

# PBC Legislative Update



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## Legislative Update —March 2017

### IN THIS ISSUE:

#### FEDERAL ISSUES

1. *Rubio, Nelson Target Apalachicola Water Standards*
2. *Mast Named to Pair of Subcommittees..*
3. *Budget & Appropriations Outlook*
4. *Key Cabinet Nominations*
5. *HUD Update*
6. *Department of Interior Update*
7. *DOJ Update*
8. *FY 2017 Appropriations Outlook*
9. *FY 2018 Budget and Appropriations Outlook*
10. *Affordable Care Act*
11. *Clean Water Rule*
12. *Advocating for the Protection of Municipal Bonds*
13. *Cabinet Nominations*
14. *HUD Update*
15. *Department of Interior Update*
16. *DOL Update*

#### STATE ISSUES

1. *House Proposal Seeks*

### FEDERAL ISSUES

#### Rubio, Nelson Target Apalachicola Water Standards

By The News Service of Florida

THE CAPITAL, TALLAHASSEE, February 17, 2017..... Following an adverse legal decision, Florida's two U.S. senators have joined forces to urge the U.S. Army Corps of Engineers to not finalize water-control standards for the Apalachicola-Chattahoochee-Flint river basin.

The joint letter from Republican Marco Rubio and Democrat Bill Nelson to Lt. Gen. Todd Semonite, the commanding general and chief for the Corps in Washington, D.C., came after a special master appointed by the U.S. Supreme Court recommended that Florida be denied relief in its claim that overconsumption of water in Georgia is damaging the Apalachicola River and Apalachicola Bay in Florida.

"While we do not agree with his final recommendation, the special master correctly points out that Florida has indeed suffered real harm due to Georgia's unrestrained overconsumption of water," Nelson and Rubio wrote in the letter. "The master's report also emphasizes the need for the Army Corps to reevaluate its position with respect to the impacts on the Apalachicola River and Bay."

Florida's two senators urged the Corps not to finalize what is known as a "water control manual" for the Apalachicola-Chattahoochee-Flint river system and instead "ensure these decisions are based on sound science and take into account the recommendations of relevant experts at the federal agencies and the very lengthy trial record."

"The master has credited the testimony of Florida's experts on the ecological harms to our state and to fail to consider all of this new information would violate both the spirit and the letter of the National Environmental Policy Act," the senators said.

Nelson and Rubio said the failure of Georgia and the Corps to adopt "meaningful limitations" on water use in the river system has damaged the ecology and economy of the Apalachicola Bay area.

"Last year, the ACF river basin was named the most endangered in the country," the senators said. "Apalachicola Bay used to produce plentiful oysters, but due to reduced water flows, is no longer a productive ecosystem."

Florida filed a lawsuit against Georgia in 2013, alleging that Georgia diverts too much water from the Apalachicola-Chattahoochee-Flint basin. The Supreme Court appointed Special Master Ralph Lancaster, a Maine lawyer, to hear arguments and make a recommendation for how the court should address the issue.

The senators noted the special master's report found "there is little question that Florida has suffered

- Online Registry for Animal Abusers
- 2. Intergovernmental Relations
- 3. Finance and Tax
- 4. Appropriations
- 5. Local Government Finances
- 6. Economic Development Incentives
- 7. Towing and Wrecker Fees
- 8. Environment
- 9. Amendment 4 Implementation
- 10. Water Projects
- 11. Transportation
- 12. Anchoring and Mooring
- 13. Red Light Cameras
- 14. Public Safety
- 15. Medical Marijuana
- 16. Mental Health and Substance Abuse
- 17. Direct File
- 18. Gaming
- 19. Week of Feb 13
- 20. Bright Futures
- 21. SB 10
- 22. SB 90
- 23. Atawater
- 24. Zika Grants
- 25. Senate Looks to Speed Up Redistricting Cases
- 26. Gambling Warning Proposed for Lottery
- 27. Scott Poll
- 28. Negron BP Spending
- 29. Steube Bills
- 30. Tweet of the Week
- 31. HB 139
- 32. Gov. Budget
- 33. House Republican Appropriations
- 34. Corcoran's "Cockroaches"
- 35. Mass Transit
- 36. Water

harm from decreased flows" into the Apalachicola River and that water consumption by Georgia's agriculture industry has gone "largely unrestrained."

Nelson and Rubio also noted the special master emphasized the role of the Corps in managing the water system. In fact, Lancaster said he could not find an equitable settlement of water use between Florida and Georgia without the Corps' participation, while noting the Corps was not a party in the lawsuit.

"It is imperative that the Army Corps take into account the special master's findings," Florida's senators said. "A matter as important as the health and financial well-being of an entire ecosystem deserves deep scrutiny."

Earlier this week, U.S. Rep. Neal Dunn, a Republican whose district includes Apalachicola Bay, also called on the Corps to suspend the possibility of allowing more water use in Georgia until the federal agency meets with Florida officials and others to discuss the impact of the court report.

**Mast Named to Pair of Subcommittees, Including Vice-Chair Job on House Water Resources and Environment Subcommittee**

*By Sergio Bustos*

U.S. Rep. Brian Mast, a Republican from the Treasure Coast, was named Vice Chairman of the House Transportation and Infrastructure Subcommittee on Water Resources and Environment.

He also got appointed to the House Subcommittee on Economic Development, Public Buildings and Emergency Management, along with the House Subcommittee on Coast Guard and Maritime Transportation.

"Ensuring our water is safe and clean for future generations is critically important to our community," Rep. Mast said. "Serving as vice chairman of this important subcommittee will help elevate the voices of the thousands of residents of the Treasure Coast whose lives and businesses are being hurt by Lake Okeechobee water discharges."

He said improving water quality will be his top priority as a vice chairman of the House Water Resources and Environment Subcommittee, which works closely with the Environmental Protection Agency and the U.S. Army Corps of Engineers. The corps leads several water quality projects in Florida.

**Budget & Appropriations Outlook**

*By Alcade & Fay*

As Congress continues to work on a multi-faceted approach to finalizing the FY 2017 appropriations process, they are also beginning to look ahead to the FY 2018 budget and appropriations processes, while simultaneously navigating efforts on healthcare and tax reform. Currently, the Federal government is operating under a continuing resolution (CR) that extends 2016 funding levels for most federal agencies through the end of April, and Congress may ultimately rely on a CR to fund the remaining months of FY 2017 (through September 30, 2017). The recently adopted FY 2017 budget resolution included "budget reconciliation" instructions to direct the drafting of legislation aimed at repealing Obamacare where only a majority vote is required, thereby sidestepping the threat of a Democratic filibuster in the Senate. Despite these efforts, the relevant Committees charged with developing the repeal bills have not yet introduced any such measures, as Congressional Republicans continue to work on coalescing behind a strategy for repealing and replacing Obamacare that would garner enough support to pass.

Further complicating matters, Congress is not expected to move forward with a FY 2018 budget resolution (and any corresponding reconciliation measure on healthcare or tax reform) until the

- 37. *Quality Worker's Comp Appeal*
- 38. *State Library Council Appointment*
- 39. *Baker Act Hearings*
- 40. *FAC Interim Director Announcement*
- 41. *Flores Fracking*
- 42. *Lobbyists in Medical Marijuana Fight*
- 43. *Broward Medical Marijuana*
- 44. *Free Wifi in Miami-Dade*
- 45. *St. John's Sand Replacement Projects*
- 46. *County Officials Discuss Heroin*
- 47. *Martin County Reservoir*
- 48. *Governor Angles for Business Tax Breaks*
- 49. *House, Senate Gambling Tracks*

- LOCAL ISSUES**
- 1. *FAC Update*
  - 2. *Negron to Sugar*
  - 3. *Negron Water Plan*
  - 4. *Housing*
  - 5. *Airbnb*
  - 6. *Flagler Perspective*
  - 7. *Beach Aid*
  - 8. *Enterprise Florida*
  - 9. *Broward's Wish List*
  - 10. *Lake Water Storage*
  - 11. *Okeechobee Reservoir*
  - 12. *Land Purchases*
  - 13. *Putnam Priorities*
  - 14. *Flood Insurance*
  - 15. *Opioid Recovery*
  - 16. *Florida Sheriffs*
  - 17. *Ericks Consultants 3-6*
  - 18. *Ericks Consultant*

repeal process is completed, as it would effectively nullify the fast-track privilege currently being used to advance pending repeal legislation. Congressional leadership has also indicated that it plans to introduce a supplemental spending bill in the coming weeks that would provide additional military spending, as well as potential funding to begin construction of the President's proposed wall along the border with Mexico.

While the President's budget is normally due in February, the change in Administration and subsequent delays in approval of President Trump's cabinet secretaries, including his nominee to head the Office of Management and Budget (OMB), Mick Mulvaney (R-SC), have pushed the anticipated release date for the President's FY 2018 budget proposal to May. While Press Secretary Sean Spicer indicated during Thursday's press briefing that the President's budget would be released "in a few weeks," he was likely referring to a preliminary outline of the President's budget expected to be announced by the end of February.

### KEY CABINET NOMINATIONS

ADMINISTRATION / CABINET POSITION	NOMINEE	CONFIRMATION HEARINGS	CONFIRMATION VOTE
Agriculture Secretary	Former Georgia Governor Sonny Perdue	TBD	
Commerce Secretary	Wilbur Ross	January 18	
Defense Secretary	Retired Marine Corp General James Mattis	January 12	January 20
Education Secretary	Betsy DeVos	January 17	February 7
Energy Secretary	Former Texas Governor Rick Perry	January 19	
Health and Human Services Secretary	Congressman Tom Price, (R-GA)	January 24	February 10
Homeland Security Secretary	Retired Marine Corp General John F Kelly	January 10	January 20
Interior Secretary	Congressman Ryan Zinke (R-MT)	January 17	
HUD Secretary	Ben Carson	January 12	
Labor Secretary	Andrew F. Puzder	February 2	
U.S. Trade Representative	Robert Lighthizer	TBD	
Transportation Secretary	Elaine Chao	January 11	January 31
Treasury Secretary	Steven Mnuchin	January 19	
Veterans' Affairs Secretary	David Shulkin	February 1	
Secretary of State	Rex Tillerson	January 11	February 1
Attorney General	Senator Jeff Sessions (R-AL)	January 10 and 11	February 8
EPA Administrator	Oklahoma Attorney General Scott Pruitt	January 18	
CIA Director	Congressman Mike Pompeo (R-KS)	January 12	January 23
Director of National Intelligence	Former Indiana Senator Dan Coats	TBD	
United Nations Ambassador	South Carolina Governor Nikki Haley	January 18	January 24
Small Business Administrator	Linda McMahon	January 24	
Office of Management and Budget	Rep. Mick Mulvaney (R-SC)	January 24	

- s 3-13  
19. Ericks  
Consultants 3-20  
20. Corcoran  
and  
Johnston  
3-6  
21. Anfield  
Report 2-  
20  
22. Anfield  
Report 3-6  
23. Anfield  
Report 3-  
20  
24. PMS NASA  
Trip  
25. Governor's  
Shine  
Award  
26. BCC Briefs  
27. Rosenwald  
and  
Gladeview  
ES  
28. Grow Our  
Own  
Glades  
Region  
Teacher  
Development  
Information  
Session  
29. Tackling  
Rising  
Waters in  
Atlantic  
City and  
Miami  
Beach  
30. Coastal  
Programs  
Face Fears  
of Deep  
Budget  
Cuts  
31. These  
Republicans  
Think  
Climate  
Change is  
Real. They  
Can See It  
in Their  
States  
32. Sea Level  
Rise May  
Permanently  
Alter  
Coastal  
Communities  
33. Local Bill  
Update

## Department of Housing and Urban Development

By Alcade & Fay

### *v Lead Hazard Reduction Demonstration (LHRD)/Lead-Based Paint Hazard Control (LBPHC) Grant Programs*

The LHRD/LBPHC grant programs provide funding to implement comprehensive programs to identify and remediate lead based paint hazards in privately owned rental or owner occupied housing. Healthy Homes Supplemental funds may be used only in homes also receiving HUD-funded lead hazard control work (interim controls or abatement). Grantees must use an inspection tool that identifies all 29 hazards identified in the Healthy Homes Rating System (HHRS) for assessing, prioritizing and repairing the identified health and safety hazards within those units.

*Eligible Applicants* – State and local governments

*Funding* –

§ **LHRD**: Approximately \$45 million has been made available for up to 12 awards ranging from \$1 million to \$3 million per grant.

§ **LBPHC**: Approximately \$48 million has been made available for up to 20 awards ranging from \$1 million to \$2.5 million per grant.

*Application Deadline* – March 23, 2017

### *v Supplemental Comprehensive Housing Counseling Grant Program*

The Housing Counseling Grant Program provides funds for counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management/ literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership. Funding supports HUD-approved housing counseling agencies to respond flexibly to the needs of residents and neighborhoods, and deliver a wide variety of housing counseling services to homebuyers, homeowners, renters, and the homeless. Moreover, HUD grants assist housing counselors to act as an important safeguard against scams and discrimination, and to act as an important gateway to local, state, federal and private housing assistance.

*Eligible Applicants* – All housing counseling agencies (including LHCA's, Intermediaries and MSOs). Contact HUD directly for eligibility due to previously awarded funding.

*Funding* – TBD

*Application Deadline* – March 17, 2017

## Department of Interior

By Alcade & Fay

### *v USFWS National Coastal Wetlands Conservation (NCWC) Grant Program*

The NCWC program provides funding to coastal states to protect, restore and enhance coastal

wetland ecosystems and associated uplands. The grants are funded through the Sport Fish Restoration and Boating Trust Fund, which are supported by excise taxes on fishing equipment and motorboat fuel.

***Eligible Applicants*** – State governments. Contact your respective State fish and wildlife agency for details on specific state funding opportunities.

***Funding*** – Approximately \$16 million has been made available for up to 25 awards ranging from \$25,000 to \$1 million.

***Application Deadline*** – June 30, 2017

***v National Park Service Historic Preservation Fund State Historic Preservation Offices***

The NPS State Historic Preservation Program provides funding to States for the identification, evaluation, and protection of historic properties by such means as survey, planning technical assistance, acquisition, development, and certain Federal tax incentives available for historic properties; to provide matching grants to States to expand the National Register of Historic Places, (the Nation's listing of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture at the National, State and local levels) to assist Federal, State, and Local Government agencies, nonprofit organizations and private individuals in carrying out historic preservation activities.

***Eligible Applicants*** – State governments. Contact your respective State historic preservation agency for details on specific state funding opportunities that may be available.

***Funding*** – Approximately \$40 million has been made available for awards ranging from \$40,000 to \$1.5 million.

***Application Deadline*** – June 30, 2017

**Department of Justice**

*By Alcade & Fay*

***v Paul Coverdell Forensic Science Improvement Grants Program***

The Coverdale grant provides funding to improve the quality and timeliness of forensic science and medical examiner services. Among other things, funds may be used to eliminate a backlog in the analysis of forensic evidence and to train and employ forensic laboratory personnel, as needed, to eliminate such a backlog.

***Eligible Applicants*** – State and local governments

***Funding*** – Approximately \$11.5 million has been made available for up to 45 awards.

***Application Deadline*** – March 10, 2017

***v Office on Violence Against Women Training and Technical Assistance Initiative Program***

The OVW-TTA Program provides funding to enhance and support efforts to successfully implement projects supported by OVW grant funds. OVW's TA is designed to build and enhance the national capacity of civil and criminal justice system professionals and victim services organizations to respond effectively to sexual assault, domestic violence, dating



violence and stalking and foster partnerships among organizations that have not traditionally worked together to address violence against women.

**Eligible Applicants** – Nonprofits or institutions of higher education. A local government would need to partner with these organizations to be eligible.

**Funding** – Approximately \$32 million has been made available for up to 62 awards ranging from \$150,000 to \$1.2 million.

**Application Deadline** – March 14, 2017

## **FY 2017 Appropriations Outlook**

*By Alcade and Fay*

With limited time before the current continuing resolution (CR) expires on April 28, 2017, Congressional appropriators are continuing negotiations over the remaining Fiscal Year (FY) 2017 appropriations bills. However, a crowded legislative agenda and limited floor schedule has led to a growing sentiment that the bills, once negotiations are finalized, will be packaged together into a larger omnibus bill. In perhaps the first move towards that conclusion, the House on Thursday passed the FY 2017 Defense Appropriations bill with overwhelming bipartisan support, clearing the bill by a vote of 371 to 48. While the House may continue with separate floor consideration on each appropriations bill (pending negotiations), the Senate will likely wait to package the additional bills into an omnibus spending bill to consolidate time spent on floor deliberations. Furthermore, by using the Defense spending bill as the legislative vehicle for the package, Senate Leadership is able to assuage some Senate Democrats nervous at the prospect of passing the defense bill and allowing the remaining spending bills to potentially rely on a stopgap CR.

## **FY 2018 Budget & Appropriations Outlook**

*By Alcade and Fay*

President Trump is expected to unveil a detailed summary of his FY 2018 budget proposal next week, and the Director of the Office of Management and Budget (OMB) Mick Mulvaney confirmed earlier this week that the budget outline (or "skinny" budget) would be released on March 16, 2017. The pared-down version of the President's FY 2018 budget request is expected to include topline discretionary spending levels for federal agencies and some specific programs, and will incorporate the President's proposal to provide a \$54 billion increase in defense spending, offset by cuts to domestic discretionary spending. While no official details have been offered, several news outlets this week have reported on proposed department and program funding levels based on leaked budget documents from Administration staff. Among the most notable spending reductions leaked to the press this week, the President's budget would reportedly cut \$6 billion from programs at the Department of Housing and Urban Development (HUD), including eliminating all funding for both the CDBG program (\$3 billion) and HOME Investment Partnerships program (\$950 million). Additional reports have also outlined broader cuts to entire agencies including a dramatic \$2 billion reduction to the EPA's current \$8 billion budget; an elimination (or near elimination) of the \$150 million budget for the National Endowment for the Arts (NEA); and the elimination of several grant and research programs at the National Oceanic and Atmospheric Administration (NOAA) dealing with coastal management and resilience, as well as cuts of nearly 1/5 of the budget for NOAA's satellite division.

This week, Director Mulvaney also re-confirmed that the upcoming skinny budget would not include information on mandatory spending, reforms to entitlement programs or tax policies, or the President's \$1 trillion infrastructure plan. Instead, those specific details and proposals would be included in the full budget request, due to be released in early May.

As the Administration rolls out its proposed FY 2018 budget over the coming weeks, the corresponding FY 2018 budget process in Congress is currently on hold pending the completion of the efforts to pass healthcare reform legislation. That is due, in large part, because of rules dictating the budget reconciliation process being used to advance the reform bills in an expedited manner. In addition to providing a budget plan for the upcoming fiscal year, the FY 2017 budget resolution contained instructions, known as “budget reconciliation” directing the drafting of legislation aimed at repealing the health care law where only a majority vote is required, thereby sidestepping the threat of a Democratic filibuster in the Senate. However, if Congress were to pass a budget resolution for FY 2018, the instructions and rules for the FY 2017 reconciliation process would be nullified and potentially scuttle the reform process. It is important to note that several House and Senate Appropriators from both sides of the aisle have pushed back on the President’s rumored cuts for FY 2018, with several House Republicans suggesting that the final Congressional FY 2018 budget resolution may not directly reflect the President’s requested cuts to discretionary spending.

## **Affordable Care Act**

*By Alcade and Fay*

As noted above, the House has begun its efforts to repeal and replace the Affordable Care Act, and this week both the House Ways & Means and Energy & Commerce Committees approved their respective sections of the reform package in mark-ups that lasted 18 hours and 27 hours, respectively. House Leadership and key Committee leaders involved in drafting the reform package, and in tandem with the President and his Administration, are all currently working to build support for the bill within the Republican caucus, as the proposal has received criticism largely from the fiscally conservative group of the caucus. While floor consideration is expected by the end of the month, the reform package reportedly lacks the Republican “Yes” votes that would be needed to overcome unanimous opposition from Democrats. Notably, the package faces an even more uncertain future if it were to reach the Senate, where several Republicans have expressed concern and even opposition to the bill in its current form.

For your reference, we have included below links to the documents released by the Committees, including the bill text and corresponding and section-by-section summaries:

- Energy & Commerce Committee legislation, [here](#), and section-by-section, [here](#);
- Ways & Means Committee legislation, [here](#), section-by-Section, [here](#), and an additional summary, [here](#).

## **Clean Water Rule**

*By Alcade and Fay*

The Administration issued a Federal Register notice last weekend (available [here](#)) as a follow-up to the President’s Executive Order (EO) instructing the Army Corps of Engineers and EPA to “review” the controversial Waters of the U.S. rule, or WOTUS, and propose a new rule that would effectively rescind or revise WOTUS. The notice confirms the intent of the Corps and EPA to conduct such a review and gives advance notice of the forthcoming proposed rulemaking. The notice states that the new rulemaking will aim to provide “greater clarity and regulatory certainty concerning the definition of waters of the United States,” and be consistent with the principles outlined in the Executive Order and the agencies’ legal authority.

As previously noted, the issuance of the EO and this subsequent Federal Register notice do not necessarily mean a quick solution is forthcoming, as the previous rulemaking process during the Obama Administration took approximately two years to complete.

## **Advocating for the Protection of Municipal Bonds**

*By Alcade and Fay*

A bipartisan letter calling for the protection of tax-exempt municipal bonds in any future tax reform or infrastructure measures was submitted to the House Ways and Means Committee this week. The final letter (available [here](#)) was organized by Congressmen Dutch Ruppersberger (D-MD) and Randy Hultgren (R-IL) and was ultimately signed by 156 House members (95 Democrats, 61 Republicans total) representing more than one-third of the entire chamber. The letter is in response to ongoing concern that potential tax reform packages currently being drafted could impact the tax-exempt status of the bonds. Of particular note, this letter addresses the specific concern that the House Ways and Means Committee is entertaining proposals that would cap certain tax benefits, including the exemption for municipal bond interest, to help address the federal debt and deficit.

**Key Cabinet Nominations and Appointments**

*By Alcade and Fay*

Administration / Cabinet Position	Nominee	Confirmation Hearings	Confirmation Vote
Agriculture Secretary	Former Georgia Governor Sonny Perdue	TBD	
Commerce Secretary	Wilbur Ross	January 18	February 27
Defense Secretary	Retired Marine Corp General James Mattis	January 12	January 20
Education Secretary	Betsy DeVos	January 17	February 7
Energy Secretary	Former Texas Governor Rick Perry	January 19	March 2
Health and Human Services Secretary	Congressman Tom Price, (R-GA)	January 24	February 10
Homeland Security Secretary	Retired Marine Corp General John F Kelly	January 10	January 20
Interior Secretary	Congressman Ryan Zinke (R-MT)	January 17	March 1
HUD Secretary	Ben Carson	January 12	March 2
Labor Secretary	Alexander Acosta: Selected February 16	TBD	
U.S. Trade Representative	Robert Lighthizer	TBD	
Transportation Secretary	Elaine Chao	January 11	January 31
Treasury Secretary	Steven Mnuchin	January 19	February 13
Veterans Affairs	David Shulkin	February 1	February 13



Secretary			
Secretary of State	Rex Tillerson	January 11	February 1
Attorney General	Senator Jeff Sessions (R-AL)	January 10 and 11	February 8
EPA Administrator	Oklahoma Attorney General Scott Pruitt	January 18	February 17
CIA Director	Congressman Mike Pompeo (R-KS)	January 12	January 23
Director of National Intelligence	Former Indiana Senator Dan Coats	TBD	
United Nations Ambassador	South Carolina Governor Nikki Haley	January 18	January 24
Small Business Administrator	Linda McMahon	January 24	February 14
Office of Management and Budget	Rep. Mick Mulvaney (R-SC)	January 24	February 16

### *New Grant Opportunities*

#### **Department of Interior**

##### ***v National Parks Service Land and Water Conservation Fund (LWCF) State and Local Assistance Program***

The LWCF provides matching grants through states to local governments for the acquisition and development of lands and waters for outdoor recreation purposes.

***Eligible Applicants*** – State and local governments. Local governments must apply through their respective state land and water conservation office.

***Funding*** – Approximately \$25 million has been made available for up to 75 grants ranging from \$5,000 to \$2.5 million per award.

***Application Deadline*** – April 28, 2017. States likely have earlier submission deadlines for local projects. Contact your respective state land and water conservation office.

Additional program information and application materials can be found [here](#), or by contacting Elisabeth Morgan, Recreation Grant Programs Team Lead at [\(202\) 354-6916](tel:2023546916), or by email at [Elisabeth.Fondriest@nps.gov](mailto:Elisabeth.Fondriest@nps.gov).

#### **U.S. Department of Labor**

##### ***v Employment and Training Administration YouthBuild Program***

ETA's YouthBuild program is a community-based alternative education program for youth

between the ages of 16 and 24 who are high school dropouts, adjudicated youth, youth aging out of foster care, youth with disabilities, homeless youth, and other disconnected youth populations. The YouthBuild model balances project-based academic learning and occupational skills training to prepare disadvantaged youth for career placement in several core issues important to low-income communities: affordable housing, education, employment, leadership development, and energy efficiency.

***Eligible Applicants*** – State and local governments, non-profit organizations

***Funding*** – Approximately \$80 million has been made available for up to 80 grants ranging from \$700,000 to \$1.1 million per award.

***Application Deadline*** – May 9, 2017

## **STATE ISSUES**

### **House Proposal Seeks Online Registry For Animal Abusers**

*By The News Service of Florida*

Names and mug shots of individuals convicted of animal abuse would have their names published online by the state, under a proposal filed Friday in the Florida House. The measure (HB 871), sponsored by Spring Hill Republican Rep. Blaise Ingoglia, would require the Department of Law Enforcement to post in an online registry information about people convicted of felony animal cruelty, animal fighting or sexual activities involving animals. Each individual's information would remain on the site for two years, unless they are convicted of another instance of animal abuse. The names would be kept on the site for five years for any secondary conviction of animal abuse. The proposal would also require the Florida Department of State to send letters to breeders' associations urging members not to provide animals to people on the list. The measure also includes sanctions for pet dealers that sell to individuals on the registry. Pet dealers would face a second-degree misdemeanor for selling to an individual on the list. The charge would be increased to a first-degree misdemeanor on the second sale, and a third conviction would net the pet dealer three days in jail along with a \$2,500 fine.

### **Intergovernmental Relations**

#### **Public Records**

*By Ericks Consultants*

Senate Governmental Oversight and Accountability voted 4-3 along party lines to approve a bill that would give judges discretion in awarding attorney's fees in public records cases. The bill sponsor argued the bill is to crack down on a cottage industry of litigation over public records requests wasting taxpayer dollars and plaguing local governments. The League of Cities, Florida Association of Counties, Special Districts, local law enforcement and many other public entities support the bill. The opponents, who include the First Amendment Foundation and many of the press, argued the bill would result in a "chilling effect" on requesting public records. Supporters counter the judge would be able to determine the difference between a legitimate request and a money scheme and apply fees accordingly. The bill has two more committees of reference in the Senate. The House bill not yet been heard in the first of three committees.

