 percent.

The bill makes conforming changes to the combined billing rate for CST and gross receipts tax by reducing it by 3.6 percent, from 6.8 percent to 3.2 percent while delaying the implementation of the distribution for direct-to-home satellite services revenues to August 1, 2015 and for the remaining tax revenue received from the CST to September 1, 2015.

It reduces the percentage of direct-to-home satellite CST tax revenues allocated to the state from 63 percent to 44.5 percent to ensure that local governments continue

to receive the same amount of distributions as they receive under current law.

The bill revises the following distributed amounts:

- Increases to 9.0739 percent from 8.8854 percent the amount remitted by a sales tax dealer located within a participating county that is transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.
- Increases to 0.0976 percent from 0.0956 percent of the available proceeds that are to be transferred to the Local Government Half-cent Sales Clearing Trust Fund for emergency distribution.
- Increases to 2.1039 percent from 2.0603 percent of the available proceeds that are to be transferred to the Revenue Sharing Trust Fund for counties.
- Increases to 1.3803 percent from 1.3517 percent of the available proceeds that are transferred to the Revenue Sharing Trust Fund for municipalities.

SB 110 has passed the Communications, Energy, and Public Utilities with a vote of 7-0 and will next be heard in Finance and Tax, which is chaired by this bill sponsor, Senator Hukill.

HEALTH INSURANCE COVERAGE FOR EMS

By: Ron L. Book, PA

SB 516 by Senator Bean and cosponsored by Senator Garcia, would place restrictions on the reimbursement amount an EMS agency may receive for providing services. The bill prohibits a non-participating EMS provider from collecting an amount in excess of the amounts determined by insurance companies as is customary. EMS payments would be determined by either an insurance negotiated payment, an amount calculated under the methodology used by the insurer to determine the reimbursement amount to a nonparticipating provider for the service, reduced only by a coinsurance amount or copayment, or the amount that would have been paid under Medicare for services. SB 516 has been referred to the following committees: Banking and Insurance, Health Policy and Appropriations.

HB 681 the companion bill sponsored by Representative Trujillo, was referred to the following committees: Insurance and Banking Subcommittee; the Appropriations Committee, and the Health and Human Services Committee.

Regional Planning Councils

By: Ron L. Book, PA

SB 484 by Senator Simpson (the House companion is HB 873 by Representative Mayfield) as originally filed would have eliminated the 11 Regional Planning Councils. We have been working with Senator Simpson on a strike-everything amendment that would reduce the RPCs from 11 to 10, eliminate duties that are duplicative and obsolete, and fund the RPCs with \$2.5 million as has been funded in past years. The bill will be heard next week in Senate Community Affairs, which is chaired by the bill sponsor.

EMERGENCY FIRE RESCUE SERVICES AND FACILITIES SURTAX

By: Ericks Consultants

The Senate Committee on Community Affairs unanimously approved HB 668 that would revise the Emergency Fire Rescue Services and Facilities Surtax to distribute the revenue to all providers in a county that adopts the surtax, rather than only providers that enter into an interlocal agreement with the county. The bill would provide local government providers with revenue from the surtax proportionate to their annual expenditures for fire control and emergency fire rescue services from the

preceding five years. The committee amended the bill to match the House version, which requires local governments to reduce their ad valorem millage rate and non-ad valorem assessments by the amount of the surtax revenue. Palm Beach County Firefighters support the bill. It has two more committees of reference in the Senate. Its House companion also has two more committees of reference.

TAX ON COMMERCIAL LEASES

By: Ericks Consultants

Senate Community Affairs voted unanimously to approve HB 140 that would reduce the tax on commercial leases by 1%. The bill was supported by the business community and by a large number of realtors in attendance. The reduction would result in an estimated \$243.5 million impact to the state's budget and a \$31 million impact to local governments. The bill has two additional committees of reference in the Senate. Its House companion has not yet been heard in its first of three committees of reference.

FREIGHT LOGISTICS ZONES

By: Ericks Consultants

The House Transportation and Economic Development Subcommittee voted unanimously to pass HB 257 that would allow one or more counties to designate an area as a Freight Logistic Zone and provide that these designated areas may be eligible for priority funding should they be found to be consistent with the State's Freight Mobility and Trade Plan. The bill provides requirements for the county or counties designating the areas as well as evaluation requirements for the State to determine the eligibility of the FLZ for priority funding. The bill has one more committee stop left in the House. Its Senate companion is scheduled next week in its first of three committees.