<http://www.flsenate.gov/Session/Bill/2017/0080>

## **Finance & Tax**

### **Senate Proposes Joint Rule for Budget**

*By Ericks Consultants*

The Senate proposed a solution to one of the many upcoming budget issues that are threatening gridlock of the process: the House's newly adopted rules. The House rules make all projects that were not submitted to the House prior to their established deadline (Feb. 7th) ineligible for the conference process during budget negotiations in an attempt to provide adequate public input and greater transparency to the budget process. The Speaker wanted to prevent the last minute projects that appear for the first time without public knowledge in the printed, final budget. The Senate believes the House deadline for appropriations (a full 30 days prior to the start of Session) ties its hands in offering projects that arise later in the process and threatens the bicameral nature of the process. The Senate ordered a legal review of the rules, determining it unconstitutional. Appropriations Chair, Sen. Latvala, proposed a joint rule that would allow later projects to be introduced so long as certain information is provided at the time of the request along with opportunity for public input. Sen. Latvala said he was pleased that the House has agreed to "consider" the proposal and was in the process of working on a counter offer.

Proposed Rule located at end of packet:

[HTTP://WWW.FLSENATE.GOV/PUBLISHEDCONTENT/COMMITTEES/2016-2018/RC/MEETINGRECORDS/MEETINGPACKET\\_3627.PDF](http://www.flsenate.gov/PUBLISHEDCONTENT/COMMITTEES/2016-2018/RC/MEETINGRECORDS/MEETINGPACKET_3627.PDF)

### **Appropriations**

*By Ericks Consultants*

The Governor released his proposed FY 2017-18 budget on January 31st. The House and Senate Appropriations committee and a few appropriations subcommittees listened to presentations on the proposal. House Appropriations members questioned a lack of increased mental health funding, the practice of awarding bonuses to state employees rather than granting a raise to reflect cost of living, the rise in required local effort property taxes, teacher bonuses, and the Governor's economic development incentive requests. House Subcommittees also went through an exercise of crafting a budget with reduction targets and began discussions on potential cuts, while certain Senate subcommittees began an "open mic" hearing from Senators, local governments and organizations requesting funding for local projects.

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2899&Session=2017&DocumentType=Meeting%20Packets&FileName=tta%202-8-17.pdf>

### **Local Government Finances**

*By Ericks Consultants*

House Local, Federal & Veterans Affairs heard from the State Auditor General's office on Local Government Financial Reporting. The discussion focused largely on CRAs. The Auditor General offered recommendations including limiting CRA trust fund expenditures to specific items, requiring county approval for municipal CRA plans, allowing CRAs to have reserves, repealing a statute imposing that requirements of CRA plans apply to all CRAs, and allowing financial auditors to ensure CRA compliance with 163.387 (6) & (7). The same committee listened to a presentation from the Department of Revenue on Local Government Revenue Sharing, which gave a broad overview of various tax revenue sharing calculations and fiscal timelines.

[HTTP://WWW.MYFLORIDAHOUSE.GOV/SECTIONS/DOCUMENTS/LOADDOC.ASPX?PUBLICATIONTYPE=COMMITTEES&COMMITTEEID=2911&SESSION=2017&DOCUMENTTYPE=MEETING%20PACKETS&FILENAME=LFV%202-8-17.PDF](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2911&Session=2017&DocumentType=Meeting%20Packets&FileName=LFV%202-8-17.PDF)

## **Economic Development Incentives**

*By Ericks Consultants*

Despite being almost a month from the start of Session, the battle over economic development incentives and tourism programs reached intensity this week that is more commonly seen towards the end of the Session.

For Background: House Speaker Richard Corcoran believes incentives and tourism programs are wasteful and ineffective. He has made eliminating the programs a high priority of his speakership. Supporters of his philosophy argue that the programs are nothing more than politicians interfering with the free market, offering “corporate welfare” through cronyism and do not incentivize businesses or visitors beyond what Florida naturally has to offer. They argue that if the state redirected money spent on these programs into education and infrastructure, coupled with lowering taxes and removing regulations, businesses would want to relocate to Florida and the economy would flourish. This is in contrast to Governor Scott’s request for \$85 million in incentive funding, and the Governor is treating the offensive as a direct attack on his job creation record over the past 6 years. He believes the programs work and credits Enterprise Florida and Visit Florida for making Florida the highest in the nation in job creation and tourism, respectively. The Senate agrees with the Governor.

On Wednesday, House Careers & Competition voted on party lines, with one Democrat joining Republicans, to file a proposed committee bill that would eliminate the State’s economic development and tourism programs. The bill hearing sparked business and tourism organizations throughout the state, many from Broward, to oppose the bill on record. The Chair did not allow many speakers, however, citing time concerns. Many of the committee members expressed support for moving legislation through the process to “have the discussion” and “bring transparency” regarding the programs rather than an outright endorsement of elimination. The legislation is likely to be “fast-tracked” through the House once it receives committee references. It does not have a Senate companion. The House Appropriations Chair stated he would take the bill’s performance as direction on how to treat the economic development portion of the budget. Please note that another Speaker priority, HB 17 or the repeal of all local regulations not authorized by general law, has been referenced to the same committee.

Meanwhile, several Senate committees heard presentations from Enterprise Florida, Visit Florida, the Florida Chamber, Florida TaxWatch and local economic development organizations on the return on investment Florida receives through economic development and tourism programs and their opposition to the Speaker’s legislation. The State’s economist testified that dollars spent on these programs result in a net increase in tax revenue. The Governor came out hard against the Speaker, accusing House members of never running a business and killing jobs to make a political point. The Governor will veto any legislation passed that resembles the new bill, however he is pressuring House members to stop the bill.

[http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2902&Session=2017&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&FileName=PCB%20CCS%2017-01.pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2902&Session=2017&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20CCS%2017-01.pdf)

## **Towing and Wrecker Fees**

*By Ericks Consultants*

House Local, Federal & Veterans Affairs voted unanimously to approve a bill that would prohibit counties and municipalities from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The bill doesn’t prevent local governments from charging local business taxes or charging the owner of the vehicle a reasonable fee for towing and storage at a facility owned by the local government. The bill is in response to some cities placing added fees for towers and wreckers within their contractual relationships. The Florida League of Cities testified that a few cities have chosen to impose the fees to deter violations for public safety and order purposes

and that local policy decision-making should be respected. The committee members were concerned for over penalizing citizens for minor infractions. The bill has an insignificant fiscal impact. It has two more committees of reference in the House and has not yet been heard in its first of three committees of reference in the Senate.

[HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/0193](http://www.flsenate.gov/Session/Bill/2017/0193)

## **Environment**

### **Everglades Land Buy**

*By Ericks Consultants*

Everglades Land Buy Senate Environmental Preservation and Conservation Committee voted unanimously to approve a Senate President's priority of providing options to buy land south of Lake Okeechobee, in the Everglades Agricultural Area, to store water and prevent toxic algae blooms in the lake's estuaries. The bill offers three options for the state: a) the South Florida Water Management District to purchase the land from willing sellers b) if no willing sellers, the state can exercise an option from a 2010 agreement to purchase land from U.S. Sugar Corporation c) if neither nor b, Legacy Florida funding will be increased by \$50 million annually to go towards Central Everglades Restoration Plan projects. All options require SFWMD to begin feasibility studies for a reservoir project within the EAA. The bill pits EAA farmers against populations who live along the estuaries and those in South Florida. Opponents claim that storing water south won't accomplish anything except for harming the economy and eliminating jobs for families as well as agricultural products. Opponents suggested addressing septic tanks north of the Lake and expediting the repair of the dike. Environmental supporters contend that the land buy is the only option for restoring freshwater flows southward, a critical component of Everglades restoration efforts. Residential supporters spoke of the harm to the economy and fishing industry caused by the Lake Okeechobee releases into the estuaries. The bill has two more committee stops in the Senate. Its House companion was just filed today.

<http://www.flsenate.gov/Session/Bill/2017/0010>

### **Amendment 4 Implementation**

*By Ericks Consultants*

Senate Communications, Energy, and Public Utilities unanimously passed a bill to implement Amendment 4 to provide exemptions on ad valorem assessments for renewable energy devices. The bill is currently retroactive, causing some concern for rural counties with existing solar facilities that would be negatively impacted. The sponsor stated that he was working with the counties to come to a resolution that would cause less harm but still not be overly restrictive as to deter solar from coming in. The bill has two more committees in the Senate. Its House companion has not yet been filed.

<http://www.flsenate.gov/Session/Bill/2017/0090>

### **Water Projects**

*By Ericks Consultants*

Appropriations Subcommittees on Agriculture and Natural Resources in both houses looked at water project funding this week. The Senate heard from Senators and local governments on their environmental appropriations requests, while the House discussed cutting funding for local projects and tightening the process for ranking and funding requests to make the budget less political.

## **Transportation**



## **Transportation Network Companies**

*By Ericks Consultants*

House Transportation and Infrastructure Subcommittee voted 14-1 to approve a bill that would preempt local governments and provide uniform statewide insurance regulations for ride hailing app companies such as Uber and Lyft. The bill is a compromise negotiated and backed by TNC companies and the insurance industry. It would require a certain amount of bodily injury and property damage insurance while the driver is waiting for a customer and \$1 million in commercial auto insurance coverage while transporting passengers. Local governments expressed concern with not being able to require fees for transportation infrastructure. Opponents also worried about the impacts on the taxi industry and surge pricing. The bill, which passed the House last year but died in the Senate, has two more committee stops in the House before going to the floor. Its Senate companion has not yet been heard in its first of three committees. Many are optimistic regarding passing the bill through the Senate this Legislative Session.

[HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/0221](http://www.flsenate.gov/Session/Bill/2017/0221)

## **Anchoring and Mooring**

*By Ericks Consultants*

House Natural Resources & Public Lands Subcommittee heard from the FWC on the recommendations of the agency's extended Anchoring & Mooring pilot program. Committee members were concerned about enforcing environmental standards for pump outs and county infrastructure to address the concerns. The Chair stated that she wanted to address the issue of pump outs and water quality standards for liveaboards in potential committee legislation. Members were additionally concerned with derelict vessels.

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2912&Session=2017&DocumentType=Meeting%20Packets&FileName=nrpl%202-8-17.pdf>

## **Red Light Cameras**

*By Ericks Consultants*

Senate Transportation effectively killed a senate proposal to repeal red light cameras in a 2-2 vote when the Chairman, a former county commissioner, voted in favor of home rule authority. The bill sponsor blamed special interest lobbyists for the failure. Proponents are stating the fight isn't over and that other steps can be taken to navigate the process this year. Meanwhile, the House companion moved through its second of three committees in a 20-7 vote by House Appropriations. The bill is opposed by local governments, public safety advocates, and projects funded by red light camera revenues. One particularly effective testimony demonstrated flaws in a study showing an increase in traffic accidents at red light camera intersections that supporters have been heavily citing. The bill has one more committee stop in the House.

<http://www.flsenate.gov/Session/Bill/2017/0178>

<http://flsenate.gov/Session/Bill/2017/6007>

## **Public Safety**

### **Human Trafficking**

*By Ericks Consultants*

The Senate Children Families & Elder Affairs heard a presentation from the Office of Program

Policy Analysis and Government Accountability on an overview of the current system the state is using to address Human Trafficking and victim services. The presenter stated that Florida was 3rd in the nation, with Miami-Dade as the “epicenter.” She said with more awareness and with utilizing a community model to deliver wrap-around services, we could address gaps in the system. One “enormous gap” is serving adult victims who are often victimized as a child but not discovered until after turning 18 years old (18-26 yr olds) and have aged out of available services and protections. Additionally, Chairman Garcia filed a bill this week to require DCF or a sheriff’s office to conduct a multidisciplinary staffing on child victims of commercial sexual exploitation to determine the child’s service and placement needs.

SB 852: <http://www.flsenate.gov/Session/Bill/2017/0852>

Presentation in packet: [HTTP://WWW.FLSENATE.GOV/PUBLISHEDCONTENT/COMMITTEES/2016-2018/CF/MEETINGRECORDS/MEETINGPACKET\\_3626.PDF](HTTP://WWW.FLSENATE.GOV/PUBLISHEDCONTENT/COMMITTEES/2016-2018/CF/MEETINGRECORDS/MEETINGPACKET_3626.PDF)

### **Medical Marijuana**

*By Ericks Consultants*

The Department of Health kicked off a public hearing on its draft rules for implementation of Amendment 2 in Fort Lauderdale this week. The hearing was largely dominated by public testimony that the rules were too restrictive and did not reflect the will of the voters. Additionally, the Joint Administrative Procedures Committee heard from the Department of Health on its draft rules. The committee mostly worried about the implementation of legislation that contradicted Federal Law and if Federal consequences could arise.

### **Mental Health and Substance Abuse**

*By Ericks Consultants*

Senate Children, Families & Elder Affairs unanimously approved a mental health and substance abuse bill that would clarify provisions from last year’s package, specifically that the Department will “approve” rather than “designate” receiving and treatment facilities. It updates reporting requirements of the facilities and of crisis stabilization beds. It also would require that a petition for involuntary services for a substance abuse impaired person must be heard within 5 court working days. The bill has two more committees in the Senate. Its House companion has not yet been filed.

<HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/0358>

### **Direct File**

*By Ericks Consultants*

Senate Criminal Justice narrowly voted to approve a bill that would cut down on direct file cases by excluding certain crimes, such as grand theft auto, robbery and assault without a weapon, for which a child can be charged as an adult. The bill also requires prosecutors to document reasoning for trying a child as an adult. The bill would make other changes, such as separation of children 14-18 from adults in prison and requiring the ability to argue in court if the child should remain in adult court. The bill is supported by the public defenders. Opponents of the bill, mainly prosecutors, pointed to a downward trend in direct file and a recent uptick in crimes committed by juveniles as a reason to maintain prosecutor discretion. The bill has two more committees of reference in the Senate. It does not yet have a House companion.

<HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/0192>

## **Gaming**

*By Ericks Consultants*

House Tourism and Gaming Control continued its look at issues affecting the Seminole Compact with a panel discussion on slot machines and pari-mutuels. Pari-mutuels requested greater parity with the Seminole Tribe, claiming that the tax rate, live racing requirements, and limitations on games and other requirements are disadvantaging the competitiveness of the facilities. They claimed the laws were job killers. The panel also included anti-gaming advocates who questioned whether gambling is a benefit or hindrance to the economy and spoke of social consequences of allowing gambling expansion. Additionally, the Joint Administrative Procedures Committee listened to testimony from the Division of Pari-mutuel Wagering on agency rulemaking, which led to litigation with the Seminole Tribe. Members questioned why the agency felt it had authority to define card games, which is under the Legislature's purview, rather than just enforce and implement the Legislature's will.

## **Up Next for Week of February 13th:**

*By Ericks Consultants*

The committee on Public Integrity and Ethics will hear a modified version of the local government ethics reform package. The Chair filed a new PCB to set thresholds for municipal officials and clarify conflict of interest standards.

[http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2922&Session=2017&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&FileName=PCB%20PIE%2017-03a.pdf](http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2922&Session=2017&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20PIE%2017-03a.pdf)

The House Ways and Means Committee is continuing to hold workshops on local government fiscal transparency concepts, as well as the Governor's tax reduction plan. Education committees are work shopping turnaround strategies for low performing schools, as well as having a discussion on programs for struggling schools and students. Criminal Justice subcommittee will be hearing a series of bills on sentencing, controlled substances and pre-arrest diversion programs. Energy and Utilities will be hearing presentations on renewable energy resources in Florida. Local Government and Veterans Affairs is continuing its look at CRAs and hearing HB 49, a bill reducing the assessed value of a property damaged by a natural disaster. Senate Transportation and Economic Development has a big agenda with presentations from FSU on Autonomous Vehicles and the environment, review of local initiatives evaluations, as well as a discussion of the SFRTA's operations. Many committees are slated to hear the Governor's Agency and Department budget recommendations.

## **Bright Futures, Block Tuition Changes Backed**

*By The News Services of Florida*

THE CAPITAL, TALLAHASSEE, February 8, 2017..... With debates over block tuition at state universities and graduating state college students more quickly, a Senate panel Wednesday backed a bill that would expand Bright Futures scholarships, impose stricter graduation standards and increase financial aid for first-generation students.

The bill (SB 2) is part of Senate President Joe Negron's higher-education initiative. It cleared the Senate Higher Education Appropriations Subcommittee in a 5-1 vote, with opposition from Sen. Jeff Clemens, D-Lake Worth.

Clemens unsuccessfully tried to amend the bill, including with a proposal to let the 12 state universities review the financial impact of block tuition before mandating its use in the fall of 2018.

A move to block tuition would require undergraduates to pay a flat tuition rate per semester, rather than be billed on the current credit-hour basis. The bill would require block tuition but leave it up to the universities to develop the specific plans.

Clemens said he was concerned that if the proposal results in universities only charging for what now represents 12 credit hours per semester but students take 15 or more credit hours, it would lead to a substantial revenue loss for the schools. He said he has been told it could be \$30 million or more for some universities.

"That's a big concern. That's not a small hit," Clemens said. "There is a real impact to the revenue loss here that we are not taking into account."

His amendment was defeated in a voice vote after drawing opposition from Sen. Bill Galvano, a Bradenton Republican who chairs the subcommittee and is sponsoring the bill.

Galvano said the Senate was waiting to see block tuition plans from the universities, which have had the block-tuition option for a number of years but have failed to advance a plan. He also said if a plan reduced tuition, which would be a savings for students, the financial loss for the schools could be offset by other funding.

"I think we all can anticipate a very robust education budget at the university level," Galvano said. "Let's see what the (university block tuition) plans are. Let's see how it works."

Other provisions in the bill would hold universities to a new performance standard based on a four-year graduation rate, rather than the six-year measure now used.

At the 28 state colleges, the performance standards would be measured on a two-year basis for students seeking associate degrees and a four-year standard for students seeking baccalaureate degrees.

College presidents and students have raised objections to that provision, arguing that many of the system's 800,000 students are "non-traditional," with 65 percent of fall 2015 enrollment being part-time students and 58 percent minority students.

Nadia Esha, student government president at Florida State College at Jacksonville, said students on her campus are "strongly opposed" to the legislation.

She said the 60 percent of the school's students who are part time "cannot attend or complete their (baccalaureate) degree in four years."

"These are hard working, non-traditional students that seek flexibility that only colleges like FSCJ can provide," Esha said.

Sen. Gary Farmer, D-Fort Lauderdale, offered an amendment to ease that college standard, seeking to allow students to earn associate degrees within three years and baccalaureate degrees within five. But it was defeated.

Galvano, who was once a part-time state college student in Manatee County, said the performance standard would be aimed at "full-time" students, rather than the part-time college students.

Another provision in the bill would expand Bright Futures merit scholarships for the top students, known as "academic scholars," to cover 100 percent of tuition and fees, while also providing \$300 a semester for books. The top Bright Futures scholarship now only covers about half the tuition and fees at state universities.

Joe Glover, a provost at the University of Florida, said UF supports the bill, including the Bright Futures expansion as well as a commitment to double the state funding match for a program that supports "first generation" students attending state universities or colleges.

Glover said UF had 1,159 first-generation students enrolled this academic year.

But the problem has been there are more students eligible for the need-based financial aid than available funding. In the 2015-2016 academic year, the first-generation aid program supported 8,200 students. Another 13,700 were eligible but received no funding according to the state Department of Education.

The Higher Education Appropriations Subcommittee on Wednesday also passed a bill (SB 4) that would create funding pools to help universities attract top-quality faculty and recognize high-achieving graduate and professional programs, including law and medical schools.

### **Water Resources SB 10 Background:**

*By Anfield Consultants*

Committee meetings were held by the Senate Environmental Preservation and Conservation Committee and the Appropriations Subcommittee on the Environment & Natural Resources in January during which stakeholders from across the environmental spectrum met to discuss discharges from Lake Okeechobee. SB 10 (Bradley), also known as the "Negron Plan," attempts to implement one of the more ambitious and controversial of these proposals: the purchase of land in the Everglades Agricultural Area for purposes of constructing a new 60,000 acre-foot reservoir. In the decades since the Central and Southern Florida Project for Flood Control and Other Purposes (C&SF Project) altered the natural flow of water from Lake Okeechobee into the Everglades watershed and beyond, there has been a growing debate over the effect this historic project has had on the river and estuarine systems to the east and west of Lake Okeechobee. The Caloosahatchee and St. Lucie rivers, both of which were converted into components of two of Florida's largest overflow canals (the C-43 and C- 44, respectively), receive water from the lake during high-water discharges by the Army Corps of Engineers.

Many environmental groups blame these discharges as the cause of algae blooms, and sea grass and oyster die-offs in the estuarine systems as a result of excess nutrients and fluctuating salinity. In 2000, Congress, as part of the Clean Water Act, approved implementation of the Comprehensive Everglades Restoration Plan (CERP) as a means of bringing all major water projects tied to Everglades restoration under one state-federal umbrella. Many of the current reservoirs, Aquifer Storage & Recovery (ASR) systems, Stormwater Treatment Areas (STAs) and other projects that have been built or are under construction are integrated parts of CERP. In 2008, then Gov. Charlie Crist signed the River of Grass agreement with the US Sugar Corporation, which contained options to buy more than 187,000 acres in the Everglades Agricultural Area (EAA) for purposes of constructing a more historical "flow-way" from the lake to the Everglades. Because of the magnitude of this acquisition, many CERP projects were put on indefinite hold to re-evaluate their design aspects to account for this prospective purchase. Eventually the SFWMD, citing lack of available funding, opted to buy only 26,800 acres of land.

Under an amended agreement with US Sugar that same year, the SFWMD retained the right under



three different options to purchase the remaining 153,200 acres. The first two options have since expired. The remaining third option allows the SFWMD to purchase the land at “fair market value” in competition with other buyers.

**Proposed Changes:** This bill would require the SFWMD to implement one of three options: Option A requires the SFWMD to seek out proposals from willing sellers within the Everglades Agricultural Area to purchase enough land to build one or two reservoirs equaling 360,000 acre-feet of water storage. Option B requires the SFWMD, if they are unable to purchase the necessary land from independent sellers under Option A, to purchase the land from US Sugar under the terms of the 2010 River of Grass Agreement. Option C, to be exercised if the SFWMD is unable to purchase any land under Options A or B, requires funds from the Land Acquisition Trust Fund for CERP to be increased by \$50 million per year, with a portion of those funds going towards future land acquisitions in the EAA for reservoir construction purposes. Under each option the SFWMD, unless other funding is available, is required to begin the planning study under CERP for the Everglades Agricultural Area Reservoir project component by certain dates. If land is acquired under Options A or B, the bill authorizes the distribution of \$1.2 billion in Florida Forever bonds and provides contingent appropriations for the debt service payments on such bonds. The bill requires that the SFWMD seek any applicable federal credits towards the reservoir project.

**Update:** On Tuesday, the Senate Committee on Environmental Preservation and Conservation met to consider passage of SB 10 and hear public testimony on the proposed measure. A number of issues were brought up by committee members, including the lack of provisions in the bill allowing for the state to use its powers of eminent domain to purchase the lands. Many of the largest private landowners in the EAA have already publicly stated their opposition to any purchase. Concern was also expressed as to whether the federal government would honor its commitment to cost share any new land purchases, as well as the lack of provisions designed to mitigate any negative economic impacts to agriculturally-dependent communities that could result from the purchase of such a large amount agricultural land.

The bill’s sponsor, Sen. Bradley, acknowledged these concerns, stating he was confident the federal government would honor its commitments and share the cost of the reservoir. He also stated for the record that, while the bill does not contain provisions for mitigating economic impacts to EAA residents, he was “mindful” of these impacts. The podium was then turned over to public comments. Notable speakers included former Senator Mike Keiser, Thomas van Lent of the Everglades Foundation, Fred Garth, editor of Guy Harvey fishing magazine, and a large group of private citizens acting as local advocates for the coastal fishing and tourism industry, all of whom spoke in favor of the bill. Their names were read into the record. Speaking for the Sugar Cane League, Ernie Barnett, an environmental consultant for the group, reiterated the argument made by EAA growers that the purchase of more lands south of the lake was an unnecessary expense, citing the already extensive portfolio of state-owned lands, some of which have already been slated for reservoir construction, as well as numerous unfinished CERP projects currently underway or not yet even started. Mr. Barnett argued that funding and attention for the immediate future should be focused on completing restoration of the Herbert Hoover Dike, modifying Lake Okeechobee release schedules, investing in additional storage north of the lake, and modifying current storage south of lake to use deep-water systems that, taken together, should provide sufficient acre-feet to stabilize the lake’s water levels and reduce the need for such frequent discharges. Local advocates and public officials representing the agricultural industry and the communities they serve followed Mr. Barnett to the podium, and all of them echoed his argument. Representatives from the city of Belle Glade were a considerable presence among this delegation, including the city’s mayor, Mr. Wilson, who suggested that the committee include an economic clause that will provide economic protection for the communities that will be impacted.

After lengthy and impassioned remarks by committee member Sen. David Simmons, who reiterated his belief that rehabilitating the dike is the number one project to immediately provide some relief and that he is prepared to offer an amendment at a later date, Sen. Bradley closed on his bill. The bill passed unanimously. It will next be heard in the (S) Appropriations Subcommittee on the

Environment and Natural Resources. Significant amendments are expected as the bill moves forward.

## **Renewable Energy Devices SB 90 Background**

*By Anfield Consultants*

Under s. 193.624, F.S., the cost and value of renewable energy devices are exempt from real estate property tax assessments. A “renewable energy device,” as currently defined in statute, generally encompasses the power plant components of the device, but does not encompass auxiliary components such as wiring, structural supports, and other integral systems, or conditioning and power storage devices used in conjunction with solar and geothermal energy. The prohibition also only applies to devices installed on or after January 1, 2013, and is limited to devices installed on real property classified as “residential” for tax purposes. During the 2016 primary election, voters approved a constitutional amendment to expand the exemption beyond its current limits. Proposed Changes: This bill expands the current prohibition on taxation of renewable energy devices to all real property, not just those used for residential purposes. It expands the definition of “renewable energy device” to include solar and geothermal devices and extends this prohibition to include all such devices regardless of installation date. It also creates a new section of law that prohibits personal property taxes from being levied on renewable energy devices. With a few exceptions, all the amendments made by this bill would sunset on December 31, 2037. Update: SB 90 passed on Tuesday in the (S) Communications, Energy, and Public Utilities Committee without amendment. The bill has received broad support from both business leaders and environmental groups, although some rural counties have expressed reservations about a potential loss of revenue from the exemption.

## **Atwater Stepping Down From Cabinet Post**

*By The News Service of Florida*

THE CAPITAL, TALLAHASSEE, February 10, 2017..... State Chief Financial Officer Jeff Atwater announced Friday he will leave his elected position for a job at Florida Atlantic University after the upcoming legislative session.

Gov. Rick Scott will name a replacement for Atwater, who has held the Cabinet post since getting elected in 2010. The CFO position will be on the ballot again in 2018.

Atwater, a former Senate president whose political future has long been the subject of speculation, unsuccessfully sought to become Florida Atlantic president three years ago. He will serve as a vice president at the Boca Raton school managing finances and economic development.

"While I would have preferred to embrace this opportunity at a later date, the timing of crucial university initiatives warranted an accelerated transition," the North Palm Beach Republican said in a statement.

"As a parent of FAU graduates, I cannot think of a better place to begin the next phase of my career," Atwater added in a release from the university.

Atwater, who had considered a U.S. Senate run in 2016, is in his second term as CFO and would be prevented from seeking reelection next year due to term limits.

Atwater's statewide post pays \$128,972 a year. At FAU, he will replace Dorothy Russell, who retired in January after a decade at the university and was paid nearly \$250,000 last year.