UBER PREEMPTION OF LOCAL GOVERNMENTS

By: Ron L. Book, PA

HB 817 by Representative Gaetz was filed this week, to organize regulation of the ride sharing industry popularized by Uber and Lyft.

The bill does the following:

- This bill creates preemption to the state for regulation of transportation network companies.
- Creates s. 316.680, F.S., called Transportation Network Companies, to establish definitions for these companies, drivers and the service. It defines the term trip, defines that a transportation network company or its driver is not a common carrier, meaning that these drivers do not provide taxi or for-hire service.
- Requires that a person wishing to operate a transportation network company (TNC) obtain a state permit to do so, for an annual permit fee of \$5,000.
- Provides that if a TNC charges a fare, that it must disclose the fare calculation method on its website or within the digital network software application service. Before the passenger enters the driver's vehicle, the company would be required to provide the passenger with the applicable rates being charged and the option to receive an estimated fare.
- Sets a process by which the driver and vehicle must provide identification on the company's software application service or website, complete with a picture of the driver and the license plate number of the motor vehicle before the passenger enters the driver's vehicle.

- Requires the Department to set up a process by which the TNC must provide a receipt for the service, within "a reasonable amount of time".
- Requires that beginning October 1, 2015, companies and transportation network company drivers must comply with automobile liability insurance requirements of the bill that set forth standards for when a driver is logged in but not providing service, when the driver is providing service, specifics on when the driver or the company is providing insurance, and that the company is required to provide insurance if the driver's insurance is not active or has lapsed.
- Provides that a company must establish a zero tolerance policy for drug or alcohol use by the driver.
- Establishes requirements for background and criminal checks for drivers.
- Require that a motor vehicle used by a driver to provide transportation network company service meet the vehicle safety and emissions requirements for a private motor vehicle of the state in which the vehicle is registered.
- Establishes prohibited conduct, a non-discrimination policy for riders, and confidentiality of a riders' personal identification information.

HB 817 has been referred to Transportation and Ports Subcommittee and Economic Affairs Committee, and will be heard in its first committee next week.

Senator Brandes' companion bill, SB 1326 has been referred to Regulated Industries, Banking and Insurance, and Rules committees.

Additionally, SB 990 by Senator Brandes creates the Florida Free Enterprise Act and states that the intent of the Legislature is that the ability of the public to freely bargain for lawful goods and services, not be restricted by governmental actions that establish regulatory minimum prices. This is defined as meaning any value, percentage of a value, or rate of compensation established by an ordinance, special act, rule, or other governmental action below which a lawful business or private individual is prohibited from charging for lawful goods or services.

Representative Tobia has filed HB 789, which is the House companion.

HOMELESSNESS

By: Ericks Consultants

The Senate Committee on Children, Families and Elder Affairs unanimously approved SB 552 to exempt identifying information collected by a survey or count or contained in a Homeless Management Information System. The bill has two more committee stops in the Senate. Its House companion has not yet been filed. The language is also contained in an additional Senate bill scheduled for a hearing next week.

PALM BEACH COUNTY CLAIMS BILL

By: County Staff

The Senate Committee on Judiciary approved a claims bill for the relief of Javier Soria by Palm Beach County in an 8-1 vote. The bill would provide for an uncontested settlement in the amount of \$101,800 to Mr. Soria, who was injured by a county vehicle in Delray Beach. The committee adopted committee substitute which addressed factual errors pointed out by the Special Master. The bill has two more committee stops before going before the full Senate.

FEDERAL ISSUES

Washington, D.C. Meetings

By: County Staff

During the week of February 23rd, County Commissioners and staff held meetings in Washington D.C. with federal legislators and officials to discuss the county's federal legislative agenda. We met with Senators Rubio and Nelson and Representatives Deutch, Hastings, Murphy, and Frankel to discuss various issues such as the Herbert Hoover Dike and sober homes. Commissioners and staff also attended a meeting of the White House Intergovernmental Affairs/Council on Environmental Quality.

Highway Bill Funding

By: Becker & Poliakoff

The most recent short term extension to the Highway Bill expires this May, and Chairman Shuster has remained very publicly committed to passing a six year bill prior to that deadline. The idea behind the six-year cycle is to give state officials necessary certainty on the flow of federal dollars used to fund years-long transportation projects. Late last week Schuster said that "every day, week that goes by that we don't have a funding solution, it makes it difficult." Some other members are beginning to seriously talk about a short-term extension because state DOTs are making decisions about the summer construction season now. Failure to have funding set could derail summer construction plans, impacting employment.