The 60-day legislative session begins March 7. Atwater, 58, noted in the statement Friday that leaving after the session will give Scott "sufficient time" to name a replacement to serve out the remainder of Atwater's term.

Scott, in a statement praising Atwater, said he would begin the process of making an appointment.

"I got to know CFO Jeff Atwater well in 2010 on the campaign trail, and like me, he has been laser-focused on keeping the cost of living low for all Floridians," Scott said in his statement. "I am proud that the state has paid down over \$7.6 billion in debt since 2011 and CFO Atwater has aggressively helped us achieve that goal. He has fought to reduce burdensome regulations that hinder job growth, protect families from financial fraud and has traveled the state to return more than \$1 billion in unclaimed property to its rightful owners."

Atwater, a banker who started his political career on the North Palm Beach Village Council in 1993, was elected to the state House in 2000 and moved to the Senate in 2002. He served as Senate president for the 2009 and 2010 sessions.

Current Senate President Joe Negron, R-Stuart, issued a statement Friday calling Atwater "one of the leading fixtures in Florida government for the last 15 years."

"When I was elected to the Senate in 2009, we were in the middle of the recession and working to balance a budget, while dealing with a multibillion-dollar shortfall," Negron said. "I will always remember CFO Atwater's strong and determined leadership during this extremely trying time. I know he will serve FAU with the same tenacity."

As chief financial officer, Atwater teamed with Scott in 2012 to push legislation intended to reform the personal-injury protection portion of auto insurance coverage. However, the two also clashed in 2015 over the abrupt departure of Florida Department of Law Enforcement Commissioner Gerald Bailey, whose exit was orchestrated by the governor's office.

Atwater was elected chief financial officer with 57 percent of the vote in 2010, and he got 59 percent when he was re-elected four years later.

Scott's decision about appointing a replacement for Atwater could play a critical role in the 2018 contest for the Cabinet seat. The appointee could have a leg up in running for a full term in the job.

Nobody has opened a campaign account to run for the office in 2018, according to the state Division of Elections website. However, the names of a number of potential appointees have already been floated.

Those names include Lt. Gov. Carlos Lopez-Cantera, who Scott appointed to his current post after Jennifer Carroll was asked to leave the administration in 2013. Other names include former state Rep. Tom Grady and state Sens. Jeff Brandes of St. Petersburg, Tom Lee of Thonotosassa, Lizbeth Benacquisto of Fort Myers and Jack Latvala of Clearwater.

Latvala has been an ally of Scott on economic incentives and recently floated a potential candidacy for governor in 2018.

Grady, a Naples neighbor of Scott, is currently vying to become president of Florida Gulf Coast University. He has been appointed in the past by the governor to the State Board of Education and to lead the Office of Financial Regulation.

At FAU, Atwater will report to President John Kelly, who landed the job Atwater briefly pursued in January 2014.

"When I approached Jeff about joining us here, it was immediately obvious he cares passionately about FAU," Kelly said in a prepared statement. "There is no better person to help guide this university's finances and corporate relationships as we continue with unbridled ambition to make FAU America's fastest improving university."

## **Zika:**

### **Scott announces Zika research grants**

*By Lobbytools*

Gov. Rick Scott has released a list of institutions that received grants to perform research on the Zika virus.

### **State Money Going to Universities for Zika Research**

*By The News Service of Florida*

Researchers at eight universities, Moffitt Cancer Center and The Scripps Research Institute will share \$25 million in grants as the state looks to combat the mosquito-borne Zika virus, Gov. Rick Scott's office announced Wednesday. More than half of the money --- \$13.17 million --- will go for projects at the University of Miami. Among other things, University of Miami researchers will use the money to work on Zika vaccines and evaluate infants for Zika-related organ damage. Other schools receiving smaller amounts of money are Florida Atlantic University, Florida International University, Florida State University, Nova Southeastern University, the University of Central Florida, the University of Florida and the University of South Florida. Scott announced in September that the state would spend \$25 million on Zika research. Last year, the state reported 1,325 cases of Zika, which is particularly dangerous to pregnant women because it can cause severe birth defects.

### **Senate Looks to Speed Up Redistricting Cases**

*By The News Service of Florida*

Senators have started moving forward with a proposal that would speed up redistricting court cases and set new guidelines for elections when redistricting challenges are ongoing. The Senate Ethics and Elections Committee on Tuesday approved the measure, sponsored by Sen. Travis Hutson, R-Elkton. The measure would provide that in a legal challenge to maps drawn by lawmakers, state courts would "set an immediate hearing, giving the case priority over other pending cases." It also would require elections to move forward using the districts in place on the 71st day before the primary elections. Hutson said the bill is aimed at ensuring transparency in the redistricting process and providing certainty for voters and elections supervisors. It comes after long-running legal battles that led to redrawn districts for the 2016 congressional and state Senate elections. Sen. Jose Javier Rodriguez, D-Miami, opposed the bill, saying it contained a "flavor of retribution" toward the judicial branch and was aimed to "send a message to the court, which I don't think is appropriate." Courts struck down legislatively approved congressional and Senate districts because of the Fair Districts anti-gerrymandering standards approved by voters in 2010. The bill passed by a 4-3 party-line vote and is ready to go to the Senate Rules Committee.

### **Gambling Warning Proposed for Lottery**

*By The News Service of Florida*

The Florida Lottery, facing a lawsuit from the House for signing a long-term contract regarding ticket sales, may be required to have a warning about gambling on each ticket. A measure (HB 937) filed Wednesday by Rep. Jennifer Sullivan, R-Mount Dora, would require vendors and retailers that contract with the department to print or place warnings on all lottery tickets stating, "Warning: Gambling can be addictive." The measure would require the warnings to be in place Jan. 1, 2018. Last week, the House of Representatives filed a lawsuit about the Florida Lottery's long-term contract with IGT Global Solutions Corp. The House claims the contract is illegal as it requires the spending of more money than the Legislature has set aside for ticket machines in the current budget.

### **Backroom Briefing: Scott Poll Won't Sway House on Incentives**

*By The News Service of Florida*

THE CAPITAL, TALLAHASSEE, January 26, 2017..... Gov. Rick Scott's political organization tried to send a shot across the House bow this week. But the House doesn't appear to be backing off its opposition to his business-recruitment and tourism funding proposals.

The Scott political committee "Let's Get to Work" released results Monday of a telephone poll intended to show public support for the governor's funding requests for Enterprise Florida and Visit Florida.

House Speaker Richard Corcoran, who remains highly critical of using tax dollars for business incentives and tourism marketing, appeared to scoff at the poll.

"I have great respect for Governor Scott and all he's done to cut taxes and regulations to improve the business climate in Florida," Corcoran, R-Land O' Lakes, responded when asked for a comment. "But our policies in the House will be driven by principle, not by polling. And one of our fundamental principles as conservatives is that government should not pick winners and losers in the market."

Scott has requested that lawmakers set aside \$85 million that Enterprise Florida could use for incentives to attract businesses to the state and another \$76 million that would go to Visit Florida for tourism marketing.

The poll results released Monday involved 1,000 likely voters who were surveyed by Annapolis, Md.-based OnMessage Inc. in late December. Let's Get to Work has a long-running relationship with OnMessage, paying it nearly \$162,000 for consulting, advertising, research and travel since July 1.

The poll said 59 percent of voters expressed support for Enterprise Florida funding, after being advised of the following: "As you may know, Governor Rick Scott has proposed investing \$85 million in an incentive program called Enterprise Florida to help grow Florida's economy and add more jobs by using state funds to encourage businesses to relocate to Florida and expand in Florida."

Similarly, 59 percent said they were opposed to any efforts to end funding for Visit Florida, after being advised of the following: "As you may know, there is a proposal in the Florida state Legislature to end funding for Visit Florida, which supports TV, radio and internet advertising campaigns to attract tourists to Florida. Supporters of the Visit Florida advertising argue that the program benefits Florida's economy by bringing tourists to the state. They say that cutting this program would hurt tourism in Florida, which is a major driver in the state's economy."

The poll also found Scott with a 54 percent approval rating.

### **Negron Points to BP Spending in Water Debate**

*By The News Service of Florida*

Senate President Joe Negron invoked the 2010 BP oil disaster in discussing a new North Florida coalition whose members announced opposition Monday to his \$2.4 billion plan to clean water in South Florida.

Negron met Monday with former Congressman Steve Southerland, who is from Panama City, and others from the group "Stand Up for North Florida." The president's spokeswoman said the coalition members were assured Negron's proposal to buy land from sugar growers and other farmers south of Lake Okeechobee wouldn't impact water-project funding for Northwest Florida.

"Further, the president conveyed to the group his belief that we are all in this together and when the reputation of one area of the state is sullied, impacts are felt across the state," Negron spokeswoman Katie Betta said in an email. "For this reason, he has been, and will continue to be, a strong advocate



for policy and funding proposals that benefit Northwest Florida efforts to continue recovery from the Deepwater Horizon oil spill."

The House has established a select committee that is looking to designate money from a settlement over the BP spill for infrastructure and education projects. The Senate hasn't set up a counterpart committee.

Stand Up for North Florida includes state Rep. Brad Drake, R-Eucheeanna, and Rep. Jay Fant, R-Jacksonville.

Fant said members oppose Negron's proposal as it continues to create an inequitable division of the money voters designated in 2014 for conservation land and water management.

### **Steube Busy Filing Bills**

*By The News Service of Florida*

After moving from the House to the Senate in November, Sarasota Republican Greg Steube had, as of late Wednesday, filed 37 bills for the 2017 regular session.

Freed from a restraint on the number of bills that House members can file, Steube has been the Senate's most prolific filer so far for the 60-day session that starts March 7. He's outpacing the 20 bills by St. Petersburg Republican Jeff Brandes, who in the past has been a top filer.

And Steube's total may soon grow by 10, as he said this week he's breaking up one of his most-prominent pieces of legislation (SB 140), a measure that in part would allow Floridians with concealed-weapons permits to openly carry firearms and to pack heat while on university campuses.

Steube said he wouldn't have filed each bill if he didn't think he could push them through the Senate. But he also said he's realistic in that he won't have to spend much time on certain measures.

"Some of them, I can tell by the (committee) references that they're probably not going to get hearings from the committee chairs ... and some of them that other members have asked me to file have pretty favorable committee assignments," he said.

He's also going to count on co-sponsors, who can appear before committees on bills.

Steube has filed measures that range from legalizing fireworks sales to the general public (SB 324) and imposing felony charges on those who deface statues that honor "heroes" (SB 418) to allowing patients to stay up to 24 hours at ambulatory surgical centers (SB 222) and restricting how dogs can ride in the backs of pickup trucks (SB 320).

As of Wednesday afternoon, 249 bills had been filed in the Senate. The House was up to 289.

Last year, 938 bills, resolutions and memorials were filed by individual senators and Senate committees. The House had 877.

Scott signed all but three of the 272 bills that the House and Senate jointly approved.

After Steube and Brandes, Miami Republican Frank Artiles had filed 18 bills in the Senate and Naples Republican Kathleen Passidomo had submitted 16.

Among Democrats, Sen. Jose Javier Rodriguez, a freshman from Miami, tops the list with nine bills.

### **Tweet of the Week:**

*By The News Service of Florida*

"Only in America can the 'winning' candidate question the integrity of the election. Assertions of massive fraud deserve a DOJ investigation"--- Pasco County Supervisor of Elections Brian Corley (@briancorley), on President Donald Trump's widely discredited claims that 3 million to 5 million people illegally voted in the 2016 presidential election.

### **HB 139 – Local Tax Referenda**

*By County Staff*

General Bill by Ingoglia and Avila. Co-Sponsored by Donalds; Gruters; Massullo.  
Requires local government discretionary sales surtax referenda to be held on the date of a general election.

Bill reported favorably by Local, Federal, & Veteran Affairs Subcommittee on January 25<sup>th</sup>, 2017. Rep. Abruzzo voiced his support of the bill during debate, reminding members that the legislature creates municipalities and dissolves them.

### **Steube Files Series on Gun Measures**

*By The News Service of Florida*

After deciding to break up a mammoth gun-rights bill, Senate Judiciary Chairman Greg Steube, R-Sarasota, has filed a series of measures that address individual firearms issues. As of mid-day Wednesday, Steube had filed six gun-related bills this week, including a proposal (SB 622) that would allow people with concealed-weapons licenses to carry firearms on college and university campuses. Other proposals include a measure (SB 618) that would allow people to carry guns in airport terminals; a measure (SB 620) that would allow people to carry guns at legislative meetings; and a measure (SB 626) that would allow people to carry guns at local-government meetings. Steube said last week that he would separate the parts of the broader bill. "Just from feeling the tea leaves, it's probably better to attack it piece by piece," Steube said at the time.

### **Lawmakers Target Tegu Lizards, Lionfish**

*By The News Service of Florida*

Lawmakers are being asked to approve \$600,000 over the next two years to fund a pilot program to hunt non-native tegu lizards, lionfish and a number of types of snakes. The proposal (HB 587), filed this week by Rep. Halsey Beshears, R-Monticello, adds lionfish to a separate measure (SB 230) filed in early January by Sen. Frank Artiles, R-Miami. In Beshears' proposal, the Florida Fish and Wildlife Conservation Commission would be directed to work with the Department of Environmental Protection on the program, which would involve contracting with hunting and fishing teams to capture or destroy tegu lizards, which are native to Central and South America, lionfish, green anaconda, and several python species. The hunts and fishing would occur in the Everglades and the Francis S. Taylor Wildlife Management Area, along with other commission-managed areas where the species have been reported. The commission would have to get permission from the National Park Service for hunting and fishing teams in the Everglades National Park. A report on the progress of the program would be due by Jan. 1, 2020.

### **Gov. Scott's Budget:**

#### **Governor's Budget Recommendation**

*By Corcoran & Johnston*

Governor Rick Scott unveiled his policy & budget recommendations of \$83,474,423,472 billion for fiscal year 2017-18. To view, please click here: <http://lobby.tools/2kckt4m>

## **Gov. Scott wants to cut taxes, boost schools, lure business**

*By Associated Press*

TALLAHASSEE | A defiant Gov. Rick Scott embarked Tuesday on a collision course with state legislators by proposing a \$83.5 billion budget that included a now-familiar menu of tax cuts, use of local tax dollars to boost school spending and money for incentives to lure businesses to Florida. Scott, who released the details of his spending plan during the annual legislative planning session hosted by The Associated Press, framed his budget as a way to maintain the state's economy and grow jobs.

## **Gov. Scott proposes changes to tax free holidays in new budget**

*By WCTV*

TALLAHASSEE, Fla. (WCTV) -- Florida Governor Rick Scott is rolling out his plan for Florida's 2017 budget. It's more than \$83 billion in all. Scott is proposing raises and bonuses for state employees. He's also pushing for \$160 million in business and tourism incentives. However, lawmakers are pushing back. The house speaker saying those incentives will not be in the house budget. In addition to those new budget items, Governor Scott is also proposing to extend and add some tax-free holidays. One of them being a one-day holiday for camping and fishing supplies.

## **Gov. Scott proposes \$1.1 billion spending increase for state budget**

*By Tampa Bay Times*

TALLAHASSEE - As he enters his final two years in office, Gov. Rick Scott rolled out a proposed budget Tuesday that bears a strong resemblance to the ones he's drafted in previous years. His \$83.5 billion proposal - \$1.1 billion more than this year's budget - was vintage Scott: stuffed with tax cuts for businesses, millions for corporations to create jobs, millions for tourism marketing and an uptick in education spending financed mainly by homeowners. But this time, Scott faces a deep philosophical divide with state lawmakers that threatens to wipe out much of Scott's agenda.

## **Scott \$83.5 Billion Budget Seeks Tax Cuts, More Education Money**

*By News Service of Florida*

Throwing an elbow or two in the direction of House Republicans, Gov. Rick Scott on Tuesday unveiled a nearly \$83.5 billion budget that would slash taxes, boost education funding and cut spending on hospitals. There were few surprises in Scott's proposed spending plan for the budget year that begins July 1. But his remarks to reporters and editors gathered at the state Capitol for the Associated Press' annual legislative planning session were still notable for taking a stern tone toward some fellow Republicans.

## **Gov. Scott proposes merit pay and new positions in budget**

*By Tallahassee Democrat*

State employees could qualify for up to \$1,500 in merit bonuses in Gov. Rick Scott's budget proposal for the fiscal year beginning July 1. Scott said he's promoting a three-tiered bonus pay system to "incentivize state workers at every executive, Cabinet and judiciary agency." If lawmakers approve, a worker would receive a \$500 bonus for meeting each of the following targets: Scott, speaking at the AP's annual legislative planning session, said the plan is similar to what he has proposed in the past, which lawmakers failed to pass.

## **Editorial: Gov. Rick Scott's vanilla budget**

*By Tampa Bay Times*

Gov. Rick Scott's proposed state budget reflects a politician with one foot out the door and one eye on higher office. His proposed \$83.5 billion budget for 2017-18 is pure vanilla, echoing familiar themes about job creation and modest tax cuts without any bold initiatives to substantially invest in infrastructure, higher education or social services. With two years left in his second term and an expected U.S. Senate campaign looming, the governor is becoming more irrelevant in Tallahassee as strong-willed legislative leaders pursue their competing priorities.

### **Rick Scott budget proposing cutting \$156 million from Tri-Rail over contract**

*By Florida Politics.com*

Gov. Rick Scott is proposing cutting \$156 million in state funding for Tri-Rail development unless the South Florida Regional Transit Authority reverses its decision to award a controversial half-billion contract to a lone qualified bidder. Scott's proposed 2017 state budget now includes an item calling for "no funding" until the authority withdraws, cancels or otherwise terminates the authority's Notice of Intent for awarding its operating contract to Herzog Transit Services.

### **House Republicans Lead The Way On Appropriation Requests**

*By WFSU*

House Republicans are looking for cuts to rein in a Florida budget they see as out of control. But so far, House Republicans are making the majority of local project requests. House Speaker Richard Corcoran instituted the new budget request process for this year's session. "It's an amazing thing when you have accountability," Corcoran says, "when you have to put your name and say I own this project I think that this spending of taxpayer money has value."

### **Corcoran: 'Cockroaches' in Scott's jobs and tourism programs**

*By Miami Herald*

House Speaker Richard Corcoran sounded like a man in a hurry at Tuesday's annual AP legislative planning session in Tallahassee. The Land O'Lakes lawmaker began a 15-minute talk by noting that it was Day 71 of his two-year speakership, and with his two sessions in close proximity to each other, "It's 13 months from the end." In a bit of imagery that's not likely to endear him to Gov. Rick Scott, Corcoran said the House's discovery of spending problems at Enterprise Florida was like turning on a light at 3 a.m.

### **Want good regional mass transit? New study urges regional governance first to make it happen**

*By Tampa Bay Times*

The hurdles confronting a regional approach to transportation in Tampa Bay feel like a tale as old as time. Over and over, Hillsborough or Pinellas counties have independently pressed their voters to support a single county mass transit project only to see withering defeats at the ballot box. Maybe Tampa Bay is failing in the voting booth because the metro area - one of the nation's largest lacking a comprehensive, multi-county transportation plan - keeps putting the cart before the horse.

## **Water experts urge Tallahassee, Washington to 'finish the job' on Florida water quality, quantity**

*By FloridaPolitics.com*

Five dozen water quality experts have sent a letter to urge Gov. Rick Scott, as well as state and federal governments, to finish the job on Florida water that began more than 15 years ago. The letter Tuesday morning, signed by 60 Florida water policy experts, went to Scott, Senate President Joe Negron and House Speaker Richard Corcoran. It calls on lawmakers at both the state and federal levels to come to a "thoughtful, comprehensive solution" in fixing issues with the state's water quality and quantity.

## **Press organizations file brief in workers' compensation rate hike appeal**

*By FloridaPolitics.com*

The Associated Press, Florida Press Association, and Florida First Amendment Foundation have entered the legal battle over whether the state's Sunshine Law covered the organization behind the state's workers' compensation premium increase. In a friend-of-the-court brief, the three accused the National Council on Compensation Insurance, or NCCI, of employing "an evasive device" to get around its legal obligation to calculate premiums in the sunshine. They pointed to a section of the insurance code requiring organizations like NCCI, which proposes rates to the Office of Insurance Regulation, to open deliberations and documents to the public.

## **State Library Council Appointment**

*By County Staff*

Douglas Crane has been appointed to the State Library Council. The Council is authorized by State Statute 257.02

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0257/Sections/0257.02.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0257/Sections/0257.02.html)

His term expires on June 30, 2020. See attached letter from the Florida Secretary of State.

## **Justices Object to Video Hearings in 'Baker Act' Cases**

*By The News Service of Florida*

THE CAPITAL, TALLAHASSEE, February 8, 2017..... A skeptical Florida Supreme Court has moved to at least temporarily block Lee County judges from holding videoconference hearings in cases about whether mentally ill people should be involuntarily committed to treatment facilities.

Justices unanimously issued a stay late Tuesday afternoon, hours after listening to arguments about the use of videoconferences in what are known as "Baker Act" cases. Public defenders last year challenged the use of video technology instead of judges or magistrates appearing in person at mental-health facilities and sought a stay to halt the practice.

The Supreme Court issued a one-sentence decision and indicated a broader legal opinion would be issued later. But Kathleen Smith, public defender in the 20th Judicial Circuit, which includes Lee County, said Wednesday she expects the decision to lead to in-person Baker Act hearings starting Friday.

During Tuesday's hearing, justices pointedly questioned the legal basis for holding Baker Act hearings remotely, as Assistant Attorney General Caroline Johnson Levine argued in support of allowing videoconferences. Lee County judges did not take part in the hearing.

"So all of our circuit judges could simply say we're not coming to the courthouse and we're not going to conduct anything in person, we're just going to set up TV cameras and I am going to sit by my pool having an iced tea and enjoying myself, and I'll just do everything from there?" Justice R. Fred Lewis asked at one point. "And there's nothing that requires that judge to be in person conducting judicial business?"

Robert Young, an attorney in the 10th Judicial Circuit public defender's office, argued that videoconferences particularly pose difficulties for some people with mental illnesses.

"You're talking about folks who are often over stimulated by their surroundings and asking them to attend to conversations both in front of them and on the screen," said Young, who represented the opponents at the Supreme Court.

The issue went to the Supreme Court after a panel of the 2nd District Court of Appeal ruled in September that nothing bars Lee County judges from holding videoconference hearings in Baker Act cases --- though the panel expressed reservations about the practice. The Supreme Court initially refused a request from public defenders to stay the practice, but the ruling Tuesday vacated that decision.

While videoconferences began last year in Lee County, judges in other areas also have looked at the idea. Jeffrey Colbath, chief judge of Palm Beach County's 15th Judicial Circuit, filed a friend-of-the-court brief that said his circuit was moving toward using remote hearings in Baker Act cases.

Colbath took part in Tuesday's arguments at the Supreme Court and said the idea involves "management of resources," at least in part because the Legislature has not provided money to add judges. He said sprawling Palm Beach County has seven mental-health facilities.

"Right now, we're doing so much with so little, and as we all know very well, the Legislature is being pretty stingy with us," Colbath said. "And if I had a couple of extra magistrates, I wouldn't have had to explore this. I mean, it's really that simple."

But Smith, the public defender in the 20th Judicial Circuit, questioned why people with mental illnesses should be "treated any differently" from other people who go before judges for in-person hearings. Like Young, she also pointed to the difficulties that mentally ill people might have with taking part in hearings through TV screens.

Smith told The News Service of Florida on Wednesday that "it's not really a quality of technology issue. It's the fact that mentally ill people that are experiencing these kinds of symptoms can't appreciate or participate in the hearing fully."

## **FAC Interim Director Announcement**

*By County Staff*

Kathy Bryant, President, Florida Association of Counties:

“On Monday, Scott Shalley announced his pending resignation as Executive Director of the Florida Association of Counties. In the last 48 hours, I have had the chance to speak with the members of our Executive Committee who agree unanimously that FAC’s current Deputy Executive Director and General Counsel Delegal is the right person to serve the Association as Interim Executive Director.”

Ms. Delegal’s extensive experience and steady hand have played a crucial role in the Association for the last 13 years and I know she will be able to provide the leadership needed at this time to



safeguard a smooth transition.

FAC's Bylaws dictate that "The Executive Director of the Association shall be nominated by the Executive Committee and confirmed by a majority of the Board of Directors." Over the coming weeks, the FAC Executive Committee will meet to set the next steps for choosing a permanent executive director.

Ms. Delegal will step in to serve as Interim Executive Director effective February 9<sup>th</sup>. Mr. Shalley will still be available and a part of the FAC team to help with the transition through March 3<sup>rd</sup>.

I encourage you to contact myself or any member of the FAC Executive Committee if you have any questions, concerns or thoughts on this important process for our Association."

### **Flores: Anything Short Of Fracking Ban DOA In Senate**

*By WFSU*

Senator Anitere Flores has spoken out against hydraulic fracturing in Florida, voted against it and written guest editorials. But the Miami Republican is sending her strongest message yet. When she voted down an industry backed bill last year, Flores gave an impassioned speech to the appropriations committee. This year, Flores is Senate Pro Temp - No. 2 in the political pecking order -- and she's co-sponsoring a statewide ban. She says the message should be clear -- any call for further studies, or strict regulations, is dead in her chamber.

### **Lobbyist muscle will be major force in medical marijuana fight**

*By Miami herald*

In Tallahassee, the picture is a little different. Instead of patients, lobbyists pack committee hearings. Lobbyists, paid to represent various interests, are normally the ones watching as state lawmakers cast votes, but their interest in pot is so great that the first House subcommittee meeting on the subject was standing-room only. Sergeant-at-arms staffers blocked the door, turning people away. At the final stop in the Department of Health's statewide tour of public hearings, Chelsie Lyons, a Tallahassee-based activist with Minorities for Medical Marijuana called out the process that will turn Amendment 2 into a state laws and rules governing medical cannabis.

### **Broward law would regulate medical marijuana dispensaries**

*By Miami Herald*

Medical marijuana shops would be free to open for business in unincorporated areas of Broward County under strict zoning regulations moving through the legislative pipeline. County commissioners on Tuesday set a March 14 public hearing on a law that sets the ground rules for medical cannabis dispensaries. The law, which does not apply to cities, affects only a few sections of the county, including parts of Sunrise Boulevard and Northwest 27th Avenue. Commissioners voted unanimously to schedule the public hearing, and did so without discussion.

### **Free WiFi at Miami-Dade County facilities coming soon**

*By Miami Today*

Electronic Media Systems Inc. is soon to offer free WiFi at Miami-Dade County facilities, including Miami International Airport and Port Miami, for eight years and pay the county at least \$500,000 or half of quarterly gross advertising revenue. Under an agreement county commissioners approved last week, airport customers will be able to get free, uninterrupted 30-minute Wi-Fi for a 24-hour period. To get the free access, users will be directed to a promotional ad for up to one minute.

### **St. Johns County mulls local share assessment options for sand replacement projects**

*By St. Augustine Record*

A big ticket proposal by the state to get sand back behind homes along St. Johns County's storm-ravaged coast could spell relief for some property owners, but not without a price. The State Hurricane Recovery Plan includes a proposed \$60 million project for the county that would provide about 24 cubic yards per foot of sand dune restoration for certain eligible areas, but at just a 50 percent cost share. Although local officials say this is the largest grant program the state has ever put forward for beach restoration...

### **County officials discuss ideas to get rid of heroin for good**

*By Bradenton Herald*

In a work session Tuesday, county commissioners started the first of a possible three conversations on what can be done about the heroin epidemic that's taken over Manatee County. Joshua Barnett, manager of health care services for the county, presented information on overdose statistics and Narcan administration and suggested looking to prevention rather than reaction. "An epidemic is not typically treated through a medication. It's not typically addressed through 'take this pill' or 'go to this type of program,'" he said.

### **Martin County officials say reservoir will eliminate Lake Okeechobee discharge issues**

*By CW 34*

MARTIN COUNTY, Fla. (CBS12) - Martin County commissioners just voted to spend billions of dollars to buy land south of Lake Okeechobee to build a reservoir. The goal is to reduce run-off that flows into the St. Lucie River. Officials say discharge from the lake is what causes the toxic algae blooms. However, many sugar growers south of the lake are against the proposal. They say it wouldn't be very effective and would take farmland out of production.

### **Governor Angles for Business Tax Breaks**

*By The News Service of Florida*

TALLAHASSEE — Gov. Rick Scott may be "a little ambitious" in seeking \$618.4 million in tax cuts, a key lawmaker said Tuesday, while others said the proposed cuts favor corporations over individual Floridians.

House Ways & Means Chairman Jim Boyd, in saying the governor's recommendation may be "a little ambitious," acknowledged the proposal might not fit with the state's current tight budget and that the House is working on its own proposal that likely won't be as large.

### **House, Senate on Different Gambling Tracks**

*By The News Service of Florida*

THE CAPITAL, TALLAHASSEE, February 17, 2017..... A new House proposal would ban the expansion of slot machines and prohibit wildly popular card games at the state's pari-mutuels, putting the House at odds with a gambling industry-friendly plan floated by Senate Republican leaders.

The House measure is essentially a status-quo proposal replacing a 20-year gambling agreement with the Seminole Tribe that is the subject of renewed negotiations between legislative leaders and Gov. Rick Scott's administration.

The proposal, released late Thursday, is diametrically opposite to a Senate plan that would allow slots in eight counties where voters have approved them and legalize controversial "designated player" games, which are at the heart of a legal dispute between the Seminoles and the state.

"This is the stand-off at the OK Corral," said lobbyist Nick Iarossi, who represents dog tracks in Jacksonville and Melbourne that operate the card games and hope to add slots.

While the industry-friendly Senate plan (SB 8) and the House proposal, which protects the Seminoles' interests, are at different ends of the gambling continuum, the diverging strategies at least provide a starting point for negotiations --- a sharp contrast from previous years, when lawmakers labored to even get gambling bills filed for consideration, and, if they did, the legislation languished.

Instead, committees in both chambers are moving ahead with their proposals before the legislative session kicks off on March 7.

The Senate proposal received unanimous support at its first vetting late last month, and faces one more committee stop Thursday --- the same day the House Tourism & Gaming Control Subcommittee plans to vote on its bill. The Senate bill then would be ready to head to the floor for a vote after the session starts.

Sen. Bill Galvano, who is shepherding his chamber's legislation and was instrumental in crafting a 2010 agreement, known as a "compact" with the Seminoles, said he remains confident lawmakers can reach a deal, despite the disparities in the two chambers' approaches.

"It's positive to see two bills, one in each chamber, moving this early in the process, in other words before session has even begun. So with these two bills out there, we all know what the playing field looks like, and there's time to negotiate further with the Seminoles and (between) the chambers," Galvano, a Bradenton Republican slated to take over as president of the Senate in late 2018, said Friday.

A portion of the 2010 compact that gave the tribe the exclusive rights to operate "banked" card games, such as blackjack, expired over a year ago, prompting a new round of negotiations between the Seminoles, the governor and the Legislature, whose approval is required for a deal to go into effect.

Despite the expiration, a federal judge ruled in November that the Seminoles could continue to offer blackjack because the state had breached the agreement by permitting controversial "designated player" games at pari-mutuel cardrooms. The state is appealing the decision.

Under the House measure, the Seminoles would again be granted exclusive rights to the banked card games, this time in exchange for \$3 billion in payments to the state over seven years.

But unlike a deal pitched by Scott and the tribe in late 2015 in which the Seminoles guaranteed to pay the same amount, the House proposal (PCB TGC 17-01) would not allow the tribe to operate craps and roulette. Lawmakers did not approve the 2015 deal.

The new House plan would ban pari-mutuels from adding slot machines in eight counties --- Brevard, Duval, Gadsden, Lee, Hamilton, Palm Beach, St. Lucie and Washington --- where voters have approved them.

The Florida Supreme Court is poised to rule on a case about whether pari-mutuels in counties where voters have approved slot machines can expand their operations without the express approval of the Legislature, something specifically addressed in the House bill.

The House's approach would also prohibit Florida pari-mutuels from operating any kind of banked card games, including the controversial designated-player games that have eclipsed traditional poker in popularity at many of the state's cardrooms.

The House measure also includes a potential olive branch for the Senate by steering a portion of the revenue from the tribe toward higher education, a priority of Senate President Joe Negron. Despite the House's hard line against expansion of gambling, some in the industry remained upbeat. "I'm optimistic something can get done, but it's the hardest subject matter in all of Florida politics,"

said lobbyist Brian Ballard, whose clients include the Palm Beach Kennel Club. "It's the first time in years you have both the House and Senate with a vehicle that at least we can sit down and try to resolve this stuff that needs to be resolved."

## **LOCAL ISSUES**

### **FL Association of Counties Update**

*By County Staff*

@flcounties :

"Thank you to @RepAlbritton for his great work defending home rule! @VoteMcKinlay" January 12<sup>th</sup>, 2017.



### **Negron to sugar: Sell land to reduce Lake O discharges or state will force sale**

*By Naples Daily News*

Florida Senate President Joe Negron sent an ultimatum to state water officials: buy land to reduce Lake Okeechobee discharges or lawmakers will force a sale. A bill filed Thursday directs the South Florida Water Management District to secure willing sellers of 60,000 acres south of the lake to build a reservoir to store excess lake water. The state would borrow \$1.2 billion to pay for the purchase and the project. If the district cannot find willing sellers by Dec. 31, the state would have until 2018 to hold U.S. Sugar Corp. to a 2010 agreement to sell its land.

### **Negron water storage plan teed up in Senate, but it may not survive the House**

*By News Service of Florida*

TALLAHASSEE - A measure to bond \$100 million a year in voter-approved dollars to buy 60,000 acres of farmland south of Lake Okeechobee - land that owners have expressed an unwillingness to sell -- was introduced Thursday in the Senate. The 20-year proposal (SB 10), filed by Sen. Rob Bradley, chairman of the Senate Environment and Natural Resources Appropriations Committee, advances a \$2.4 billion plan by Senate President Joe Negron, R-Stuart, to try to halt polluted water releases out of Lake Okeechobee and reduce the reappearance of swirling green algae that has coated waterways in parts of the Treasure Coast in the past.

### **Editorial: Give all, don't take, in addressing housing**

*By Naples Daily News*

As a panel of experts dives this week into Collier County's pressing issue of providing attainable housing for the workforce and senior citizens, a give-and-take process begins in Tallahassee that we hope involves little to no take. Historically, there's been take, take and take again because the governor's office and lawmakers have seen affordable housing trust funds set up 25 years ago as manna to balance the budget. In 1992, the state agreed to begin setting aside a scheduled portion of documentary stamp taxes from real estate transactions for two programs.

### **Airbnb In The Sunshine Economy**

By *WLRN*

With record tourism comes big business, but you won't find a front desk at one of the largest lodging groups in the state - Airbnb. The home-sharing network has almost 33,000 hosts in Florida, generating millions of dollars for it and the hosts, basically property owners who rent a room, home or a condo for a few days to a visitor. The company calls it a short-term rental and insists it is not in competition with the hotel business. The traditional hotel business is growing in South Florida. Here's what 2016 looked like for hotels in Miami-Dade and Broward counties:

By

### **FLAGLER PERSPECTIVE: Finding common ground on the beach**

By *Daytona Beach News Journal*

Disagreements between local governments are nothing new - here in Flagler County or most anywhere else - and sometimes they are more molehill than mountain. They also aren't necessarily a bad thing. To be sure, when disputes between elected officials result in poor decisions, or even no decision at all, then the community pays the price. But differences of opinion are to be expected when different entities examine the same issues through different lenses.

### **Gov. Rick Scott proposes doubling state's beach aid to \$50 million**

By *Fort Myers News Press*

Gov. Rick Scott has proposed spending \$50 million to renourish Florida's eroding beaches, doubling his proposed beach-building budget from the last four years. General revenue would supply \$40 million, with \$10 million coming from the state's Land Acquisition Trust Fund, according to Scott's Fighting for Florida's Future budget released Tuesday. Scott requested \$25 million for the state's beaches in each of his previous four budget proposals. The state Legislature approved \$32 million for the beach program last year.

### **Janet Cruz ready to support Richard Corcoran on Enterprise Florida**

By *FloridaPolitics.com*

After laying out Democrats' priorities for the House this session, Florida House Democratic Leader Janet Cruz said she would support Republican Speaker Richard Corcoran's attacks on Enterprise Florida and VISIT Florida. Speaking before journalists gathered for the Florida Legislative Planning Session, Cruz, of Tampa, pledged that Democrats would continue to fight for increasing funding for public education, particularly for teachers, health care coverage for low-income Floridians and support for public hospitals.

### **Broward's wish list: beach sand, affordable housing, and no fracking**

By *South Florida Sun-Sentinel*

Broward County doesn't have the odds in its favor when it comes to seeking change, and dollars, out of the state Legislature. But county leaders sent up a long list of requests Tuesday, anyway. On the list: funding for beach renourishment and affordable workforce housing, improved standards for child-care workers, and a ban on fracking. The Legislature is dominated by Republicans, and the governor's mansion is inhabited by one. Broward leans heavily Democratic.

### **Lake water storage, north or south? Both, say experts**

*By Okeechobee News*

OKEECHOBEE - Florida Senate President Joe Negron promotes a plan for the state to spend \$2.4 million to buy 60,000 acres south of Lake Okeechobee for a reservoir to hold excess water from Lake Okeechobee. The University of Florida Water Institute study indicates storage is needed both north and south of the lake. The South Florida Water Management District also promotes the Comprehensive Everglades Restoration Plan (CERP), which calls for storage both north and south of the Big O.

### **Negron: It's 'when and where' for Okeechobee reservoir**

*By The News Service of Florida*

TALLAHASSEE - Senate President Joe Negron appeared willing Tuesday to look beyond sugar farmland to carry out his proposal to acquire 60,000 acres to reduce the flow of polluted water from Lake Okeechobee into estuaries on both coasts. The Stuart Republican, speaking to reporters and editors gathered at the Capitol for an annual Associated Press event, maintained his desire to buy land for a reservoir south of the lake to store and clean water. Negron noted the need for a reservoir was backed in some form by environmental experts at recent Senate hearings.

### **Land purchase south of Lake O remains top priority for Joe Negron**

*By FloridaPolitics.com*

Securing funding to purchase land south of Lake Okeechobee remains a top priority for Senate President Joe Negron. But Negron could face a tough road ahead. Gov. Rick Scott did not include money for a proposed Everglades reservoir in his 2017-18 budget, and House Speaker Richard Corcoran has dismissed the idea of bonding to pay for Negron's project. The Stuart Republican appears unfazed, saying it is his obligation to convince people the project is appropriate.

### **Ag Commissioner Putnam Blasts Negron's Land Buy Plan, Outlines 2017 Priorities**

*By WFSU*

State Agriculture Commissioner Adam Putnam says the state should complete existing projects before spending money to for water storage in Central Florida. A 60,000 acre parcel of land is the centerpiece of Senate President Joe Negron's bid to stop polluted water from fouling rivers in his district. Negron's plan to buy land South of Lake Okeechobee is already running into roadblocks and State Agriculture Commissioner Adam Putnam has added another.

### **How to stop the US flood insurance program from drowning in debt**

*By The Hill*



This month, the Federal Emergency Management Agency (FEMA) announced that its National Flood Insurance Program (NFIP) had to borrow another \$1.6 billion from the Treasury to break even on its 2016 losses. Add that to the existing debt, largely due to hurricanes Katrina and Rita and Superstorm Sandy, and the NFIP currently is almost \$25 billion in debt. The NFIP is up for reauthorization later this year, and Rep. Jeb Hensarling (R-Texas), who chairs the House Financial Services Committee, has already said that reforming the program will be a "major focus" for his committee this year.

### **Manatee looks to state to help with opioid recovery**

*By Bradenton Herald*

As the epicenter of the opioid epidemic in Florida, Manatee County is hoping to receive state funds to help addicts recover. The Manatee County Commission on Tuesday gave county staff the OK to proceed with seeking state funding for an Opioid-focused Recovery "Peer Coach" Pilot Program "Manatee County has areas more impacted than others, and a pilot program affording community-based outreach, intervention and education from the recovery community would serve to increase awareness of hope, treatment and health risks including death in those targeted areas," county documents state.

### **Rick Scott talks public safety budget with Florida Sheriffs**

*By FloridaPolitics.com*

It was High Noon in Jacksonville on Tuesday when Gov. Rick Scott got on the microphone at the winter meeting of the Florida Sheriffs at the Hyatt Hotel. Gov. Scott had a message to deliver, just hours after unveiling a budget with public safety enhancements. Scott's new budget earmarks \$5.1 billion for public safety, including a \$14.6 million spend on 5 percent pay raises for Florida's law enforcement officers, \$5.8 million to FDLE to hire 46 counterterrorism employees, and \$45 million to boost correctional officers' pay.

## **ERICKS CONSULTANTS WEEK OF 3-6 UPDATE**

### **ETHICS REFORM**

*BY ERICKS CONSULTANTS*

House Appropriations unanimously voted to approve a local government ethics package (7021). The bill would expand conflict of interest provisions to include contractual relationships held by an entity that a public officer or employee is an officer of, manages, directs, or holds 5% or above interest in, not including publicly traded companies. Additionally, voting members would have to disclose conflicts prior to participating on the conflicted measure. The bill requires ethics training to be reported within 7 days and include the time of the training and name of trainer. Finally, the bill would create a local government lobbyist registration system under the Commission of Ethics. Local entities with their own systems in place must supply their ordinance to the commission by January 1, 2018 and conform their system to receive info from the Commission of Ethics in a way that is meant to supplement the current system. The liability burdens for registration are placed on the lobbyists rather than the local entities and requires disclosure of financial ties to officers of the local entity. The bill has one more committee of reference in the House and does not yet have a Senate companion.

<http://www.flsenate.gov/Session/Bill/2017/07021>

Meanwhile, House Public Integrity and Ethics voted to file a committee bill that would, among other things, prohibit public officers from soliciting or accepting offers of conflicting employment while

in office. The bill has not yet received references.

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2922&Session=2017&DocumentType=Meeting%20Packets&FileName=pie%203-9-17.pdf>

### **PUBLIC RECORDS**

*BY ERICKS CONSULTANTS*

Senate Community Affairs voted 6-1 and House Oversight, Transparency & Administration voted unanimously to approve a bill that would give judges discretion in awarding attorneys fees in public records cases. The bill is to crack down on a cottage industry of public records “gotcha” litigation plaguing local governments and burdening taxpayers. The committee adopted a handwritten amendment to tighten the language so that claimants would not have to identify specific information left out of the request in order to take action. The League of Cities, Florida Association of Counties, special districts, local law enforcement and many other public entities support the bill. Opponents worry of a “chilling effect” on public records requests. Supporters counter the judge would be able to determine the difference between a legitimate request and a money scheme. The bill has one more committee of reference in the Senate. The House bill has two more committees of reference.

<http://www.flsenate.gov/Session/Bill/2017/0080>

<http://www.flsenate.gov/Session/Bill/2017/00163>

### **SOBER HOMES**

*BY ERICKS CONSULTANTS*

Senate Criminal Justice and House Children, Families, and Seniors unanimously approved a bill to implement recommendations from the Sober Homes Task Force regarding deceptive marketing practices and patient brokering for recovery residences (sober homes.) The legislation would expand prohibitions on patient referrals and false advertising, increase penalties, allow the Office of Statewide Prosecutor to investigate patient brokering practices, allow patient brokering to be charged as a RICO offense, and require substance abuse service personnel providing direct clinical treatment to patients be certified by DCF. The bill has two more stops in each of the Senate and House.

SB 788 <http://www.flsenate.gov/Session/Bill/2017/00788>

HB 807 <http://www.flsenate.gov/Session/Bill/2017/00807>

### **SUNSHINE LAWS**

*BY ERICKS CONSULTANTS*

Senate Ethics and Elections voted unanimously to approve a bill that would, in the sponsor’s words, create a more reasonable interpretation of the Sunshine Law for local officials. It would clarify that two or more members of a governing board can meet without public notice or access so long as no officials acts are taken or public business is discussed. It would provide that members can also participate in fact-finding exercise together and with a member of the Legislature so long as the board gives reasonable notice, no officials acts are taken or public business discussed and the event is recorded in some way. The sponsor stated that some interpretations of Sunshine Law have created a counterintuitive and damaging restriction to the decisionmaking of local government by not allowing board members to be exposed to each other and develop a collegial relationship. The bill has one more committee of reference in the Senate. Its House companion has not yet been heard in its first of three committees.

<http://www.flsenate.gov/Session/Bill/2017/00914>

### **SMALL CELL WIRELESS**

*BY ERICKS CONSULTANTS*

Senate Communications, Energy & Public Utilities voted 7-1 to approve the preemption of local governments in setting up infrastructure for the creation of a “5g” network. The committee adopted amendments to narrow the type of utility poles for colocation and also to protect historic preservation. Proponents of the bill argued that local governments across the state vary too much and can take a long time in negotiations with private telecommunication providers. They argued that 5g will spur economic development and is being demanded by the constituents. Opponents countered that the bill goes too far in favor of the industry by taking away local authority over location, number and aesthetics of the infrastructure. The sponsor stated that he was working on a compromise with the Florida Association of Counties and Florida League of Cities that may include language to allow local government to protect the “health, welfare and safety” of the public but that a preemption bill must be passed to keep Florida competitive. One presenter also noted that the FCC is considering preempting states on the matter. The bill has two more committee stops in the Senate. The House bill has not yet been heard in its first of three committees of reference.

<http://www.flsenate.gov/Session/Bill/2017/00596>

**SELECTION AND DUTIES OF COUNTY OFFICERS**

*BY ERICKS CONSULTANTS*

House Local, Federal & Veterans Affairs voted unanimously to approve two bills that would place a constitutional amendment on the ballot to require that the county sheriff and property appraiser be an elected position. The bill is directly targeted to Miami-Dade County, which is the only county in the state without an elected sheriff or property appraiser. The Florida Association of Counties testified that the bill could still potentially affect charter counties with elected sheriffs or property appraisers as some duties have been transferred to other offices or as non-partisan election ordinances have been passed. The bill has two more committees of reference in each the House and the Senate.

<http://www.flsenate.gov/Session/Bill/2017/00721>

**PREEMPTION ON LOCAL ORDINANCES FOR PUBLIC WORKS CONSTRUCTION**

*BY ERICKS CONSULTANTS*

Senate Community Affairs voted 4-2 and House Oversight, Transparency & Administration voted unanimously to approve a bill that would preempt all local ordinances for public works construction if the project receives state dollars. The committees adopted an amendment that would place a 50% state funding threshold for the preemption to kick in. The lack of threshold caused the bill to die in the Senate last year. The House committee also adopted an amendment to address concerns that local governments would lose the ability to disqualify vendors for poor performance or fraud, etc. Workers organizations and local governments oppose the bill. Miami-Dade County testified the bill would impact ordinances related to: living wage, responsible wage, training programs and veterans programs. AFL-CIO testified that contractors are not prohibited from bidding on contracts with stipulations, they simply just meet the standards put in place at the local level. The Associated Builders and Contractors spoke in favor of the bill, arguing that it eliminates the artificial barriers of entry to an industry “thirsty” for workers. Other proponents claimed the current system raises costs and makes it impossible for smaller businesses to compete and expand. The bills have two more committees of reference in each the House and Senate.

<http://www.flsenate.gov/Session/Bill/2017/00534>

<http://www.flsenate.gov/Session/Bill/2017/00599>

**MUNICIPAL CONVERSION OF SPECIAL DISTRICTS**

*BY ERICKS CONSULTANTS*

Senate Community Affairs and House Local, Federal & Veterans Affairs both voted unanimously to

approve a bill that would prevent a runaround of the incorporation process. The sponsors stated the bill was in response to the incorporation of West Lake in Palm Beach County, made possible from the votes of only five people. The Senate sponsor said the original law was passed to simply benefit one landowner in Palm Beach County, which was an “inappropriate use” of the state statutes. He stated the bill would not relitigate the incorporation of West Lake but would remove a bad public policy going forward by placing population thresholds in place. Palm Beach County supports the bill. The Senate bill has two more committees in the Senate. The House bill has one more committee of reference.

<http://www.flsenate.gov/Session/Bill/2017/00422>

## **LOCAL GOVERNMENT FISCAL RESPONSIBILITY**

*By ERICKS CONSULTANTS*

House Ways & Means Committee voted to file two committee bills to restrict local spending decisions and bring greater financial transparency to the local level. The committee voted unanimously to file a transparency package that would require easy public and online access to a four-year history of votes on tax increases and long term debt issuances (defined as debt with a 5-years or over lifetime), TRIM notices, property tax rates and total revenue generated by taxes. This requirement is phased in over a period of time. Before final action on non-ad valorem tax increase or issuance of longterm debt, the local government must hold an additional public hearing at least 15 days before and provide public notice, containing information on revenue generation estimates and specific plans for spending or information on total lifetime cost of debt and debt affordability measures, at least 10 days before. A debt affordability analysis must be conducted and considered prior to issuance of tax-supported longterm debt. CPAs conducting financial audits must report to the Auditor General if the local government is not in compliance and the Auditor General must report to the Joint Legislative Auditing Committee if corrective action is not taken within a certain time. Members expressed concerns over burdening small local governments with no staff or funding to accomplish the bill as well as the additional burdens placed on the Auditor General. Local governments and CPAs opposed the bill. The sponsor committed to working with all parties to address their concerns.

The committee also voted 9-7 (along party lines with one R joining the Ds) to file a fiscal responsibility package. The bill would require local governments and special districts to adopt a millage rate that would generate the same amount of revenue as the previous year despite increase in property values (called the “rolled-back rate”) unless they’ve spent down any excess unencumbered funds. If the local government were to adopt a rate higher than its rolled-back rate, it is prohibited from enacting, extending or increasing a myriad of local option taxes for three years. The bill would also require referendums on local option taxes (including school capital-outlay taxes) be placed on a general election ballot, except in emergency situations, and meet a 60% threshold to pass. It would place the same referendum requirements on tax-supported debt that pledges revenues beyond 5 years. The sponsor gave an example of a local government from his district that was estimated to have over a billion dollars in excess funds. The local government denied having the unpledged funds but suddenly appropriated \$300 million when attracting a new sports stadium. Local governments expressed numerous concerns in opposition of the bill. They argued that having excess funds is a best management practice in government accounting used to address volatility in revenues and boost credit ratings.

The bills have not yet received any committee references nor do they currently have Senate companions.

PCB 1 (Transparency):

[http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2924&Session=2017&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&FileName=PCB%20WMC%2017-01.pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2924&Session=2017&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20WMC%2017-01.pdf)

PCB 1 Staff Analysis:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2924&Session=2017&DocumentType=proposed%20committee%20bill%20analyses&FileName=pcb01.WMC.pdf>

PCB 2 (Responsibility):

[http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2924&Session=2017&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&FileName=PCB%20WMC%2017-02.pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2924&Session=2017&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20WMC%2017-02.pdf)

PCB 2 Staff Analysis:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2924&Session=2017&DocumentType=proposed%20committee%20bill%20analyses&FileName=pcb02.WMC.pdf>

## **HOUSE PASSES ECONOMIC INCENTIVES/VISIT FLORIDA**

*BY ERICKS CONSULTANTS*

The full House voted 87-28 to pass the Speaker's priority of eliminating Enterprise Florida and other programs and bring oversight to Visit Florida. The sponsor split the legislation into two bills, one for economic programs (7005) and one for Visit Florida (9), at the request of House colleagues who did not want to harm Visit Florida. Members expressed concerns over the broad scope of the bill and all of the numerous programs affected beyond Enterprise Florida. The business community, local governments and local economic development organizations oppose the bill, while conservative ideological organizations support the bill. Members in support of the bill argued that the current system of using taxpayer dollars to lure out of state companies to Florida harms small business owners already located in the state who do not receive yet pay for incentive dollars. Members in opposition argued that incentives help diversify the economy. The Speaker Designate argued that it was a fallacy to believe that only one agency is responsible for job creation in the State of Florida and the money could be used to "lower the barriers for business." The House also voted 80-35 to pass HB 9. Proponents argued that the bill provides transparency and robust oversight of the agency to ensure the responsible use of taxpayer dollars. Opponents stated they were not opposed to transparency, however the bill prevents Visit Florida from doing an impactful job by placing more oversight on the agency than other departments.

Meanwhile, the recently-hired CEO of Enterprise Florida suddenly resigned after only two months on the job citing a disagreement with Governor Scott. The Governor's Office claims that no disagreements were ever voiced to the Governor and that the resignation was surprising.

HB 9: Florida Tourism Industry Marketing Corporation

<http://www.flsenate.gov/Session/Bill/2017/00009>

HB 7005: Economic Programs

<http://www.flsenate.gov/Session/Bill/2017/07005>

## **COMMUNITY REDEVELOPMENT AGENCIES**

*BY ERICKS CONSULTANTS*

House Local, Federal & Veterans Affairs voted 9-6 to approve a Speaker priority of eliminating CRAs. The bill would phase out existing CRAs by 2037, prohibit establishing new CRAs, and place added accountability measures on existing CRAs. The accountability measures include requiring ethics training for CRA governing board members, requiring CRAs to utilize the same procurement system as its creating local government, adopting a budget, ethics training, posting an annual audit and performance data online. Proponents made the case that CRAs would be better as functions of a county or municipality, with elected board members who are accountable to the voters. They also

argued that distort the free market by driving in businesses to areas that cannot sustain economic growth. Opponents argued that CRAs provide financing for longterm infrastructure projects that spur economic growth in blighted areas. Opponents gave examples of successful CRAs and requested the committee look at reforming CRAs rather than the “nuclear option” of eliminating CRAs. Many members voting in support of the bill stated they will not vote for the bill on the floor if the nuclear option is not removed. The bill has two more committees of reference. Its Senate companion has not yet been heard in its first committee.

<http://www.flsenate.gov/Session/Bill/2017/00013>

### **LOCAL GOVERNMENT PARTICIPATION IN FRS**

*BY ERICKS CONSULTANTS*

After adopting a last-minute substitute delete-all amendment, Senate Community Affairs voted 5-2 to approve a bill that would compel enrollment of all employees hired after January 1, 2017 into the FRS investment plan and block enrollment in the FRS pension plan. The bill has two more committees of reference in the Senate. Its House companion has not yet been heard in its first of three committees of reference.

<http://www.flsenate.gov/Session/Bill/2017/00428>

### **LIMITATIONS ON PROPERTY TAX ASSESSMENTS**

*BY ERICKS CONSULTANTS*

House Commerce Committee voted to place a constitutional amendment on the 2018 ballot to permanently maintain the 10 percent cap on annual non-homestead parcel assessment increases currently in the Constitution that is set to expire in January 2019. Some members felt that the 10% cap is too high. The creation of this 2018 amendment is specified in the current constitutional language for renewal. The House bill is now ready to go before the full House. Its Senate companion has one more committee in the Senate.