DC in Review—Week of March 2nd

By: Becker & Poliakoff

THE HOUSE: Israeli Prime Minister Benjamin Netanyahu gave a controversial address to a joint meeting of Congress. He argued against the Obama administration's potential nuclear deal with Iran. The president did not meet with Netanyahu, saying that it was too close to Israel's March 17 elections. The president said that Netanyahu's acceptance of House Speaker John Boehner's invitation to speak, made without consulting Congress, is harmful to U.S.-Israeli relations.

Last week, House Speaker John Boehner (R-OH) failed to persuade 52 Republicans to support a three-week Homeland Security Appropriations bill, H.J.Res. 35. The bill would have secured more time to deal with President Barack Obama's executive order preventing 5 million undocumented immigrants from being deported.

The House passed legislation authorizing Amtrak rail service for four years and reducing funding levels for passenger service by 40 percent. Under H.R. 749, passenger rail programs, including support for Amtrak, would be re-authorized at more than \$7 billion over four years. The measure, virtually identical to the bipartisan H.R. 5449 in the 113th Congress, was already marked up by the House Transportation and Infrastructure Committee.

The House also took up two bills dealing with the EPA. First, under H.R. 1029, the Environmental Protection Agency's disclosure requirements would be modified for members of its Science Advisory Board. The bill increases the opportunities for public input during board activities and requires the agency to respond to "significant" comments received regarding proposed rules. Second, under H.R. 1030, the EPA would be barred from taking any regulatory action unless it makes all associated scientific and technical data available in a manner that allows findings to be reproduced and analyzed independently.

House leaders may resume consideration of H.R. 5, legislation that rewrites the No Child Left Behind law and reauthorizes elementary and secondary school programs for six years. The House had planned to complete work on the measure last week, but postponed it to deal with the Homeland Security Appropriations bill.



Palm Beach County

Board of County

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Shelley Vana, Mayor

Mary Lou Berger, Vice Mayor

Hal R. Valeche

Paulette Burdick

Steven L. Abrams

Melissa McKinlay

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The House Judiciary Committee scheduled a two-day markup to consider four as-yet-unnumbered immigration bills that would:

- Authorize state and local governments to assist in the enforcement of federal immigration law.
- Require all U.S. employers to use the E-Verify electronic employment verification system.
- Change various laws relating to immigration asylum cases.
- Provide for the return of undocumented children who enter the U.S. without a parent or guardian.

THE SENATE: Majority Leader Mitch McConnell (R-KY) will try to go to conference to resolve differences between the Senate-amended version of the Homeland Security Appropriation bill, H.R. 240, which eliminated the provisions reversing President Obama's executive order on immigration, and the original House-passed bill, which contains them.

The Senate failed to override President Obama's veto of the Keystone XL pipeline.

The Senate voted to pass S.J. Res. 8, which would reverse the National Labor Relations Board proposed rule that would speed up workplace elections when unions seek to represent employees in collective bargaining. Joint resolutions to overturn government regulations are allowed under Public Law 104-121, the 1996 Congressional Review Act.

UP NEXT WEEK IN TALLAHASSEE:

Entertainment Incentives

<http://flsenate.gov/Session/Bill/2015/1046/BillText/Filed/PDF>

Spring Training

<http://flsenate.gov/Session/Bill/2015/1214/BillText/Filed/PDF>

Public Works Projects

<http://flsenate.gov/Session/Bill/2015/0934/BillText/Filed/PDF>

Regional Planning Councils

<http://flsenate.gov/Session/Bill/2015/0484/BillText/Filed/PDF>

Freight Logistics Zones

<http://flsenate.gov/Session/Bill/2015/0956/BillText/Filed/PDF>

Growth Management

<http://flsenate.gov/Session/Bill/2015/0562/BillText/Filed/PDF>

Special Assessment for Law Enforcement

<http://flsenate.gov/Session/Bill/2015/0780/BillText/Filed/PDF>

County Officer Salaries

<http://flsenate.gov/Session/Bill/2015/0782/BillText/Filed/PDF>

Properties Prepared for Tax Exempt Purposes

<http://flsenate.gov/Session/Bill/2015/0924/BillText/Filed/PDF>

FRS

<http://flsenate.gov/Session/Bill/2015/7042/BillText/pb/PDF>