<http://www.flsenate.gov/Session/Bill/2017/0021>

### **AD VALOREM EXEMPTION FOR FIRST RESPONDERS**

*BY ERICKS CONSULTANTS*

Senate Governmental Oversight and Accountability unanimously approved a bill to implement Amendment 3, passed by the voters in November 2016. It would provide an homestead ad valorem taxation exemption for first responders totally or permanently disabled in the line of duty and to surviving spouses. In order to qualify, first responders must supply certificates of disability from two different physicians and a certificate from the employer verifying the disability occurred in the line of duty. The bill defines “disability” and “line of duty.” It would also allow for a cardiac event to qualify if it is within 24 hours of a nonroutine strenuous physical activity. The bill has two more stops in the Senate. Its House companion has not yet been heard in its first of two committee stops.

<http://www.flsenate.gov/Session/Bill/2017/00764>

### **AUTONOMOUS VEHICLES**

*BY ERICKS CONSULTANTS*

House Transportation & Infrastructure voted unanimously to pass a bill that would update statutes to provide for driverless autonomous vehicle technology in Florida. The House bill has one more committee in the House. Its Senate companion has not yet been heard in its first of three committees.

<http://www.flsenate.gov/Session/Bill/2017/00725>



## **PERSONAL DELIVERY DEVICES**

*BY ERICKS CONSULTANTS*

House Transportation & Infrastructure voted unanimously to pass a bill that would make way for Personal Delivery Devices (PDDs) or small, low-emission motorized technology that travels on sidewalks and crosswalks using a navigational system and can be used for the delivery of goods. The bill would allow PDDs to travel on county and municipal sidewalks but also for home rule authority for counties and municipalities to enact safety regulations. The bill has two more committees in the House. Its Senate companion is scheduled to be heard in its first committee next week.

<http://www.flsenate.gov/Session/Bill/2017/00601>

## **TEXTING AND DRIVING**

*BY ERICKS CONSULTANTS*

Senate Communications, Energy & Public Utilities voted unanimously to authorize the enforcement of texting and driving as a primary offense. The bill has widespread support from business organizations and others. The bill has three more committees of reference in the Senate. Its House companion has not yet been heard in its first of three committees of reference.

<http://www.flsenate.gov/Session/Bill/2017/00144>

## **ENVIRONMENT**

### **FRACKING**

*BY ERICKS CONSULTANTS*

In a total reversal from the 2016 Session, Senate Environmental Preservation and Conservation voted unanimously to ban fracking in Florida with over half of the committee signing on as cosponsors. Additionally, Senate President Pro Tempore Anitere Flores announced that anything short of a ban would be dead-on-arrival in the Senate. The Senate bill has two more committees of reference in the Senate. Its House companion, which also has a number of cosponsors, has yet to be heard in its first of three committees.

<http://www.flsenate.gov/Session/Bill/2017/00442>

### **EVERGLADES LAND BUY**

*BY ERICKS CONSULTANTS*

Senate Appropriations Subcommittee on Environment and Natural Resources approved a Senate President's priority of providing options to buy land south of Lake Okeechobee, in the Everglades Agricultural Area, to store water and prevent toxic algae blooms in the lake's estuaries. The bill offers three options for the state: a) the South Florida Water Management District to purchase the land from willing sellers b) if no willing sellers, the state can exercise an option from a 2010 agreement to purchase land from U.S. Sugar Corporation c) if neither nor b, Legacy Florida funding will be increased by \$50 million annually to go towards Central Everglades Restoration Plan projects. All options require SFWMD to begin feasibility studies for a reservoir project within the EAA. The bill pits EAA farmers against populations who live along the estuaries and those in South Florida. Opponents claim that storing water south won't accomplish anything except for harming the economy and eliminating jobs for families as well as agricultural products. Opponents suggested addressing septic tanks north of the Lake and expediting the repair of the dike. Environmental supporters contend that the land buy is the only option for restoring freshwater flows southward, a critical component of Everglades restoration efforts. Residential supporters spoke of the harm to the economy and fishing industry caused by the Lake Okeechobee releases into the estuaries. The bill has one more committee stops in the Senate. Its House companion has not yet been heard.

<http://www.flsenate.gov/Session/Bill/2017/0010>

### **Ericks Consultants Week of 3-13**

#### **PUBLIC RECORDS**

*BY ERICKS CONSULTANTS*

Senate Judiciary unanimously approved a bill to give judges discretion in awarding attorneys fees in public records cases after adopting a compromise amendment that would establish guidelines for judges to follow in their determination. The bill is to crack down on a cottage industry of public records “gotcha” litigation plaguing local governments and burdening taxpayers. Meanwhile, House Oversight, Transparency and Administration also voted unanimously to move the bill out of its first House committee. The League of Cities, Florida Association of Counties, special districts, local law enforcement and many other public entities support the legislation. The Senate bill is now ready to go before the full Senate. The House bill has two more committees of reference.

SB 80: <http://www.flsenate.gov/Session/Bill/2017/0080>

HB 163: <http://www.flsenate.gov/Session/Bill/2017/00163>

#### **BUILDING CODE**

*BY ERICKS CONSULTANTS*

Senate Community Affairs voted unanimously to approve a bill that would, among other things, provide that a local government is not prohibited from contracting for services with a building code official/administrator. The substance of another bill was amended onto it to provide continuity to the Florida Building Code as it adopts updated standards every three years. The committee also accepted a change that would prevent local amendments from being dropped when a new building code is introduced. The bill has two more committee stops in the Senate. Its House companion also has two more stops in the House.

<http://www.flsenate.gov/Session/Bill/2017/00860>

#### **GOVERNMENTAL ACCOUNTABILITY**

*BY ERICKS CONSULTANTS*

Senate Community Affairs voted unanimously and House Appropriations voted 23-2 to approve a bill that requires local governments to establish internal controls to prevent fraud, waste and abuse. It also requires that tentative budgets be posted online for 45 days and that final budgets and amendments to final budgets be posted online for 2 years. The sponsor stated when asked that the bill does not have much of a fiscal impact as most local governments already have established controls in place. The bill has one more committee of reference in the House. The Senate bill has two more committees of reference.

HB 479: <http://www.flsenate.gov/Session/Bill/2017/0479>

SB 80: <http://www.flsenate.gov/Session/Bill/2017/00880>

#### **FEDERAL IMMIGRATION ENFORCEMENT**

*BY ERICKS CONSULTANTS*

House Civil Justice and Claims Subcommittee voted 9-5 to approve a bill that would prohibit local sanctuary policies and require local cooperation in Federal enforcement of immigration laws and codify ICE detainers in law. The bill is opposed by many immigration and civil rights advocacy groups. Broward County spoke on some concerns for the bill and corrected a note in the staff analysis that included Broward County as a sanctuary county due to a BSO policy of requiring probable cause prior to detaining immigrants. The BSO policy is based upon current court

interpretations and only noted as a sanctuary county by anti-immigrant groups with extreme political agendas. Members in opposition to the bill expressed concern over the rerouting of local resources to a Federal policy, due process rights in the detainer process and legal ramifications for local governments, and racial profiling. Proponents argued that there must be a distinction between legal and illegal immigration and the enforcement of Federal immigration law was key to doing so. The bill has two more committees of reference in the House. Its Senate companion has not yet been heard in its first of four committees of reference.

<http://www.flsenate.gov/Session/Bill/2017/00697>

### **SMALL CELL WIRELESS**

*BY ERICKS CONSULTANTS*

House Energy & Utilities voted 12-2 to approve the preemption of local governments in setting up infrastructure for the creation of a “5g” network. The committee adopted a strike-all amendment aligning with the Senate in protecting historic preservation. Proponents of the bill argued that local governments across the state vary too much and can take a long time in negotiations with private telecommunication providers. They argued that 5g will spur economic development and is being demanded by the constituents. Opponents countered that the bill goes too far in favor of the industry by taking away local authority over location, number and aesthetics of the infrastructure. The sponsors are working on a preemption compromise with the Florida Association of Counties and Florida League of Cities to allow local governments to work within established guidelines. The bill has two more committee stops in the House. The Senate bill has two more committee stops in the Senate.

<http://www.flsenate.gov/Session/Bill/2017/00687>

### **VACATION RENTALS**

*BY ERICKS CONSULTANTS*

House Agriculture and Property Rights voted 9-6 to approve a bills that would essentially reenact the vacation rental preemption, prohibiting local governments from regulating vacation rentals based on classification, use, or occupancy. The sponsor feels local governments can address issues through ordinances restricting activities on the properties applied equally to properties within the same zoning but not targeting use of the properties. Vacation rental owners and managers testified that 25 local governments went too far after the 2014 law that slightly reversed the 2011 preemption, listing regulations from soundproofing pools to other noise ordinances placed solely on vacation rentals. They said that regular property owners could also be disruptive neighbors and, therefore, ordinances should apply across the board. The Greater Miami and the Beaches Hotel Association, Florida Association of Counties, and other local governments argued vacation rentals act as commercial enterprises and, as commercial enterprises that generate a lot of revenue, vacation rentals are not as easily deterred by fines as other properties within the same zoning and need a different type of regulation as a result. The Florida Realtors also opposed the bill. The bill has two more committees of reference in the House. It has not been heard yet in its first of three committees in the Senate.

<http://www.flsenate.gov/Session/Bill/2017/00425>

### **LINEAR FACILITIES**

*BY ERICKS CONSULTANTS*

Senate Communications, Energy & Public Utilities and House Energy & Utilities voted unanimously to overturn a Third District Court of Appeals decision in a Power Plant Siting case. The bill amendmens exemptions from the land-use-consistency provisions of the Power Plant Siting Act (PPSA) and Transmission Line Siting Act (TLSA) to include established rights-of-way and corridors, to rights-of way and corridors yet to be established, and to creation of distribution and transmission corridors. The bill preempts local authority to require underground transmission lines.

Proponents contend that the court case overturned historical application of the Acts and that the new interpretation would lead to increased costs. Both bills are scheduled to be heard again next week in their second of three committees of reference.

<http://www.flSenate.gov/Session/Bill/2017/01048>

### **PREEMPTION ON LOCAL ORDINANCES FOR PUBLIC WORKS CONSTRUCTION**

*BY ERICKS CONSULTANTS*

House Local, Federal & Veterans Affairs voted 9-5 to approve a bill that would preempt all local ordinances for public works construction if 50% of the project is funded with state dollars. The bill is opposed by local governments and unions. Opponents argue the bill would impact ordinances related to important ordinances and programs that help local economic development and protects workers. In pointing out that FDOT is exempt from the bill's requirements, opponents also argued if a policy isn't good for the state, it is also not good for local governments. Proponents, such as The Associated Builders and Contractors, claim that local ordinances increase cost and impede businesses ability to grow and compete. The Senate bill is scheduled to be heard next week in its second of three committees. The House bill now has one more committee of reference in the House.

<http://www.flSenate.gov/Session/Bill/2017/00599>

### **PUBLIC NOTICES BY LOCAL GOVERNMENTAL ENTITIES**

*BY ERICKS CONSULTANTS*

House Local, Federal & Veterans Affairs temporarily postponed a bill that would save local governments money on public notices by replacing a requirement to publish public notices in periodicals with a requirement to publish notices prominently on government websites. The bill would still require publication of notice at least once a year in periodicals. It would also allow citizens to request in writing to receive notices by first-class mail or email and maintain a registry of those citizens. The bill is opposed by the newspaper industry.

<http://www.flSenate.gov/Session/Bill/2017/00897>

### **NORTH SPRINGS IMPROVEMENT DISTRICT**

*BY ERICKS CONSULTANTS*

House Local, Federal & Veterans Affairs voted unanimously to allow North Springs Improvement District to provide sewer and water to a 42 acre parcel known as Watercress. The bill is scheduled to be heard again in its second committee of reference next week.

<http://www.flSenate.gov/Session/Bill/2017/01149>

## **FINANCE & TAX**

### **WORKERS COMPENSATION**

*BY ERICKS CONSULTANTS*

House Insurance & Banking voted 7-1 to file a committee bill addressing the workers compensation system that businesses have been panicking over since a Supreme Court decision on attorney's fee caps led to a 14.5 rate increase. The committee bill focuses on allowing judges to award hourly rather than percentage based attorneys fees in certain circumstances. The hourly rate is capped at \$250/hr, subject to annual adjustment based upon average wages, and injured workers would be on the hook for the remainder. Retainer agreements between injured workers and attorneys must be filed with the judge. It also requires injured workers, rather than carriers, to pay for attorneys fees before a petition has been filed. The bill also changes from charged-based reimbursement for hospitals to 200% of Medicaid rate for unscheduled surgery and 160% of Medicaid rate for

scheduled surgery and requires authorization or denial of medical procedures. It would also extend benefits. The business community opposed the bill and want instead a solution that would make each party responsible for their own attorneys fees as they feel the bill does not address the large rate hike. An amendment to accomplish just that narrowly failed. The bill has not received references. A Senate workers compensation proposal has been filed but not yet heard in committee.

[http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2904&Session=2017&DocumentType=Proposed%20Committee%20Bills%20\(PCBs\)&FileName=PCB%20IBS%2017-01.pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2904&Session=2017&DocumentType=Proposed%20Committee%20Bills%20(PCBs)&FileName=PCB%20IBS%2017-01.pdf)

### **FIREFIGHTER DISABILITY ASSUMPTION**

*By ERICKS CONSULTANTS*

House Oversight, Transparency & Administration workshopped HB 143, a bill that would provide a presumption to full-time firefighters for any health condition from specific cancers resulting in disability or death is accidental and suffered in the line of duty. The bill is limited to four types of cancer. Firefighters are eligible for the disability presumption if he or she passes a health exam prior to employment, is employed as a firefighter with the current employer for at least 5 consecutive years before disability, and doesn't use tobacco products or work in a higher-risk position within 5 five years prior to disability. It grandfathers in firefighters hired prior to July 1, 2017 from the pre-employment examination. It also raises employer contribution to the Special Risk Class in the FRS fund by .001 to cover the presumption. A University of Miami medical doctor researching firefighter cancer risk testified that current research ties firefighters to a much greater risk than the general population for the cancers enumerated in the bill. The bill requires a UM study to be reviewed prior to the 2018 Legislative Session. The committee also heard emotional testimony from several firefighters who were fighting cancer or who witnessed colleagues battle cancer and widows of firefighters that have died from cancer. The Florida League of Cities testified that, while the fiscal FRS impact is insignificant, the workers compensation impact is very significant and concerning. The League asked for three changes: decrease the standard employers must meet to overcome the presumption; change the effective date to reflect municipal budget timelines; and disallow segregation of medical care provided by health insurance premiums and workers compensation. Committee members expressed disapproval that cities appeared more concerned with their bottom line than firefighters and also appeared in agreement that the bill would pass were a vote to be taken. The bill has three committees in the House. Its Senate companion has three committees of reference left in the Senate.

<http://www.flsenate.gov/Session/Bill/2017/00143>

### **TDT FUNDS FOR PUBLICLY FUNDED PERFORMING ARTS CENTERS**

*By ERICKS CONSULTANTS*

Community Affairs voted unanimously to pass a bill that clarifies that publicly funded arts centers run by not-for-profits qualify for Tourism Development Taxes. The sponsor stated that the bill does not expand the use of TDT funds, but rather clears up differing interpretations of the law. There are only three performing arts centers that are publicly funded but run by not-for-profits, including the Broward Center for the Performing Arts. The Senate bill has one more committee in the Senate. Its House companion has not yet been heard in its first committee of reference.

<http://www.flsenate.gov/Session/Bill/2017/00068>

### **COMMUNITY CONCERNS**

#### **TASK FORCE ON AFFORDABLE HOUSING**

*By ERICKS CONSULTANTS*

Senate Community Affairs and House Local, Federal & Veterans Affairs voted unanimously to approve legislation that would establish a statewide, 13-member task force on affordable housing to look at market rates, building codes, land use, development and construction, rental markets, tax-credits and more to develop a plan for low-cost housing. The bill is supported by housing advocacy groups across the state. The bill has two more committees of reference in each the Senate and the House.

<http://www.flsenate.gov/Session/Bill/2017/00854>

### **GROUP HOMES**

*BY ERICKS CONSULTANTS*

House Children, Families and Seniors unanimously voted in favor of two proposals that make improvements to group homes. The committee voted to file a proposed committee bill, now HB 7075, that would require DCF to collaborate with CBCs, service providers, and other community stakeholders, to develop a statewide quality rating system for providers of residential group care and then establish minimum standards providers must meet to contract with CBCs. DCF must submit a report to the Governor, Senate President, and Speaker yearly with the number of homes that meet minimum standards, percentage of children in high quality rated ones and actions taken against poor quality rated homes. It also must develop an oversight plan to implement by 2019. It HB 1121 largely focuses on the parental relationship with children in foster care but also allows for enhanced background screening for group home employees. HB 7075 has not received references and has a Senate vehicle that has yet not been heard. HB 1121 has two more committees of reference in the House and passed its first Senate committee this week.

<http://www.flsenate.gov/Session/Bill/2017/01121>

<http://www.flsenate.gov/Session/Bill/2017/07075>

### **MENTAL HEALTH AND SUBSTANCE ABUSE**

*BY ERICKS CONSULTANTS*

Senate Appropriations unanimously approved a mental health and substance abuse bill that would clarify provisions from last year's package, specifically that the Department will "approve" rather than "designate" receiving and treatment facilities. It updates reporting requirements of the facilities and of crisis stabilization beds. It also would require that a petition for involuntary services for a substance abuse impaired person must be heard within 5 court working days. The bill is now ready to go before the full Senate. Its House companion is still to be heard in its first committee.

<HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/0358>

### **HUMAN TRAFFICKING**

*BY ERICKS CONSULTANTS*

Senate Criminal Justice voted unanimously to address a gap in services for human trafficking victims. The bill would change the statutes to refer to "victims of commercial sexual exploitation" rather than "sexually exploited child" in order to encompass adult victims and victims that do not qualify for Federal assistance. It would require DCF or a sheriff's office to conduct a multidisciplinary staffing on child victims of commercial sexual exploitation to determine the child's service and placement needs and develop a plan to serve them. The bill is scheduled to be heard again in its second of three committees next week. Its House companion is scheduled to be heard in its first committee next week.

<http://www.flsenate.gov/Session/Bill/2017/00852>

### **TRANSPORTATION**



## **TRANSPORTATION NETWORK COMPANIES**

*BY ERICKS CONSULTANTS*

Senate Banking and Insurance voted 7-2 to approve a bill that would preempt local governments and provide uniform statewide regulations for ride hailing app companies (Uber, Lyft) separate and apart from taxis. The bill is a compromise negotiated and backed by TNC companies and the insurance industry. The bill defines TNCs and sets requirements for: insurance, background checks, anti-discrimination and zero tolerance drug policies, paratransit services, fare collection methods, etc. The committee amended the bill to authorize seaports to charge pickup fees so long as they are not higher than what a taxi is charged. An amendment to charge Uber an assessment to supplement funding for ADA compliant vehicles, which taxi cabs in Broward County have invested in, failed. However, the sponsor gave assurances that he was looking at Transportation Disadvantaged and wheelchair accessible transportation in his transportation funding committee. The bill has two more committee stops in the Senate. The House bill is ready to go before the full House.

<http://www.flsenate.gov/Session/Bill/2017/00340>

## **VESSEL REGISTRATIONS**

*BY ERICKS CONSULTANTS*

A bill that further reduces registration fees for vessels if the owner has a personal locator beacon passed committees with unanimous votes in both the Senate and the House. The bill builds upon President Negron's priority legislation from last Session and is designed to encourage boaters to own technology that can help locate them if lost at sea. The Senate bill is scheduled to be heard in its second of three committees of reference next week. Its House companion has two more committees of reference.

<http://www.flsenate.gov/Session/Bill/2017/00711>

## **HIGH SPEED RAIL**

*BY ERICKS CONSULTANTS*

Senate Transportation voted unanimously to pass a bill that attempts to ease concerns of Treasure Coast residents regarding All Aboard Florida's plans for high speed rail between Miami and Orlando. All Aboard Florida contends that the Federal Railroad Administration already preempts the state in regulating rail and that the bill was specifically designed to create an environment of litigation to stop AAF's vision. The sponsor contended that the bill was about establishing a framework for any high-speed rail. She also pointed out that local governments should not be automatically billed for improvements made by a private company. The bill has two more committees of reference in the Senate. Its House companion has been workshopped in committee and still has three more committees of reference in the House.

<http://www.flsenate.gov/Session/Bill/2017/00386>

## **PERSONAL DELIVERY DEVICES**

*BY ERICKS CONSULTANTS*

Senate Transportation voted unanimously to make way for Personal Delivery Devices (PDDs) or small, low-emission motorized technology that travels on sidewalks and crosswalks using a navigational system and can be used for the delivery of goods. The bill would allow PDDs to travel on county and municipal sidewalks but also for home rule authority for counties and municipalities to enact regulations. An amendment that would have added autonomous vehicle legislation that would update statutes to allow for technology that does not require a driver, failed after it was opposed by trial lawyers. The bill has two more committees in the Senate and the House.

<http://www.flsenate.gov/Session/Bill/2017/00460>

## **ENVIRONMENT**

### **CONTAMINATED SITE CLEANUP**

*BY ERICKS CONSULTANTS*

Senate Environmental Preservation and Conservation voted unanimously to pass a bill that would increase funding to DEP for petroleum rehabilitation advance cleanup, remove the 25% cost share required for advanced cleanup and allow for priority cleanup of sites proposed for redevelopment. The bill has two more committees of reference in the Senate. Its House companion is scheduled to be heard in its first of three committees next week.

<http://www.flsenate.gov/Session/Bill/2017/01018>

### **NATURAL HAZARDS**

*BY ERICKS CONSULTANTS*

House Appropriations Committee unanimously voted to create an interagency workgroup to coordinate efforts regarding natural disasters and to designate liaisons for natural disaster emergencies. Natural Hazards include saltwater intrusion, sea level rise, extreme temperatures, etc. The Department of Emergency Management is to report on the workgroup findings. The bill has two more stops in the House. Its Senate companion is scheduled to be heard in its third of four committees next week.

<http://www.flsenate.gov/Session/Bill/2017/00181>

## **PUBLIC SAFETY**

### **STAND YOUR GROUND**

*BY ERICKS CONSULTANTS*

The Senate passed SB 128 by a vote of 23-15. The legislation would place the burden of proof on the prosecution rather than the defendant claiming "Stand Your Ground" immunity that the defendant was not acting in self defense. The bill is in response to a Supreme Court ruling establishing the proper procedure for claiming immunity that placed burden of proof on the defendant. The NRA supported the bill and testified that people were not being granted immunity they deserved. Opponents of the legislation argue the bill provides too much cover to a person committing an intentional act. The bill's House companion has one more committee of reference in the House.

<HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/00128>

### **CRIMINAL JUSTICE REFORM TASK FORCE**

*BY ERICKS CONSULTANTS*

Senate Criminal Justice voted unanimously to establish a 28 member task force to look develop recommendations for reforming Florida's criminal justice system, set to expire in January 2018. The task force's membership spans the spectrum of criminal justice experiences -from judges to counties to law enforcement to clergy to rehabilitated persons to academic organizations- and includes the legislative chairs that oversee criminal justice issues. Members of the committee spoke passionately for the need to reform the system. They spoke of Florida's high rates of incarceration and recent deaths of inmates resulting from physical abuse and rebuked any suggestion that the idea for reform is political rather than reality based. The bill has three more committees in the Senate. Its House companion has not yet been heard in its first of three.

<http://www.flsenate.gov/Session/Bill/2017/00458>

### **ADULT CIVIL CITATION**

*BY ERICKS CONSULTANTS*

Senate Criminal Justice voted unanimously to approve a bill that would encourage local communities and public and private educational institutions to provide a program that would offer pre-arrest diversion to adults that admit to committing a qualifying offense. The bill is not mandatory and also allows the details of the program, including what constitutes a qualifying offense, to be developed at the local level. The bill is to provide Legislative intent, or legal “cover” to pre-arrest diversion programs, rather than create a mandatory new law enforcement model. Proponents pointed to the statistics of Leon County’s program, showing that 83% of participants complete the program with a recidivism rate of 7% compared to 61% of those who do not complete the program. The Florida Retail Federation (FRF) opposed the bill out of concern that no data collection program was in place to ensure offenders in one county would not be allowed to participate if committing a crime in another county. While data is collected currently, it is only voluntarily provided to a non-profit entity for research. The sponsor believes a compromise has been worked out with FRF that would require data be provided directly to FDLE. This compromise would result in a fiscal impact to FDLE. The Florida Sheriffs Association and Florida Association of Counties both support the bill. The Senate bill has two more committees of reference in the Senate. The House bill has two more committees of reference in the House.

<http://www.flsenate.gov/Session/Bill/2017/0367>

### **BODY CAMERAS**

*BY ERICKS CONSULTANTS*

House Judiciary voted unanimously to approve a bill to require a law enforcement agency that permits the use of body cameras to have general guidelines authorizing an officer, who uses a body camera during an incident, to review relevant video footage of an incident from the camera before writing a report or providing a statement about the incident. The FSA, PBA and Florida Police Chiefs Association support the bill. The House bill is now ready to go before the full House. Its Senate companion is scheduled to be heard in its second of three committees next week.

<http://www.flsenate.gov/Session/Bill/2017/00305>

### **Ericks Consultants Week of 3-20**

#### **ETHICS REFORM**

*BY ERICKS CONSULTANTS*

House Government Accountability unanimously voted to approve a local government ethics package (7021) after adopting some amendments. The bill would require a municipal officer to file a Form 6 financial disclosure. Committee members stated that they did not believe local governments who claimed the disclosure would be too burdensome or would lead to less quality candidates as counties and state officials do the same. The committee adopted an amendment that increased the revenue threshold for the Form 6 from municipalities with \$5 million annual revenue to \$10 million for three consecutive in order to match the size of the smallest county. The Commission on Ethics testified that the threshold posed logistical problems and encouraged them to require the Form 6 of all governments. Members of the committee agreed and pointed out that corruption exists in small cities as well. However, an amendment filed today would apply the language to only elected mayors. It would expand conflict of interest provisions to include contractual relationships held by an entity that a public officer or employee is an officer of, manages, directs, or holds 5% or above interest in, not including publicly traded companies. Additionally, voting members would have to disclose conflicts prior to participating on the conflicted measure. The bill requires ethics training to be

reported within 7 days and include the time of the training and name of trainer. Finally, the bill would create a local government lobbyist registration system under the Commission of Ethics. Local entities with their own systems in place must supply their ordinance to the commission by January 1, 2018 and conform their system to receive info from the Commission of Ethics in a way that is meant to supplement the current system. The liability burdens for registration are placed on the lobbyists rather than the local entities and requires disclosure of financial ties to officers of the local entity. There is a linked bill that creates a trust fund for the centralized system. The bill is now ready to go before the full House. It does not have a Senate companion.

<http://www.flsenate.gov/Session/Bill/2017/07021>

#### **PUBLIC RECORDS**

*BY ERICKS CONSULTANTS*

House Civil Justice and Claims unanimously approved the bill to give judges discretion in awarding attorneys fees in public records cases. The bill establishes guidelines for judges' determinations. The bill is to crack down on a cottage industry of public records "gotcha" litigation plaguing local governments and burdening taxpayers. The League of Cities, Florida Association of Counties, special districts, local law enforcement and many other public entities support the legislation. The House bill has one more committee of reference. The Senate has teed up the Senate bill for a full vote.

HB 163: <http://www.flsenate.gov/Session/Bill/2017/00163>

#### **MARKETABLE RECORD TITLE**

*BY ERICKS CONSULTANTS*

House Local, Federal & Veterans Affairs unanimously passed a bill that would make several changes to homeowner association and restrictive covenants and titles. Among other things, the bill would authorize counties and municipalities to retroactively amend, release, or terminate a restriction or covenant that they imposed or accepted during the approval of a development permit. The bill has one more committee in the House. Its Senate companion has not yet been heard in committee.

<http://www.flsenate.gov/Session/Bill/2017/00735>

#### **SELECTION AND DUTIES OF COUNTY OFFICERS**

*BY ERICKS CONSULTANTS*

House Judiciary voted unanimously to approve two bills that would place a constitutional amendment on the ballot to require that the county sheriff and property appraiser be an elected position. The bill is directly targeted to Miami-Dade County, which is the only county in the state without an elected sheriff or property appraiser. However, the bill would have the entire state vote on the issue. The bill could still potentially affect charter counties with elected sheriffs as some duties have been transferred to other offices or as non-partisan election ordinances have been passed. The bill has one more committee of reference in the House. The Senate bill is scheduled for its second of three next week.

<http://www.flsenate.gov/Session/Bill/2017/00721>

#### **DRONES**

*BY ERICKS CONSULTANTS*

Senate Criminal Justice and House Transportation & Infrastructure voted unanimously to preempt local governments in regulations of drones, with the exception of illegal acts arising from the use of drones. The Florida Association of Counties and Florida League of Cities oppose the bill but stated

that local authority over unmanned is a gray area in Federal law. Proponents contended that the bill is necessary for public safety and consistency. The bill has two more committees in each the Senate and House.

HB 1027: <http://www.flsenate.gov/Session/Bill/2017/01027>

SB 832: <http://www.flsenate.gov/Session/Bill/2017/00832>

### **GOVERNMENTAL ACCOUNTABILITY**

*BY ERICKS CONSULTANTS*

House Governmental Accountability Committee unanimously approved a bill that requires local governments to establish internal controls to prevent fraud, waste and abuse. It also requires that tentative budgets be posted online for 45 days and that final budgets and amendments to final budgets be posted online for 2 years. The sponsor stated when asked that the bill does not have much of a fiscal impact as most local governments already have established controls in place. The bill has one more committee of reference in the House. The Senate bill has two more committees of reference.

HB 479: <http://www.flsenate.gov/Session/Bill/2017/0479>

SB 80: <http://www.flsenate.gov/Session/Bill/2017/00880>

### **FEDERAL IMMIGRATION ENFORCEMENT**

*BY ERICKS CONSULTANTS*

House Local, Federal & Veterans Affairs voted 9-5 to approve a bill that would prohibit local sanctuary policies and require local cooperation in Federal enforcement of immigration laws and codify ICE detainers in law. The committee adopted an amendment that requires law enforcement to provide immediate notice of arrest of persons determined not to be residing legally in the United States and provides a civil cause of action for law enforcement or local governments that do not comply with immigration law. The bill is opposed by many immigration and civil rights advocacy groups. Members in opposition to the bill expressed concern over the rerouting of local resources to a Federal policy, due process rights in the detainer process and legal ramifications for local governments, and racial profiling. Proponents argued that there must be a distinction between legal and illegal immigration and the enforcement of Federal immigration law was key to doing so. The bill one more committee of reference in the House. Its Senate companion has not yet been heard in its first of four committees of reference.

<http://www.flsenate.gov/Session/Bill/2017/00697>

### **MEDICAL MARIJUANA**

*BY ERICKS CONSULTANTS*

Senate Health Policy held a workshop on all five Senate proposals for the implementation of Amendment 2, passed by the voters in November to expand medical marijuana in Florida. The committee heard mostly from Senator Bradley on his SB 406, which is co-sponsored by the Chair. However, the Chair stated she believed all of the bills contained good elements that could end up in the final Senate product. The committee covered many of the main topics such as medical conditions that qualify for prescriptions, methods of consumption, vertical/horizontal business models, residency requirements, Federal compliance, supply, local control, and more. The Chair and Senator Bradley both agreed that municipalities and counties should not be allowed to ban dispensaries but that they should be able to determine the number of dispensaries. The Chair stated the committee was still two weeks away from filing its package and asked that members discuss the issues with their constituencies. The House package has not yet been heard or workshopped in the House.

SB 406 (Bradley) <http://www.flsenate.gov/Session/Bill/2017/00406>

SB 614 (Brandes) <http://www.flsenate.gov/Session/Bill/2017/00614>

SB 1388 (Artiles) <http://www.flsenate.gov/Session/Bill/2017/01388>

SB 1666 (Braynon) <http://www.flsenate.gov/Session/Bill/2017/01666>

SB 1758 (Grimsley) <http://www.flsenate.gov/Session/Bill/2017/01758>

### **VACATION RENTALS**

*BY ERICKS CONSULTANTS*

Senate Community Affairs voted 7-3 to re-preempt local governments from regulating vacation rentals. The sponsors argue local governments can address issues through ordinances restricting activities on the properties applied equally to properties within the same zoning but not targeting use of the properties. Vacation rental owners and managers testified that 25 local governments went too far after the 2014 law that slightly reversed the 2011 preemption, listing regulations from soundproofing pools to other noise ordinances placed solely on vacation rentals. Since non-rental property owners could also be disruptive neighbors, ordinances should apply across the board. The Greater Miami and the Beaches Hotel Association, Florida Association of Counties, and other local governments argue vacation rentals act as commercial enterprises and, as commercial enterprises that generate a lot of revenue, vacation rentals are not as easily deterred by fines as other properties within the same zoning and need a different type of regulation as a result. Of the 35 speaker cards placed in opposition, only three supported the bill. The bill has two more committees of reference in the Senate. The House bill may be scheduled to be heard in its second of three committees soon.

<http://www.flsenate.gov/Session/Bill/2017/00425>

### **MUNICIPAL CONVERSION OF SPECIAL DISTRICTS**

*BY ERICKS CONSULTANTS*

Senate Ethics & Elections and House Government Accountability both voted unanimously to approve a bill that would prevent a runaround of the incorporation process. The sponsors stated the bill was in response to the incorporation of West Lake in Palm Beach County, made possible from the votes of only five people. The Senate sponsor said the original law was passed to simply benefit one landowner in Palm Beach County, which was an “inappropriate use” of the state statutes. The intent is not relitigate the incorporation of West Lake but remove a bad public policy going forward by requiring population thresholds be met. Palm Beach County supports the bill. The Senate bill has one more committee of reference. The House bill is now ready to go before the full House.

<http://www.flsenate.gov/Session/Bill/2017/00422>

### **LINEAR FACILITIES**

*BY ERICKS CONSULTANTS*

Senate Community Affairs voted 7-1 and House Natural Resources and Public Lands voted 14-1 to overturn a Third District Court of Appeals decision in a Power Plant Siting case. The bill amends exemptions from the land-use-consistency provisions of the Power Plant Siting Act (PPSA) and Transmission Line Siting Act (TLSA) to include established rights-of-way and corridors, to rights-of-way and corridors yet to be established, and to creation of distribution and transmission corridors. The bill preempts local authority to require underground transmission lines. Proponents contend that the court case overturned historical application of the Acts and that the new interpretation would lead to increased costs. Opponents argue that the interpretation is not new and that the bill can jeopardize underground utility lines. Each bill has one more committee of reference in their respective chambers.

<http://www.flsenate.gov/Session/Bill/2017/01048>



## **TOWING AND WRECKER FEES**

*BY ERICKS CONSULTANTS*

Senate Community Affairs voted unanimously to approve a bill that would prohibit counties and municipalities from enacting a rule or ordinance that imposes a fee or charge on authorized wrecker operators. The bill doesn't prevent local governments from charging local business taxes or charging the owner of the vehicle a reasonable fee for towing and storage at a facility owned by the local government. The sponsor asserted that the bill will not interfere with local regulations of towing companies. He specifically cited the industry working with Broward and Palm Beach to pass a good ordinance and stated that industry would work with any county or municipality seeking to pass smart regulations. The bill has an insignificant fiscal impact. The bill has two more committees in the Senate and one more in the House.

[HTTP://WWW.FLSENATE.GOV/SESSION/BILL/2017/0193](http://www.flsenate.gov/Session/Bill/2017/0193)

## **CONSTRUCTION**

*BY ERICKS CONSULTANTS*

House Careers and Competition unanimously approved a construction related package that would, among other things, create a certifying entity for solar energy, implement recommendations of the Construction Industry Workforce Taskforce, change some requirements in the Florida Building Code, and prohibit local governments for charging different water and sewer rates or requiring separate water connections for larger water meters and for sprinkler systems in single family units. The bill has two more committees in the House. Its Senate companion is scheduled to be heard in its first committee next week.

<http://www.flsenate.gov/Session/Bill/2017/01021>

## **PREEMPTION ON LOCAL ORDINANCES FOR PUBLIC WORKS CONSTRUCTION**

*BY ERICKS CONSULTANTS*

Senate Governmental Oversight and Accountability voted 4-3 to approve a bill that would preempt all local ordinances for public works construction if 50% of the project is funded with state dollars. The bill is opposed by local governments and unions. Opponents argue the bill would impact ordinances related to important ordinances and programs that help local economic development and protects workers. In pointing out that FDOT is exempt from the bill's requirements, opponents also argued if a policy isn't good for the state, it is also not good for local governments. Proponents, such as The Associated Builders and Contractors, claim that local ordinances increase cost and impede businesses ability to grow and compete. The Senate bill has one more committee of reference. The House bill was temporarily postponed in its final committee due to time constraints.

<http://www.flsenate.gov/Session/Bill/2017/00599>

## **FINANCE & TAX**

### **LOCAL TAX REFERENDA**

*BY ERICKS CONSULTANTS*

Senate Ethics and Elections voted unanimously to require local option surtaxes be adopted by voters during a primary or general election as opposed to special elections. The bill establishes a 50% threshold for passage if it is on a general election ballot and a 60% threshold for passage if it is on a primary election ballot. The bill is a compromise with local governments and conservative Legislators. The Florida League of Cities and Florida Association of Counties both support the compromise. The bill has two more committees in the Senate. Its House companion has not yet been heard in its first committee. Local tax referenda language that does not reflect the compromise is

also included in the Local Government Fiscal Responsibility package filed by the House Ways and Means Committee. That bill (HB 7063) received only one committee reference and does not have a Senate companion.

<http://www.flsenate.gov/Session/Bill/2017/00278>

#### **LOCAL BUSINESS TAX**

*BY ERICKS CONSULTANTS*

Both the House and Senate proposals were amended to remove the financial cap on Local Business Taxes levied by local governments. The bills now only include exemptions for veterans and active duty spouses and low income individuals (those who receive public assistance or whose household income is less than 130% of the Federal Poverty Level.) The House bill still contains a provision that would prohibit Local Business Taxes adopted after January 1, 2017. This provision was removed entirely from the Senate bill. House Local, Federal & Veterans Affairs and Senate Community Affairs both unanimously approved the bills, which have two more committees each in their respective chambers.

<http://www.flsenate.gov/Session/Bill/2017/00330>

<http://www.flsenate.gov/Session/Bill/2017/00487>

#### **HOUSE PASSES LIMITATIONS ON PROPERTY TAX ASSESSMENTS**

*BY ERICKS CONSULTANTS*

House voted 110-3 place a constitutional amendment on the 2018 ballot to permanently maintain the 10 percent cap on annual non-homestead parcel assessment increases currently in the Constitution that is set to expire in January 2019. The creation of this 2018 amendment is specified in the current constitutional language for renewal. Its Senate companion has two more committees in the Senate.

<http://www.flsenate.gov/Session/Bill/2017/0021>

#### **TDT FUNDS FOR PUBLICLY FUNDED PERFORMING ARTS CENTERS**

*BY ERICKS CONSULTANTS*

Senate Appropriations Subcommittee on Finance and Tax voted unanimously to pass a bill that clarifies that publicly funded arts centers run by not-for-profits qualify for Tourism Development Taxes. The sponsor stated that the bill does not expand the use of TDT funds, but rather clears up differing interpretations of the law. There are only three performing arts centers that are publicly funded but run by not-for-profits, including the Broward Center for the Performing Arts. The Senate bill has one more committee in the Senate. Its House companion has not yet been heard in its first committee of reference.

<http://www.flsenate.gov/Session/Bill/2017/00068>

#### **LOCAL FINANCIAL EMERGENCIES**

*BY ERICKS CONSULTANTS*

House Oversight, Transparency & Administration voted unanimously to approve a local financial emergency package. The bill would expand oversight of local governments, charter schools, school districts and technical career schools to include the House, Senate, and Joint Legislative Audition Committee. It has two more committees of reference in the House. Its Senate companion has not yet been heard.

<http://www.flsenate.gov/Session/Bill/2017/01289>

## **PUBLIC SAFETY**

### **TEXTING AND DRIVING**

*BY ERICKS CONSULTANTS*

Senate Transportation voted unanimously to authorize the enforcement of texting and driving as a primary offense. The bill has widespread support from business organizations and others. Members of the committee also suggested that the Constitutional Revision Commission look at placing the issue on a ballot for voters to approve should the bill not pass the Legislature. The bill has two more committees of reference in the Senate. As of yet, no House committees have heard or scheduled a hearing for any of the texting and driving bills filed in the House.

<http://www.flsenate.gov/Session/Bill/2017/00144>

### **DUIs**

*BY ERICKS CONSULTANTS*

House Transportation & Infrastructure unanimously passed a bill that would allow a first time DUI offender that does not cause bodily injury or property damage to have a withhold on their record and eligibility for sealing their record if they successfully use an interlock device in their vehicle for six months. The interlock is voluntary unless mandated by a judge. The bill has one more committee in the House. It does not have a Senate companion.

<http://www.flsenate.gov/Session/Bill/2017/00949>

### **DRUG OVERDOSES**

*BY ERICKS CONSULTANTS*

House Health and Human Services voted unanimously to approve a bill that would require EMTs and paramedics who treat individuals in response to emergency call for suspected or actual overdoses to report the incident to the Department of Health. The report includes information on the location, date and time, gender, age, treatment used and suspected substances involved. DOH must make the report available to law enforcement, public health, EMS and fire rescue within 120 days. DOH would also report the information quarterly to DCF to compile data to help maximize resources. A reporting individual would be exempt from civil and criminal liability if making a report in good faith. The bill is now ready to go before the full House after a committee reference was removed. Its Senate companion is scheduled to be heard in its first of three committees next week.

<http://www.flsenate.gov/Session/Bill/2017/00249>

### **EMERGENCY SERVICES FOR UNINTENTIONAL DRUG OVERDOSES**

*BY ERICKS CONSULTANTS*

House Health and Human Services voted unanimously to require hospitals to develop best practices to reduce readmissions for unintentional drug overdoses. The hospitals are allowed to determine the best practices, however they must include: protocols on obtaining patient consent to disclose the incident to next of kin and primary care physician that prescribed the drugs; a process to provide information to the patient and next of kin on substance abuse programs; the use of licensed behavioral health professionals to encourage treatment; controlled substance prescription guidelines for emergency medical practitioners; and the use of screening, brief intervention and referral to treatment protocols. The bill has two more committees in the House. Its Senate companion has not yet been heard in its first of three.

<http://www.flsenate.gov/Session/Bill/2017/00061>

## **SOBER HOMES**

*BY ERICKS CONSULTANTS*

Senate Children, Families and Elder Affairs and House Criminal Justice unanimously approved a bill to implement recommendations from the Sober Homes Task Force regarding deceptive marketing practices and patient brokering for recovery residences (sober homes.) The legislation would expand prohibitions on patient referrals and false advertising, increase penalties, allow the Office of Statewide Prosecutor to investigate patient brokering practices, allow patient brokering to be charged as a RICO offense, and require substance abuse service personnel providing direct clinical treatment to patients be certified by DCF. The Senate bill has two more committee stops in the Senate. The House bill has one more committee in the House.

SB 788 <http://www.flsenate.gov/Session/Bill/2017/00788>

HB 807 <http://www.flsenate.gov/Session/Bill/2017/00807>

## **HUMAN TRAFFICKING**

*BY ERICKS CONSULTANTS*

Senate Judiciary and House Children, Families & Seniors unanimously voted to address a gap in services for human trafficking victims. The bill would change the statutes to refer to “victims of commercial sexual exploitation” rather than “sexually exploited child” in order to encompass adult victims and victims that do not qualify for Federal assistance. It would require DCF or a sheriff’s office to conduct a multidisciplinary staffing on child victims of commercial sexual exploitation to determine the child’s service and placement needs and develop a plan to serve them. The Senate bill has one more committee of reference. The House bill has two more committees of reference.

SB 852: <http://www.flsenate.gov/Session/Bill/2017/00852>

HB 1383: <http://www.flsenate.gov/Session/Bill/2017/01383>

## **TRANSPORTATION**

### **SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY (SFRTA)**

*BY ERICKS CONSULTANTS*

Senate Transportation and House Transportation & Infrastructure unanimously voted to approve language to address SFRTA liability and insurance concerns for All Aboard Florida and the Florida East Coast Railway. The initiative is supported by all three counties and other local governments served by Tri-Rail. The committees adopted amendments requested by the Department of Transportation regarding SFRTA’s statutory funding. The bill has two more committees of reference in each the House and the Senate.

Additionally, the Senate DOT package will be heard next week in Senate Transportation and includes language that would jeopardize funding of SFRTA due to a recent operations procurement. An amendment to take out the language is anticipated.

<http://www.flsenate.gov/Session/Bill/2017/695/BillText/c1/PDF>

## **ANCHORING AND MOORING**

*BY ERICKS CONSULTANTS*

Senate Environmental Preservation and Conservation and House Agriculture and Natural Resources voted unanimously to establish statewide standards of anchoring and mooring and derelict vessels after adopting non-identical strike-all amendments. The bill incorporates many recommendations from the FWC Anchoring and Mooring pilot program. It establishes 150 ft. setback from marinas, ramps, and other vessel launching structures and a 300 ft. setback from mooring fields with some

exemptions. It also prohibits a vessel or floating structure from anchoring, mooring, tying, or otherwise affixing to an unpermitted or unauthorized object that is on or affixed to the bottom of waters of the state. It removes an expiration on anchoring prohibitions passed last year. It authorizes local governments to enact pump-out requirements for live-aboards. The Senate amendment would allow local governments to establish boating restricted zones in specific circumstances. The boating industry, local governments (including Fort Lauderdale), and waterfront property owners all support both bills. The Senate bill has two more committees of reference. The House bill has one more committee of reference.

<http://www.flsenate.gov/Session/Bill/2017/01338>

<http://www.flsenate.gov/Session/Bill/2017/07043>

### **PERSONAL DELIVERY DEVICES**

*BY ERICKS CONSULTANTS*

House Government Accountability voted unanimously to make way for Personal Delivery Devices (PDDs) or small, low-emission motorized technology that travels on sidewalks and crosswalks using a navigational system and can be used for the delivery of goods. The bill would allow PDDs to travel on county and municipal sidewalks but also for home rule authority for counties and municipalities to enact regulations. The bill is now ready to go before the full House. The Senate bill has two more committees in the Senate.

<http://www.flsenate.gov/Session/Bill/2017/00601>

### **ENVIRONMENT**

#### **BEACHES**

*BY ERICKS CONSULTANTS*

Senate Environmental Preservation and Conservation and House Natural Resources and Public Lands unanimously passed bills that would revise DEP's ranking system for beach re-nourishment projects. The state currently has 411 miles of critically eroded beaches. Among other funding changes, the bill creates four tiers with various criteria that must be weighed equally by the department. The bills also authorize DEP to pay up to 75% of construction costs for an initial major inlet management project but can equally share costs with local sponsors for other components. It also updates how DEP develops its comprehensive long-term beach management plan. Palm Beach, Broward and Miami-Dade Counties along with beach associations support the bill as it will help streamline and fund critical projects. The bill has two more stops in each the House and the Senate.

SB 1590: <http://www.flsenate.gov/Session/Bill/2017/01590>

HB 1213: <http://www.flsenate.gov/Session/Bill/2017/01213>

#### **CONTAMINATED SITE CLEANUP**

*BY ERICKS CONSULTANTS*

House Natural Resources and Public Lands voted unanimously to pass a bill that would increase funding to DEP for petroleum rehabilitation advance cleanup, remove the 25% cost share required for advanced cleanup and allow for priority cleanup of sites proposed for redevelopment. The bill has two more committees of reference in the Senate and the House.

<http://www.flsenate.gov/Session/Bill/2017/00753>

#### **DISPOSABLE BAGS**

*BY ERICKS CONSULTANTS*

Senate Environmental Preservation and Conservation voted 4-1 to pass a bill that would create a pilot program allowing coastal communities of 100,000 or less to enact regulations on disposable bags. The bill is opposed by the retail industry. It has three more committees of reference in the Senate. Its House companion has not been heard in committee.

<http://www.flsenate.gov/Session/Bill/2017/00162>

### **CORAL REEFS**

*BY ERICKS CONSULTANTS*

House Natural Resources and Public Lands voted unanimously to pass a bill that would create the Southeast Florida Coral Reef Ecosystem Conservation Area from St. Lucie Inlet to Biscayne Bay. The bill is in response to a spreading coral reef health crisis as the reefs are extremely vulnerable yet valuable to the environment. The bill has two more committees in the House. Its Senate companion is scheduled to be heard in its first committee next week.

<http://www.flsenate.gov/Session/Bill/2017/01143>

### **GAMING**

#### **HOUSE GAMING PACKAGE**

*BY ERICKS CONSULTANTS*

House Ways & Means voted along party lines to approve the House gaming package. It is essentially a reenactment of the current Seminole Compact agreement for 20 years and is at dire odds with the Senate package. Democratic members opposed the bill because of some of the funding being allocated to charter school capital outlay and the bill not allowing slots in counties other than Broward and Miami-Dade. The Senate bill is now ready to go before the full Senate. The House bill has one more committee of reference.

<http://www.flsenate.gov/Session/Bill/2017/07037>

#### **UP NEXT WEEK (AS OF TODAY):**

**Small Cell Wireless**

**Ethics Reform on House floor**

**Public Records on Senate floor**

**Transportation Network Companies**

**Transportation Disadvantaged**

**Senate DOT Package**

**Senate Open Carry**

**Coastal Reefs**

#### **PALM BEACH COUNTY WEEKLY SESSION REPORT WEEK 1**

*By Corcoran and Johnston*

This week, we participated in Palm Beach County Day and facilitated meetings with Speaker Richard Corcoran, House Appropriations Chairman Carlos Trujillo and House Transportation & Tourism Appropriations Subcommittee. We also monitored several issues and committees of interest to the County. A detailed overview of these is provided below.

#### ***Use of Wireless Communication Devices While Driving***

In the Senate Communications, Energy and Public Utilities Committee, SB 144, relating to Use of Wireless Communication Devices While Driving, by Senator Garcia, was heard.

This bill amends s. 316.305, F.S., to authorize enforcement of the ban on texting while driving as a



primary offense when an operator of a motor vehicle is 18 years of age or younger. It also requires that all penalties collected for a violation of the ban be remitted to the Department of Revenue for deposit into the Emergency Medical Services Trust Fund of the Department of Health.

One amendment was filed late, 897144, which now includes all (regardless of age) within the scope of the bill. Shane Bennet from the Florida Police Chief Association spoke in support of the amendment. AARP waived in support of the bill. Mark Murwitzer also spoke in support of the amendment. The amendment was adopted without objection.

Senator Clemens questioned whether there are studies in other states regarding texting and driving bans. Senator Garcia and Mark Murwitzer stated that they did not have the information at this time. Senator Clemens noted that one study he found that deaths actually increased after a texting while driving ban was implemented. Senator Garcia explained that studies from other states are irrelevant. Senator Clemens then asked if this legislation will solve this problem, especially without data. Senator Garcia will provide data at a later day. Senator Clemens then asked if this legislation follows the court case *Riley v. California*. Senator Garcia responded that he was not sure, but this legislation sends a message to the citizens of Florida to stop texting and driving.

Senator Perry asked if this bill has any movement in the house. Senator Garcia responded that “it is only day 1.”

Senator Montford asked how to enforce texting while driving like any other primary offense. Senator Garcia deferred to Officer Bennet who explained the process of arrest when a person is caught texting and driving.

Senator Stargel asked if reckless driving is enough probable cause to charge a person with texting and driving. Officer Bennet agreed.

Senator Broxson asked if Senator Garcia would be willing to extend this bill to more than texting (I.E. Application use). Senator Garcia stated that he would be willing, but had concerns regarding proving that a person was playing with their phone.

Senator Campbell asked how the officer could prove that a person is on their phone. Officer Bennet explained that often texting on a phone is visible, which if this bill passes, would be enough probable cause to issue a citation. Senator Campbell asked if the Officer would have to follow a person to see if they are texting and driving. Officer Bennet explained that, using the example of him driving up to Tallahassee for this committee, it is very easy to spot texting and driving without following a person. Senator Campbell followed up about the situation of a person hiding their phone near their legs. Officer Bennet stated that seeing a person staring at their legs will probably be enough probable cause.

Bruce Kirschner from the National Association of Credit Management waived in support.

A representative from Florida Don't Text and Drive spoke in support of the bill. Representatives from the Florida Insurance Council, AARP, AAA Auto Club, National Waste and Recycling Association, FHPA, Personal Insurance Federation of Florida, the Personal Insurance Federation of Florida, Miami Dade County all waived in support of the bill.

Senator Clemens voiced his concerns for the bill, stating that the solution to this problem is probably not banning texting and driving. Further, Senator Clemens provided that due to constitutional constraints, this bill probably cannot be enforced.

Senator Stargel echoed Senator Clemens' concerns.

Senator Broxson voiced his support for the bill. Senator Montford also voiced his support for this legislation.

Senator Artiles noted that he would like to see some real data at the bill's next committee stop.

Senator Garcia closed on the bill. The committee voted 6-1. The committee passed the bill.

### ***Utilities***

Senate Bill 596, relating to Utilities, by Senator Hutson, was also heard in the Senate Communications, Energy and Public Utilities Committee.

This bill creates the Advanced Wireless Infrastructure Deployment Act. The Act creates a process for gaining access to and use of public rights-of-way in connection with the installation of small wireless communications infrastructure.

A strike all amendment, 904906, was placed onto the bill. This amendment ensures that the bill does not apply to municipal electric company owned utility poles and deals with historic preservation zoning. An amendment to the amendment, 829302, was also placed onto the bill. This amendment

further clarifies that this bill does not apply poles owned by cooperative electric companies. The amendment to the amendment was adopted without objection. The strike-all amendment was then adopted without objection.

No questions were asked of the bill.

Eric Poole from the Florida Association of Counties voiced his opposition to this legislation. Poole explained the support the counties have for the future of “5G” and would like to see legislation in the future to facilitate cooperative efforts between counties and utility companies to gain “5G”. However, at this time, the bill favors the utility companies over counties and requires counties to provide permits to these companies, with an unfavorable hybrid review process. Senator Broxson questioned the communication fees that counties levy. Poole explained that he is not an expert on these fees and would get back to the committee at a later date. Senator Montford asked what the counties have done after being provided applications from utility companies for construction of “5G”. Poole stated that counties have enacted a temporary moratorium. Senator Montford then questioned how many companies could approach a county. Poole did not know how many companies are in this industry or could approach a county.

Gil Ziffer from the City of Tallahassee voiced his opposition to the bill. Ziffer explained that cities and counties should be able to work with these companies in order to facilitate the creation of “5G”. Senator Montford asked who Ziffer was representing. Ziffer responded he was representing the City of Tallahassee.

Amy Zubaly from the Florida Municipal Electric Association spoke in opposition of the bill.

Mayor Jordan Leonard from Bay Harbor spoke in opposition of the bill. Senator Broxson questioned whether Mayor Leonard would cut off connection with the utility companies if they attempt to make the city less “pretty and aesthetically pleasing”. Mayor Leonard disagreed and explained his issue is that his hands are tied when dealing with these utility companies.

A representative of Fort Walton Beach spoke in opposition of the bill, stating that this legislation could null their current contract with Verizon.

Mayor Scott Fischer of Destin spoke in opposition of the bill.

Dawn Pardo from Riveria Beach also spoke in opposition of the bill.

Megan Sirjane-Samples from the Florida League of Cities spoke in opposition of the bill. Craig Cod from the Florida League of Cities also spoke, providing information on what other states have done regarding these type of utility agreements. Cod noted that other states, like Virginia, have more control regarding utility contracts.

Gary Resnick from the City of Wilton Manors spoke in opposition to the bill. Resnick stated that the federal government (FCC) is in the process of speaking to this issue, which will preempt Florida’s legislation.

Lauren Jackson, representing the City of Fort Lauderdale, waived in opposition to the bill.

Sally Everts, representing the City of Saint Petersburg, waived in opposition to the bill.

Dianna Artiega, representing the City of Miami, waived in opposition to the bill.

Rob Johnson from the Associate Industries of Florida, waived in support of the bill.

Robert Davis from Verizon waived in support of the legislation

Cynthia Henderson from the Wireless Infrastructure Association waived in support.

Ron Pierce from Mobile Light waived in support of the legislation.

Lori Turner from T-Mobile waived in support.

Doug Manhammer from Sprint waived in support.

Slater Bayliss, representing Technet, waived in support of the legislation.

Eddie Gonzalez, representing Hialeah and Miami Gardens, waived in opposition.

James Taylor, of the Florida Technology Council, waived in support of the bill.

Tracey Hatch, representing AT&T, spoke in support of the bill. Hatch explained what the devices will look like, and their size. Hatch stated that the cities have not spoken to him directly about the problems they have with the bill. Senator Montford questioned this statement. Hatch reaffirmed that cities have not addressed him with their concerns with the bill. Senator Montford noted that Tallahassee has recently “beautified” its city and would not want a utilities company to put devices wherever they please. Hatch explained that they would take on the cost and the expense to put up the pole and the service. Senator Montford asked if Hatch would object to local government designing the equipment. Hatch explained that the companies that create the product make the design. Senator Montford then asked if a city has underground utilities, whether a utility company could put up a

pole wherever they wanted. Hatch disagreed and said this legislation does not provide that. Senator Artiles asked that the committee support the bill, so that it can be workshopped and fixed at its next committee stop.

Senator Campbell spoke against the bill and stated she will be standing with local governments.

Senator Stargel spoke in support of the bill.

Senator Hutson closed on the bill. The committee voted 7-1, in favor of the bill.

### ***Utility Regulation***

The House Energy & Utilities Subcommittee met this to hear PCB EUS 17-01, Utility Regulation. Chair Peters said the bill has three reforms to the regulatory process that will impact the public service commission selection, the electric utility rate making, and consumer advocacy.

**PSC Selection:** This bill requires that PSC commissioners be appointed to represent each of five regions in the state as defined by the boundaries of the five District Courts of Appeals and requires that each commissioner reside in the district they are appointed to represent. It decreases term limits for PSC commissioners from a maximum of three 4-year terms to a maximum of two 4-year terms. It prohibits the appointment of state legislators to the PSC within 6 years of leaving legislative office, excepting individuals currently serving on the PSC.

**Electric utility rate making:** This bill requires the PSC, when setting rates for an investor-owned electric utility, to establish utility-specific performance criteria; establish a mechanism to adjust a utility's maximum allowed rate of return on equity on an annual basis based on its performance in relation to the established criteria and develop a rate plan for the utility that has a minimum 3-year term. The bill specifies that the PSC may not approve a planned reserve margin of greater than 15% for an investor-owned electric utility.

**Consumer Advocacy:** This bill transfers the Office of Public Counsel from the Legislature to the Attorney General's Office. It also requires the PSC to conduct a customer service meeting, open to the public, at least annually in the service territory of each investor-owned electric utility.

Rep. Berman asked why she believed turning it over to the Attorney General's Office will be less political? Rep. Peters said right now she feels that it would remove any perception that the legislature would impede the independence of the public counsel. Rep. Berman asked about the idea of holding annual meetings and what we anticipate happening at these meetings. Rep. Peters said it is an opportunity for the public to voice their opinion and not have to travel as far as Tallahassee.

Rep. Berman asked in terms of the annual performance review, how will you determine between the different levels of evaluation? Rep. Peters said the PSC will determine the criteria. Rep. Berman said with regard to changing the reserve margin to 15%, is there any concern that this will lead to more blackouts? Rep. Peters said they don't have that concern at this point.

Rep. Shaw asked do we have any evidence that the office is overly politicized currently and if not, what is the problem we are trying to solve by moving the office? Rep. Peters said there is no evidence and Rep. Keating said that one of the concerns that has been brought up is that both of the offices are part of the legislative branch.

Rep. Shaw asked in regards to how the PSCs are chosen, what is the concern and what are we trying to solve? Rep. Peters said in the past, there hasn't been equal representation throughout the geographical areas and we are trying to resolve that.

Rep. Grall asked about the PSC appointments and the division of the geographic areas as based on the court of appeals, why was that break down chosen instead of, for example, based on water management districts? Rep. Peters said they are flexible on this and it is definitely something that could be changed in the next committee stop. Rep. Grall asked in regards to the reserve margins, is there a concern that the rate payers will incur costs after say a hurricane which could be prevented by keeping that number at 20%? Rep. Peters said this is not a concern at this time. Rep. Grall asked with regard to the rate plan being evaluated every three years, is there concern that this will cause increased costs to the utilities which could be passed to the customers? Rep. Peters said that when there is a review every three years it will give us an opportunity to avoid some of the rate cases and protect the consumer.

Rep. McClain asked if any consideration been made as to if rulemaking is required within the three year period and what the cost might be? Rep. Peters said that would be left to the PSC. Rep. McClain asked if there has been any discussion with the legislature and the attorney general as to

how mechanically the move from the legislative body to an elected body will happen? Rep. Peters said they already represent similar interests so it shouldn't impede this.

Rep. Payne asked about the performance criteria, he said there are already so many standards out there, will we continue to use the available standards that are already produced to continue to evaluate companies or will the PSC set new standards? Rep. Peters said the PSC would at least make those the minimum standards and then maybe make improvements on them.

Rep. Grall asked about the ratings, and if excellence basically expected or if there is any incentive for a company to be excellent? Rep. Peters said that as the PSC develops this there will eventually be some kind of carrot but that will be up to the PSC.

Jon Moyle from Florida Industrial Power Users Group had a few concerns with the bill. In reference to the Office of Public Counsel (OPC) and the proposed move to the Attorney General's Office, he said he has not heard any criticism of J.R. Kelly. He said the move to the AG's office presents some issues. He said the current setup tells the PSC that you are representing the citizens. He said there is beneficial language in respect to the rulemaking because the bill says you have to do rulemaking just like any other agency. In reference to the incentives, having a little more certainty as to how it would work would be helpful. He said he doesn't think the intent is to increase rates but he sees potential for that happening. Related to energy efficiency, some states have said that they will allow people to opt out of energy efficiency if they can show that they are spending money on energy efficiency measures. And as things move forward he would ask that they consider something similar.

Jack McRay from AARP supports the bill because he said it encourages transparency in the PSC operations and the operations of the OPC. He said some of the performance incentives are a little confusing and vague and may need some clarification. He said that the return on equity in Florida is already very generous and maybe we should focus on incentivizing poor performance instead of incentivizing good performance to help with costs shifting to the consumer. He also said he thinks the three-year plan is possibly too long.

Rep. Shaw said with regards to OPC can you elaborate what AARP's concerns are that would be addressed by moving the office to the Attorney General's Office? He said that transferring the office is a good move because the AGs office is focused on consumer protections. He also said from a transparency standpoint if you move it to the AGs office it separates the PSC from the legislature. He said in regards to the OPC Mr. Kelly does a good job but he is concerned that residential rate payers are not being adequately represented in the settlement process.

Rep. Shaw said under this bill one person could make the decision to not pursue a class action on behalf of citizens, are you not concerned that moving the office would allow just one person to make that decision. He said no because right now it says the OPC works independently. Rep. Shaw again asked then why does it need to be moved? He said it is an issue of diffusion, if residential rate payers have concern about adequate representation they will have one elected official (the AG) to go to instead of right now where they have 160 legislators to go to. He said it allows them to focus their effort and their concern.

Susan Glickman from Southern Alliance for Clean Energy. Said that there are changing dynamics about how we consume and create energy. She supports the reserved margins because when you have higher reserved margins there is a tendency to overbuild. Florida utilities are not capturing the energy efficiency opportunities and we all benefit from more efficient energy sources. In reference to the OPC and where its located, this is about where is the influence and she sees the benefit by removing conflicts between campaigns and the PSC commission.

Jerry Paul from AIF emphasized the importance of having a significant reserve margin especially during unique times like during a hurricane and he asked that the committee exhibit caution with moving forward on these issues. He said that it is the seniors that are the most vulnerable if we change things that create rate instability.

Rep. Berman submitted a handwritten amendment that would leave the OPC in the legislative branch and not move it to the AG's Office.

Rep. Shaw supported the amendment. He said that this was the part of the bill that gave him the most concern because the system is working well as it is and having the office under one person gives him concern.

Rep. Peters said she would consider it an unfriendly amendment at this time. She said there was testimony that the move would be a good thing but she would consider it again at another time. The amendment did not pass.



Rep. Shaw opposed the bill but he reiterated that he has issue with the move of the office. He also said he is concerned with micromanaging the PSC and their regulatory duties. He also said that there are good things in the bill but there is potential and he could support it moving forward.

Rep. Grall said she will support the bill but there are some things that need to be looked at moving forward. In regards to term limits, this is a very technical position and the knowledge that a third term could bring is something to be considered. We also need to consider the flexibility in regards to reserves. We have seen through our presentations that policy is made through rate cases without transparency so we do need to make rule making a priority and this bill does that.

Rep. Berman said she would support the bill but she has issues with the move of the OPC and the concerns with the reserve margins. She also said the language about the incentives is too loose so she would also like to look at that moving forward.

Rep. McClain is opposed to the bill. He said he hasn't heard any testimony that anything is necessarily broken with the system. He is unsure about what this bill attempts to fix. He said he was hoping for more of a discussion about what is in the bill.

Rep. Payne said he will support the bill. However, he said he is concerned with the performance criteria and he is also concerned with the reserve margins because we do not have the opportunity for imported power like other states may have. He hopes these issues will be vetted out before it moves to the next stop.

Rep. White said he will support the bill but he does have some concerns and looks forward to learning more.

Rep. Peters closed by addressing concerns with performance incentives by saying that there are caps on performance incentives which will protect the consumer. When talking about certainty, putting in these new measures will lead to certainties and efficiencies. She said she commits to meeting with everyone and being flexible about the bill.

The bill passed 9-2.

### ***Water Resources***

This week, in the Senate Environmental and Natural Resources Appropriations Subcommittee, SB 10, relating to Water Resources, by Senator Bradley was heard.

This bill provides an exception to the requirement that bonds issued for acquisition and improvement of land, water areas, and related property interests and resources be deposited into the Florida Forever Trust Fund and distributed in a specified manner; requires the South Florida Water Management District to seek proposals from willing sellers of property within the Everglades Agricultural Area for land that is suitable for the reservoir project; and increases the minimum annual funding for certain Everglades projects under specified circumstances.

A strike-all amendment (233860) was placed on the bill. The strike-all provides \$35 million to deal with the Keystone Lake Region, 2 million LATF funds for the Florida Keys, \$20 million for retrofitting and converting onsite sewage treatment and disposal systems to deal with nutrient pollution. Senator Bradley explained that this amendment takes the Governor's recommendations and incorporates them into the bill. Senator Bradley also explained that the amendment creates water reuse grant programs for water reuse programs and facilities. The amendment specifies the continuation of certain projects. The amendment also gives districts to give preferential consideration to the hiring of any agricultural workers displaced by the project. Finally, the amendment does not use eminent domain.

Senator Stewart questioned what part of the Florida Forever Program is left available for conservation recreation land purchases. Senator Bradley did not give an amount, but did explain that a higher priority needs to be placed on water quality. Senator Braynon questioned the provision providing for preferential treatment for agricultural workers and how it would work in practice. Senator Bradley responded that the provision provides that if someone is not qualified to do a job, it would disqualify this individual from receiving preferential treatment. Senator Braynon then asked for a timeframe for this project. Senator Bradley could not answer at this time. Senator Braynon asked if there are any mechanisms in place to maintain this preferential treatment. Senator Bradley explained there would be a point system in place.

Senator Braynon stated that he would support this amendment at this time. The amendment was then adopted without objection.

There were no questions asked of the bill as amended.

Joe Wellborn, Matthew Brown, Curt Keiser, David Buckner, Angelica Marina, Chris Dealerson, Michael Buckland, Nick Disantis, Joe Neason, Captain Daniel Andrews, Kenny Hinkle, Rachel Newman, Adam Morley, Heather Harkabee, Anthony Thurston, Paul Lara, Captain Wakeman, Hayley Barrett, spoke in support of the bill.

Tom McVicker spoke against the bill, stating that the project costs a great deal more than contemplated by the committee and the bill.

Tammy Jackson Moore, representing Guardians of the Glades, spoke against the bill. Moore provided that the bill is a job killer for many living in the Glades.

William Whitman spoke against the bill, stating that a large amount of land will lose its economic value because of this bill.

Bishop Kenny Berry spoke against the bill, explaining concerns over this bill destroying the Glades.

Robert Reese spoke in opposition to the bill, stating taking productive farm land out of use will lead to permanent loss in the Glades community.

Bee Taylor spoke against the bill, stating similar concerns that Reese, Berry, Whitman and Moore raised.

Ernie Barnett, representing the Florida Land Council, spoke in opposition of the bill.

Gary Bar spoke against the bill, again raising concerns over the loss of agricultural lands.

Mary Ross Wilkerson, representing the city of Belle Glades, spoke against the bill.

Johnny Burros Jr, representing the city of Belle Glades, spoke against the bill.

Chandler Williamson, representing the city of Pahokee, spoke against the bill.

Jason Hoyt spoke against the bill.

David Childs from the Florida Chamber of Commerce spoke against the bill, stating that restoration of the dikes would be a more appropriate use of state money.

Everette Wilkerson spoke against the bill, explaining that the cost of the bill is too high and is a job killer for the Glades.

Brewster Bevis from AIF spoke in opposition of the bill.

Rob Bullick spoke against the bill.

After Bullick closed on his testimony, Senator Book then provided a list of citizens who had waived their time in support, and in opposition, of the bill.

Senator Braynon spoke against the bill, explaining the negative impact the bill will have on the Glades area. Senator Stewart explained that she hopes more amendments will come in the process to workshop this bill and put it in a place that everyone can agree on. Senator Hutson echoed similar comments to Senator Stewart. Senator Mayfield voiced similar comments to both Senator Hutson and Stewart.

Senator Bradley closed on the bill and the bill was passed by a 5-1 vote.

### ***Concealed Weapons or Firearms***

The Senate Committee on Judiciary met this week to hear SB 616, relating to Concealed Weapons or Firearms, by Senator Steube.

This bill authorizes a person who has a concealed weapons and firearms license to carry a concealed weapon or firearm into a courthouse for as long as it takes him or her to report to courthouse security or management. Then, the licensee must follow security or management personnel's instructions for removing, securing, and storing the item, or the licensee must surrender the item until the licensee is leaving the courthouse. As such, the bill does not permit anyone to carry a concealed weapon or firearm throughout a courthouse or into a courtroom.

Senator Gibson asked about if this would require courthouses to have lockers and if they don't how would they be stored? Senator Steube said every courthouse is different, some places have sealed rooms and it would be up to the security to make that decision.

Senator Gibson asked if they can bring a gun in regardless of why the person is coming to the court house? Such as if they are coming to the court for a domestic violence charge? Senator Steube said it would only allow licensed concealed carry permit holders and so if there was someone with a domestic violence charge they would not be able to have a concealed carry license.

Senator Gibson asked what the current process is? Senator Steube said currently, if you have a concealed permit you could go up to the courthouse but not go inside the courthouse.

Senator Thurston asked if this has been a problem with walking from the parking lot to the courthouse that shows a need for a gun for that short period of time? Senator Steube said he has



heard of lawyers having their lives threatened outside a courthouse.

Students for Concealed Carry waived in support.

Florida Citizens Alliance supported the bill. A representative said the right to defend oneself is in the constitution and for that reason the legislature does not have the right to take that away.

Eric Friday from Florida Carry supported the bill. He said he sees a need because he has been personally threatened outside a courthouse. Senator Powell asked if he has ever had a gun pulled on him and Mr. Friday said no but he has been threatened.

Senator Thurston asked if he had a firearm how would the situation have changed? Mr. Friday said that simply having a gun can be a deterrence and he believes people should have the right to defend themselves. He cited a few cases of attacks outside courthouses.

Sandra Atkinson from Okaloosa Republicans supported the bill. She said having her concealed carry weapon with her makes her feel more secure in parking garages and when going long distances when walking through the city.

Senator Flores said this bill is very specific in nature, but there might be some concern that the statute it relates to is very broad. She would be hesitant to vote for this bill if the intention is to expand it to anything beyond what was discussed today. Senator Steube said his intention is only have this apply to courthouses.

Senator Thurston said he is opposed to the bill. He said he does not think the bill is necessary.

Senator Flores said she will support the bill because it addresses a very limited situation, but if this bill expands beyond its current scope she will not vote for it.

Senator Garcia said he will support the bill, but he wanted to echo Senator Flores in saying he didn't want the bill expanded beyond its current scope. He also said that there needs to be conversations in connection with mental health issues.

Senator Mayfield will support the bill, but she does want to make sure we are responsible and that this bill is narrow enough that it is a good one to pass.

SB 616 passed 5-4.

### ***Florida Tourism Industry Marketing Corporation and Economic Programs***

This week, on the House Floor, HB 9, relating to Florida Tourism Industry Marketing Corporation, by Representative Renner, was heard.

The bill authorizes the Florida Tourism Industry Marketing Corporation to enter into agreement with DEO for certain purposes & to use certain funds; provides that certain funds shall be transferred to or deposited in General Revenue Fund; transfers certain responsibilities from Enterprise Florida, Inc., to DEO; terminates certain trust funds; revises provisions relating to expenses, funds, duties, & transparency of corporation & requires one-to-one match of private to public contributions to corporation; terminates Division of Tourism Marketing of Enterprise Florida, Inc.

Representative Brown asked why this bill lists Visit Florida as a Governmental Entity. Representative Renner responded that the bill takes away the ability for Visit Florida to act private when it wants to be private, and public when the need arises. Representative Brown then asked if a study was conducted to see the impact on local school dollars. Representative Renner responded that he does not believe it will impact local school dollars. Representative Brown asked if other states with similar programs/legislation have been surveyed. Representative Renner provided that he is unaware of other accountability measures in other states for their tourism entities. Representative Brown then questioned if there are more FTE's are being created to oversee Visit Florida. Representative Renner provided that there will not be any additional FTE demands.

Representative Edwards asked for the benefits of changing Visit Florida to a government agency. Representative Renner explained that restrictions can be placed on Visit Florida. Representative Renner used the example of a person misusing a credit card needing guardrails when getting the credit card back. Representative Edwards voiced concerns for capping the salary of the head of Visit Florida. Representative Renner explained that working in government is a higher purpose/higher calling and that many join government jobs knowing they are receiving a pay cut. Representative Edwards asked if any parameters exist for out-of-state travel expenses. Representative Renner responded that there are none at this time. Representative Edwards questioned the prohibition on the expenditure of funds on exactly one entity. Representative Renner clarified that this prohibition would stop only one company benefiting from tax payer dollars.

Representative Richardson asked if Representative Renner has seen any of the new regulation Visit Florida has presented. Representative Renner explained that he met with Ken Lawson recently about his work with Visit Florida, but he believes that the legislature needs to provide checks and balances for future Visit Florida leadership. Representative Richardson clarified that Representative Renner provided that regulations are needed for leadership other than Ken Lawson and that his work is satisfactory at this time. Representative Renner responded that for Lawson's own benefit, guard rails should be put in place. Representative Richardson questioned the 750,000 dollar contract approval process in the bill. Representative Renner responded that these provisions are a work-in-progress. Representative Richardson then questioned if other agencies feature this provision. Representative Renner did not know, but stated that Visit Florida needs these provisions. Representative Richardson then questioned if any other agency has similar provisions regarding Governor approval of travel. Representative Renner responded that he is not aware of any, but for the reasons already mentioned, the provision is appropriate. Representative Richardson then questioned if any other agency has features any of the other restrictions provided in the bill. Representative Renner explained that no other agency has these restrictions. Representative Richardson asked if an analysis has been done for the ROI (return on investment) for Visit Florida. Representative Renner provided that auditors do not receive the appropriate data to validate the ROI of Visit Florida. Representative Renner also noted that OPPAGA's did do an audit of Visit Florida and found it incredibly hard to calculate the ROI. Representative Richardson then asked if tourism has a positive effect on Florida's economy. Representative Renner agreed that tourism provides a positive and important impact on Florida's economy. Representative Richardson questioned if it would be fair for Florida to look at a private investment on advertising as an investment in Florida. Representative Renner noted that any form of advertisement involving Florida could have a benefit. However, Representative Renner noted that tourists will come to the state regardless of Visit Florida or not. Representative Renner also explained that this bill does not abolish Visit Florida, but regulate and do away with outlandish salaries and benefits. Representative Richardson questioned if Representative Renner thought that the state paying for advertising that could benefit only one company (like visiting Orlando/Disney) fits into the prohibition. Representative Renner responded that this bill is more towards transparency. Representative Richardson asked if there are any concerns that this bill will provide for cumbersome overreach and regulation by the state. Representative Renner responded that he does not believe that is the case and this bill makes sure that tax payer money is being spent appropriately. Representative Richardson asked if the Senate is ready to accept this bill or if they have a bill similar to this bill. Representative Renner said the Senate is not ready to vote on their version of the bill.

Representative Stark questioned the staff analysis point "Tightening Visit Florida's current matching requirements." Representative Renner explained that certain match efforts (like a hotel providing free hotel rooms) does not have an exact quantitative value and that a tightening of the match system needs to take place (1 to 1).

Representative Geller questioned the prohibition of anything but a direct cash contribution for the 1 to 1 match. Representative Renner confirmed that this is the case. Representative Geller noted that this prohibition is draconian. Representative Renner stated that a hotel room could be provided, but it needs an actual price, not a posted price or advertised price. Representative Geller noted that the language only covers cash contributions, not hotel rooms. Representative Renner explained that 1 dollar for 1 dollar is not draconian. Representative Renner explained that this provision has its base in real world costs. Representative Geller commented that this bill is definitely a good faith effort. Representative Geller asked if alternatives exist for the provision of the bill calling of the governor to approve travel expenses. Representative Renner stated that he is open for changes to the bill. Representative Geller asked if there is a substitute idea for this travel provision. Representative Renner responded that this answer regards engagement with Visit Florida and that he is open to changes. Representative Geller then questioned the 750,000 dollar contract approval process, asking if there is a different mechanism that will allow more flexible for the agency. Representative Renner responded that Visit Florida has abused their discretion in spending and their "flexibility". Representative Geller reiterated his question. Representative Renner stated that he issued the challenge for accountability and that he has not been engaged by anyone other than the legislature. Representative Cortez questioned why individual counties do not promote themselves using tourism taxes. Representative Renner responded that this bill does not address that issue. Representative

Renner noted that making tourism efforts on the local level can be looked at, however, he would like to still provide deference to state wide coordination and Visit Florida.

Representative Ausley questioned how often the Legislative Budget Commission meets. Representative Renner noted that because of how far out in advance the contracts are, the LBC would have ample time to meet and discuss the contract. Representative Ausley noted that disastrous needs quick marketing turnaround. Representative Renner explained that the Governor issuing a disaster order can allow the contract to forgo the process. Representative Ausley noted that the Governor did not issue an executive order after the Zika scare. Representative Renner provided that if the leadership did not stop a contract from going forward (within a 14-day timeframe) the contract will move forward. Representative Ausley then wanted clarification that there is a 14-day delay for a marketing campaign. Representative Renner agreed that this is correct. Representative Ausley then asked for clarification to the “gift ban” for Visit Florida employees. Representative Renner explained that this provision acts as a gift ban for employees and stops companies attempting to gain favor for Visit Florida. Representative Ausley asked where the money for Visit Florida comes from. Representative Renner explained that the money from the original three trust funds funding Visit Florida come from Doc Stamp Tax and a surcharge on rental cars.

Representative Newton questioned if the bill would be eliminating the “3Ps”. Representative Renner explained that he is not, but would like to see a real “1 to 1” match. Representative Newton asked the cost of the oversight of Visit Florida is. Representative Renner explained that the cost of oversight is having Visit Florida on the front page of the news doing good things, and not being in the newspaper when it is not. Representative Newton questioned what transparency Visit Florida will have. Representative Renner stated that the bill will stop Visit Florida from invoking confidentiality and public records exemptions. Representative Newton asked if, because a company utilizes tax dollars, would provide information on that company (like employee salaries). Representative Renner did not address the question specifically, but stated that he would like to see accountability from Visit Florida. Representative Newton then again questioned confidentiality for private companies. Representative Renner stated that an amendment is forthcoming and will address this issue. Representative Newton asked why the House does not confirm he CEO of Visit Florida. Representative Renner explained that it’s the Senate’s role to confirm appointees. Representative Newton asked if almost every contract must go through the contract approval process. Representative Renner explained the contract approval process.

Representative Renner added a clarifying amendment that provides that private businesses will not have to provide information about themselves unless the project or contract is 50 percent or more in tax dollars. The amendment was passed without objection.

Representative Cruz offered amendment 070997, which creates a targeting marketing assistance program for rural, small, minority or agritourism business with marketing assistance. This amendment also includes a provision that about half the businesses using this program must be small businesses making under ½ million dollars. A substitute amendment was offered by Representative Cruz, which includes a reporting aspect to the above stated amendment. Representative Renner explained that the amendment is a friendly amendment. The amendment was adopted without objection.

The House also heard HB 7005, relating to Economic Programs, by Representative Renner.

The bill eliminates the following economic incentives and economic development programs or offices:

- Enterprise Florida, Inc. (EFI)
- Florida Tourism Industry Marketing Corporation (VISIT FLORIDA)
- Office of Film & Entertainment, and the Entertainment Industry Incentive and Tax Exemption Programs
- The Urban High-Crime Area Job Tax Credit Program
- The Capital Investment Tax Credit Program
- The Florida Small Business Development Center Network
- The Quick Response Training Program
- Qualified Defense Contractor and Space Flight Business Tax Refund Program
- The Qualified Target Industry Tax Refund Program
- The Brownfield Redevelopment Bonus Tax Refund Program

- High-Impact Business Performance Grant Program
- The Economic Gardening Business Loan and Technical Assistance Pilot Programs
- The Quick Action Closing Fund Program
- The Innovation Incentive Fund Program
- The Professional Sports Franchises, Spring Training Franchises, and Sports Development Programs
- The Florida Small Business Technology Growth Program
- The Florida Opportunity Fund
- The Institute for the Commercialization of Public Research
- The Florida Technology Seed Capital Fund
- The New Markets Development Program Act
- The Microfinance Guarantee Program
- The Economic Development Transportation Projects Program (Road Fund)
- The State Economic Enhancement and Development Trust Fund
- The Tourism Promotional Trust Fund
- The Florida International Trade and Promotion Trust Fund

- However, the bill allows current certified participants in many of the programs to continue to participate in the programs in accordance with current contract provisions.
- The bill provides that all duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other public funds relating to the programs in EFI and VISIT FLORIDA are transferred by a type two transfer to the Department of Economic Opportunity.

Representative Geller questioned what can be done to keep an active and vital space industry in Florida. Representative Renner explained that Space Florida is sustained. Representative Geller asked if these program is brought back into DEO. Representative Renner confirmed this. Representative Geller then questioned the Brownfields Program and if it will continue to exist. Representative Renner explained that this program is cut because of its lack of ROI. Representative Geller asked if Representative Renner would be open to reforming the Brownfields program instead of eliminating it. Representative Renner stated the savings from this bill can go to DEP, which will go to brownfields restoration. Representative Geller asked if the film and movie incentives can be saved. Representative Renner stated that this program is another that has a failing ROI and does not need to exist. Representative Geller asked for a discussion of the Microfinance program that is being eliminated. Representative Renner explained that the program features a duplication of effort to many other programs that already exist.

Representative Jones asked if some programs will exist in DEO. Representative Renner explained that these programs will not exist if this bill passes. Representative Jones commented that he would like to make sure that small businesses are not extinguished do to this bill.

Representative Fant asked for clarification on the reported \$200 million in savings. Representative Renner explained that ongoing savings will be \$230 million, with approximately \$50 million being saved this year. Representative Fant asked if the primary argument against Enterprise Florida is that Floridians do not want to redistribute wealth to a small group of companies. Representative Renner agreed, and noted that the second argument is seeing the highest and best use for these dollars. Representative Renner explained also that the abolishment of the commercial lease tax would be a greater use of legislation then Enterprise Florida. Representative Fant asked for a simplified reason for abolishing Enterprise Florida. Representative Renner explained that all but one program has failed on their own merits. Representative Fant asked for the numbers behind the rational. Representative Renner stated that Revenue is the biggest indicator of failure. Representative Fant asked if certain programs can be saved from Enterprise Florida. Representative Renner said a number of programs are retained, but are not housed in DEO.

Representative Newton asked how Representative Renner can convince him to vote for this bill, asking specifically its impact on urban crime areas. Representative Renner stated that new infrastructure can be created by everyone, not just a small group of corporations, which all of Representative Newton's citizens will enjoy. Representative Newton questioned brownfield areas. Representative Renner noted that other agencies can take care of these areas, instead of companies



that may or more not clean up the areas. Representative Newton asked what he would tell his constituency what this bill does. Representative Renner stated that Representative Newton sponsored a bill that levels the playing field for everyone to prosper. Representative Newton questioned what will happen when the sports franchise programs are eliminated. Representative Renner explained that any deal already in place will continue to be in place until the deal is finished. Representative Newton asked about the small business development program and the business owners that rely on it. Representative Renner stated that many minority business programs are still retained and housed under DEO.

Representative Willhite questioned how the TV and film industry will stay in the state. Representative Renner explained that Florida's competitive advantage is not TV and film incentives, but our climate and geographic features (beaches). Representative Willhite asked if Representative Renner believes that only sunshine and beaches will bring in film and TV. Representative Renner explained that the film and TV industry is only here for a short time, while the space and other industries stay in Florida.

Representative Gruters asked if he believes Florida will still be competitive after this bill passes. Representative Renner responded that he believes Florida will continue to be competitive on the national front. Representative Gruters asked if Representative Renner has met with Enterprise Florida about this bill and these issues. Representative Renner stated that he has met with Enterprise Florida and that the issues with Enterprise Florida are not new issues.

Representative Ausley questioned the training grant program and if this program is eliminated, what will happen. Representative Renner explained that DEO has been appropriated funds for workforce development and that the elimination of this program is only for a small amount of companies. Representative Renner also noted that this elimination will lead to funding for education to PreK - 12. Representative Ausley questioned another small business program. Representative Renner explained that this program has been eliminated because it is redundant and duplicative of other programs. Representative Renner noted that the elimination of the commercial lease tax is a better use of money. Representative Ausley asked that with the elimination of tax credits, this bill will lead to more taxes for businesses. Representative Renner stated that it is not a tax increase if only a small amount of businesses benefit from the tax credits.

Representative Henry asked if municipalities are affected by this bill, regarding giving out business incentives. Representative Renner said that they are not affected.

Representative Richardson questioned if the Florid Defense Alliance, or Space Florida is being moved to DEO. Representative Renner explained that Florida Defense Alliance is being eliminated, but the incentives are being moved to DEO. Representative Renner also provided that Space Florida is being retained and moved to DEO. Representative Richardson asked if any other incentive programs are being moved to DEO. Representative Renner noted that over 20 incentive programs are being moved to DEO. Representative Renner then named off a number of programs. Representative Richardson asked why certain incentives survived and why other were eliminated. Representative Renner stated that incentives were placed into three categories, unique, sports and minority programs. Representative Renner said that those areas can be benefited by assistance. Representative Richardson asked if an RIO study has been conducted for every incentive program. Representative Renner has not at this time. Representative Richardson then questioned why sports and space are good for Florida's economy and the rest are bad. Representative Renner provided that these industries are profitable and have other societal benefits. Representative Richardson asked if beautiful weather and sunshine is enough of an incentive to bring in the defense and space industry. Representative Renner agreed and said he would be open to cutting all incentives.

Representative Berman asked if this bill passed, if Palm Beach county will still have programs like Scripts and Max Planck. Representative Renner stated that Palm Beach County will still see these programs because Florida is a thriving economy that attracts corporations for other reasons than economic incentives. Representative Berman than asked for a list of companies that have come to Florida without incentives. Representative Renner said there are countless companies in Florida that do not receive incentives, citing a study that found that there is a greater return on investment on investments in Florida created companies. Representative Berman asked if incentives can remain, but with claw-back provisions. Representative Renner disagreed, stating that these incentives are still being given to only a small amount of companies that do not reward Florida as a whole.

Representative Richardson added an amendment, 640415, to the bill. The amendment will put in all

Film Florida provisions that were taken out with this bill. Representative Renner stated that is an unfriendly amendment. Representative Berman spoke on behalf of the amendment, stating that she would like to support Florida's film industry. Representative Geller also spoke in support of the amendment, stating that his district features a lot of people working in the film industry. Representative Willhite also spoke on behalf of the amendment. Representative Richardson closed on his amendment, noting that the State of Florida benefits heavily from the Film industry (noting that Oscar winning movie Moonlight was filmed in South Florida). The amendment failed.

### ***Community Redevelopment Agencies***

This week in the House Local, Federal and Veterans Affairs Subcommittee, HB 13, relating to Community Redevelopment Agencies, by Representative Raburn, was heard.

This bill provides for the following:

- Prohibits the creation of new CRAs on or after July 1<sup>st</sup>, 2017
- Provides for the eventual phase out of current CRAs
- The bill provides a process for the Department of Economic Opportunity to declare a CRA inactive if it has no revenue, expenditures, and debt for three consecutive fiscal years.
- Providing that moneys in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners of the CRA and only for those purposes specified in current law beginning July 1, 2017.
- Requiring a CRA created by a municipality to provide its proposed budget, and any amendments to the budget, to the board of county commissioners for the county in which the CRA is located by a time certain.
- Requiring counties and municipalities to include CRA data in their annual financial report.
- Requiring the governing board members of a CRA to undergo 4 hours of ethics training annually.
- Requiring each CRA to use the same procurement and purchasing processes as the creating county or municipality.
- Expanding the annual reporting requirements for CRAs to include audit information and performance data and requiring the information and data to be published on the agency website.

Rep. Leek asked, if you were to institute the five recommendations of the Auditor General, would that fix the problem and what is the purpose behind eliminating CRAs all together? Rep. Raburn responded that city governments can accomplish what CRAs do. Counties must pay money to CRAs when they are created.

Those who waived in support included John Titkanich, City of Cocoa. Those who waived in opposition are Jerry Sansom, City of Melbourne, Cocoa, Cape Canaveral; Michael Parker, Florida Redevelopment Assoc.; William Peebles, Florida Redevelopment Association; Taylor Bierly, Leon County City of St. Petersburg; Thomas Hawkins, 1000 Friends of Florida.

Rep. Leek, Rep. Burgess, Rep. Williams, Rep. Ingoglia and Rep. Renner all spoke in support of the bill. Rep. Abruzzo spoke in opposition.

The bill passed favorably by a 9-6 vote.

### ***Local Government Fiscal Transparency***

This week, in the House Ways and Means Committee, PCB WMC 17-01, relating to Local Government Fiscal Transparency, by Rep. Burton, was heard.

This bill provides for the following:

- Initiation of corrective action by an entity would have to occur within 45 days and completion of said action would have to be completed within 180 days.
- The voting records would become public record online for a period of for years. The accrument of these records would begin October 1<sup>st</sup>, 2017 so that by October 1<sup>st</sup>, 2020,



there will be four full years of information and would continually update the record from there. There is also a similar provision to this regarding property appraiser records.

- The debt affordability ratio= The numerator of which is the total annual debt service for outstanding tax-supported debt of the local government divided by total annual revenues available to pay debt service on outstanding tax-supported debt of the local government.
  - Debt must be at least five years.

Rep. Geller asked if they know how many entities this is going to apply to. Rep. Langston responded 400 cities, 67 Counties, 67 School districts, and about 100 to 200 special districts that levy property taxes.

Rep. Geller asked if they've looked at how many auditors the Auditor General must hire based on the number of people this covers. Rep. Burton responded that this doesn't require more audits, but rather that when there is an audit, the Auditor General must review it and say if they followed the correct procedure.

Rep. Geller asked for clarification that local governments would have to submit audits to the Auditor General all the time. Rep. Burton responded that there will be no new audits.

Rep. Geller asked if all local government audits are required to be reviewed by the Auditor General, and if not, are we now requiring that they be reviewed. Rep. Burton responded that there are no additional reviews. A regularly scheduled review will now include a review of whether an entity is meeting the requirements of the new language being presented or not.

Rep. Geller asked if the Auditor General currently looks at audits on a regular basis or randomly or at all. Mr. Aldrich responded that his understanding is that they are all reviewed.

Rep. Stevenson asked if they are already talking to the CPAs on how to structure this new report in the audit. Rep. Boyd responded yes.

Rep. Abruzzo asked if by requiring local governments to consent, does that mean they must do an additional audit. Rep. Burton responded that it would just be another question in the audit being conducted.

Rep. Geller asked if by requiring there be a vote on something in local government 15 after an initial meeting, isn't that not giving them enough time to make the decision public in 10 days. Rep. Burton responded that from entities that have spoken before, that has not been a problem.

Rep. Geller asked if Rep. Burton would be willing to meet and discuss the time requirement. Rep. Burton responded yes.

Rep. Geller asked why are the definitions for Tax Supported Debt different between the two Bills. Rep. Boyd responded that they will get to the other Bill soon.

Those who waived in opposition included Laura Youmas from the Florida Association of Counties; Amber Hughes from the Florida League of Cities; Justin Thames from the Florida Institute of Certified Public Accountants; Joy Frank from the Florida Association of District School Superintendents.

Rep. Geller, Rep. Abruzzo, Rep. Beshears, Rep. Hahnfeldt and Rep. Stevenson expressed their support of the bill, which passed favorably.

***Local Government Fiscal Responsibility***

The committee also heard PCB WMC 17-02, relating to Local Government Fiscal Responsibility, by Rep. Caldwell.

The bill included the following provisions:

- Prohibits property tax increases unless certain excess, unencumbered fund balances, special revenue funds, are eliminated.
  - Removes school districts from this provision.
- The bill prohibits a municipality or county from enacting, extending or increasing local option taxes other than property taxes, if the municipality or county had adopted a millage rate in excess of its rolled-back rate (with certain specified exceptions) in any of the three previous years. The bill does not apply this prohibition to school districts. However, the bill does amend the process for approval of a school capital outlay discretionary sales surtax. Under current law, in order to levy a school capital outlay discretionary sales surtax, the school board must approve a resolution, by majority vote, to place the question on the ballot for voter approval. The bill requires that the resolution be approved by a 4/5 majority of the school board.
- The bill requires any local option or property tax levy, including property taxes levied by special districts, that will be approved by referendum be considered only at a general election. Further, the bill would increase to sixty percent the approval threshold for voter approval of any local option tax or property tax levy.
- The bill requires voter approval for any new tax-supported debt that pledges revenues beyond 5 years. The voter approval would be subject to the same election restrictions described above for local option and property taxes. The bill provides an exception to this requirement in certain emergency situations, by allowing the governing board, by a 4/5 majority vote to authorize a vote at an election other than the general election, while still requiring 60 percent voter approval. The bill requires the resolution to declare that an emergency exists, that issuance of new tax-supported debt prior to the next general election is necessary as a direct result of the emergency, and to set forth a plan for use of the proceeds for purposes directly related to the emergency. The bill uses the definition of "emergency" found in Chapter 252, F.S. (Emergency Management).

Rep. McClain asked if something wasn't spoken to in local government, would it just come down to a simple majority vote. Rep. Caldwell responded yes.

Rep. McClain asked if bundling to save money would still be allowable under this bill. Rep. Caldwell responded yes.

Rep. Geller asked why are the definitions for Tax Supported Debt different between the two Bills. Rep. Langston responded that they are the same further into this Bill.

Rep. Geller asked if there was any other provision in the Bill related to Tax Supported Debt with school boards or other entities. Rep. Caldwell responded no. The paragraph where it is stated covers everybody.

Rep. Hahnfeldt asked if someone wanted to refinance current debt at a lower interest rate, would that be considered new debt after. Rep. Caldwell responded no, as long as you're not increasing the term or the limit.

Rep. Hahnfeldt asked if he wanted to add money to the original debt and wanted to refinance, would that be new debt. Rep. Caldwell responded yes.

Rep. Fant asked if the bill is trying to fix shoddy methods of getting around debt in the state or are we trying to reduce the amount of debt the cities have to be involved in. Rep Caldwell responded that reducing debt is very important. Also, getting this information to voters around election time is important.

Rep. Stevenson asked if Line 232 is a forecasted amount that would go to the general public for votes. Rep. Caldwell responded no. The choice is to use money already in the bank or to raise taxes.

Rep. Stevenson asked if the vote requirement to raise taxes for regional transportation is being eliminated. Rep. Caldwell responded that this provision is included in the paragraph at the end of the Bill.

Rep. Stevenson asked if a regional transport tax increase would also be subject to a 60% vote. Rep. Caldwell responded yes.

Rep. Stevenson asked if there was need for emergency funds, they could go to the public outside the November elections for the 4/5 vote. Rep. Caldwell responded yes.

Rep. Hahnfeldt asked for expansion on unencumbered funds. Rep. Caldwell responded that any money that is collected and whose expenditure is restricted by ordinance, resolution, statute, or constitution is not captured here. This is money that comes elsewhere such as fee revenue, shared revenue, or revenues whose uses are not restricted.

Rep. Geller asked if a city has their elections for positions like city council in March or April, could they present their voters the information about increasing debt, or can this only occur in November of every other year. Rep. Caldwell responded that it must occur in November of every other year.

Rep. Geller asked why we would want to punish a local government for saving money for a time in which they may need it. Rep. Caldwell responded that the money being taken is not restricted to be spent on anything specific. The general fund is where the reserve would be for, for example, hurricane damages.

Rep. Geller asked if cities can have unencumbered funds in general revenue as long as they aren't being saved for anything specific. Rep. Caldwell responded that if the money is in reserve, it would not be captured by this bill.

Rep. Geller asked what is being restricted when talking about the fact that the cities cannot have more than 10% special revenue fund. Rep. Caldwell responded that if there is money that has no obligation, then the cities could move to take 10% of it and use it to pay for budgetary items. If a city needs to pay debt, instead of raising property taxes they could use the non-obligation money.

Those who waived in opposition included Kate P. Catner from Indian River County; John Wayne Smith from the Florida Association of Counties; Charles Cassini from Broward County; Joy Frank from the Florida Association of District School Superintendents; Amber Hughes from the Florida League of Cities; Mark Jefferies from Orange County.

Rep. Geller voiced his opposition. Rep. Miller and Rep. Stevenson announced their support.

The bill passed favorably with a 9-7 vote.

### ***Local Government Ethics Reform***

House Bill 7021, relating to Local Government Ethics Reform, by Public Integrity & Ethics Committee and Metz, was heard. This bill makes numerous changes to Florida's Code of Ethics for Public Officers and Employees (Code) as it relates to local government officers, employees, and lobbyists.

Bill Wilcox of Common Cause Florida waived in support of the bill.

Virlindia Doss of the Florida Commission on Ethics spoke on two issues. One issue that could arise is a person's income rises and falls from 5 million dollars, an elected official will have to fluctuate from filing a form 1 and form 6. The second issue Doss explained was the need new staff to register lobbyists under this bill.

Kraig Conn, representing the Florida League of Cities, spoke with similar concerns to Doss.

There was no debate on the bill.

Representative Metz closed on the bill. The committee voted 27-0. The bill passed the committee.

House Bill 7023, relating to Trust Funds/Creation/Local Government Lobbyist Registration Trust Fund, by Public Integrity & Ethics Committee and Yarborough, was also heard.

This bill creates the Local Government Lobbyist Registration Trust Fund within the Commission on Ethics. The trust fund's purpose is to administer the Local Government Lobbyist Registration System, with annual registration fees collected to fund the administration of the program, including the payment of salaries and expenses.

There were no questions, public testimony, or debate on the bill, and it was unanimously passed by the committee.

### **Anfield Session Report February 20-24, 2017**

The Legislature kicked into higher gear this week after last week's lull. House and Senate committee meeting agendas were packed with bills, with some being quite controversial. In addition, local project bills have begun to move through the process in a test of the new House procedures.

### **Local Regulation Pre-Emption (CS/HB 17)**

**Background:** Florida's Constitution grants varying amounts of home rule authority to local governments, dependent on their status as a county, charter county, non-charter county, or municipality. If the subject matter in question is not pre-empted by state or county law, municipalities have discretion to pass their own ordinances and regulations, and levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity on such classes of businesses, professions, and occupations. The governing bodies of counties also have the power to establish, merge, or abolish special taxing districts in both incorporated and nonincorporated areas.

General law directs a number of state agencies and licensing boards to regulate many professions and occupations and preempts the regulation of these businesses. For example, the Department of Business and Professional Regulation currently regulates approximately 25 professions and occupations. Whether or not, and to what degree, a state statute authorizes or preempts a local regulation is typically done on an individual basis with reference to subject matter and the type of business or profession in question.

**Proposed Changes:** This CS severely restricts the home rule authority of local governments. It prohibits local governments from adopting or imposing new regulations on businesses, professions, or occupations unless the regulation, "is expressly authorized by general law." In other words, if the regulation involves subject matter not covered by statute, the local government may find itself in the position of having to lobby the Legislature to include the activity in statute to regulate the activity at the local level. Ordinances and fees adopted prior to July 1, 2017, would be grandfathered but are deemed to expire July 1, 2020. (The first version of this bill provided for retroactive application for regulations adopted after January 1, 2017)

The bill provides the following definitions:

- "Local government" means "a county, municipality, special district, school district, or political subdivision of the state."
- "Regulation" means "a rule or regulation, license, permit, or requirement, along with any associated fee."

**Update:** On Wednesday, the (H) Careers & Competition Subcommittee adopted a strikeall for the original bill and two amendments that eliminated the bill's retroactive provisions.

During question and answer the bill's sponsor, Representative Fine, made a point of stating that the bill would prevent local governments from passing ordinances and fees "beyond the scope of what is contemplated in statute."

When asked by Rep. Ramon Alexander whether he understood that the legislature meets on average only 60 days out of the year, and that their already busy calendar may well be further burdened if that time is spent addressing local issues, Rep. Fine responded that his philosophy was that regulation by its very nature smothers business, and should therefore "be hard to create." Public comment on the bill was lengthy and divided, with more opponents than proponents.

City and county officials representing democrat and republican local governments from across the state came out in force against bill, as did the Florida Association of Counties, the Florida League of Cities, the Florida Building & Construction Trade Council, the Southern Poverty Law Center, and the Sierra Club, as well as a sizable number of private citizens. The bill was supported by several state business organizations, including AIF, Associated Builders & Contractors, Florida Restaurant & Lodging Association, and others.

Rep. Shawn Harrison, the lone republican to vote against the bill alongside the committee's five democrats, likened the bill to "a Pandora's box of unknown consequences" and "a bridge too far." His fellow "no" votes expressed similar sentiments, saying that the 50+ year experiment in home rule had yielded quantifiable dividends in reducing the already considerable workload of the state legislature, which before the home rule law was passed back in the 60s was swamped with thousands of local bills. To repeal such powers now, in their opinion, would only invite further logjam. Many also expressed concern that the bill would hamper the ability of local governments to pass non-zoning related ordinances for issues like noise pollution, liquor licenses, and even environmental ordinances tailored to local water quality standards.

The bill's supporters countered that the patchwork of differing regulations and fees was creating an untenable situation for state and nationwide businesses looking to expand in Florida, and that having a more uniform, state-down system would encourage economic growth.

The bill was voted favorably 9-6. It will next be taken up in the (H) Commerce Committee, its only other committee of reference. No Senate companion measure has yet been filed.

### **Renewable Energy Source Devices (SB 90)**

**Background:** Under s. 193.624, F.S., the cost and value of renewable energy devices are exempt from real estate property tax assessments. A "renewable energy device," as currently defined in statute, generally encompasses the power plant components of the device, but does not encompass auxiliary components such as wiring, structural supports, and other integral systems, or conditioning and power storage devices used in conjunction with solar and geothermal energy. The prohibition also only applies to devices installed on or after January 1, 2013, and is limited to devices installed on real property classified as "residential" for tax purposes.

During the 2016 primary election, voters approved a constitutional amendment to expand

the exemption beyond its current limits.

**Proposed Changes:** This bill expands the current prohibition on taxation of renewable energy devices to all real property, not just those used for residential purposes. It expands the definition of “renewable energy device” to include auxiliary components “integral” to solar and geothermal devices (including wiring, structural supports, power conditioning & storage devices) and extends this prohibition to include all such devices regardless of installation date. It also creates a new section of law that prohibits personal property taxes from being levied on renewable energy devices. With a few exceptions, all the amendments made by this bill would sunset on December 31, 2037.

**Update:** On Tuesday, the (S) Community Affairs Committee adopted two amendments to SB 90. The first amendment made a technical change, removing reference to power conditioning and storage devices in one provision of the bill (there are already references to power conditioning and storage devices for solar and geothermal energy in other parts of the bill). The second amendment adds language clarifying that the term “renewable energy source device” does not include “any equipment that is on the distribution or transmission side” where the renewable energy source device is interconnected with the electric utility’s distribution grid or transmission lines. CS/SB 90 will next be taken up in the (S) Appropriations Subcommittee on Finance and Tax. There is currently no House companion.

#### **Nonnative Animals (CS/SB 230 & HB 587)**

**Background:** The exotic animal trade has long been a source of concern for environmentalists in Florida for decades do to the introduction and spread of non-native species. Many nonnative species are directly traced to escaped pets and zoo specimens. Some species have proven to be as damaging to the native ecosystem as any other natural hazard. For example, the tegu lizard, which was imported from Latin America, has a habit of raiding gator nests, and the poisonous lionfish, which is native to the Pacific but is now found in all waters surrounding Florida, can devastate reef fish populations and has no natural predators.

**Proposed Changes:** This bill directs the Florida Fish and Wildlife Commission to establish a pilot program for mitigating the impact of tegu lizards, red lionfish, and common lionfish, all of which would be deemed “priority invasive species,” on public lands and waters of the state. The Commission would be authorized to enter into competitively bid contracts with private entities to capture and destroy these pests on all state-owned public lands and waters managed by the Commission. The Commission may also enter into memoranda of agreement with other federal, state and local partners for lands and waters under their jurisdiction.

Captures and kills must be properly documented via photographs and notation of the geographic area where the specimen was caught for research purposes. The Commission must submit a report on its findings and recommendations regarding the progress of this program to the Legislature and Governor January 1, 2020.

The bill also requires pet dealers (defined as anyone who sells more than 20 animals a year to the public) who sell or resell any of the priority invasive species listed in this bill to electronically tag each specimen they sell with a passive electronic transponder (PIT). The Commission, which is in charge of the tagging program, would also have rulemaking authority to “identify non-native animals that threaten the state’s wildlife habitats and



therefore must be implanted with a PIT tag” and establish standards for the types of PIT tags used in the program and the manner in which they are implanted.

The bill requires the Legislature to appropriate \$300,000 per year over the next two fiscal years from the Land Acquisition Trust Fund for the purpose of implementing this pilot program.

Update: On Tuesday, the (S) Environmental Preservation and Conservation Committee passed a committee substitute of SB 230, replacing an earlier version of the bill that was more limited in scope. It will next be taken up for consideration in the (S) Appropriations Subcommittee on the Environment and Natural Resources. A companion measure, HB 587, has been filed and is in the (H) Natural Resources & Public Lands Subcommittee.

### **Resource Recovery & Management (CS/HB 335)**

**Background:** The DEP is charged with implementing and enforcing the state’s solid waste management program. This program oversees the direct disposal of many different forms of industrial, agricultural, and residential waste. However, under s.403.7045(1) F.S., certain wastes and activities are exempt from solid waste regulation. These generally consist of recoverable materials and the processes by which they are recycled and reused. Currently, to qualify for an exemption, a solid waste facility must meet the following requirements:

1. A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within one year;
2. The recovered materials handled by the facility or the products or byproducts of operations that process recovered materials are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water by the owner or operator of such facility so that such recovered materials, products or byproducts, or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwater, or otherwise enter the environment such that a threat of contamination in excess of applicable DEP standards and criteria is caused;
3. The recovered materials handled by the facility are not hazardous wastes; and
4. The facility is registered with DEP.

Furthermore, DEP does not require solid waste combustors to obtain a solid waste permit if the facility operates under a current valid permit for a stationary source of air pollution, open burning, or electrical power plant and transmission line siting. In recent years, more and more solid waste management facilities have begun employing gasification and pyrolysis as means of converting solid waste into fuel. Neither process uses combustion, instead relying on the application of heat within an oxygen-starved environment to synthesize fuel from the resulting chemical reactions. The two processes are comparatively cleaner than traditional combustion methods.

**Proposed Changes:** This bill expands the current exemption from the DEP’s solid waste management program to include non-combustion gasification and pyrolysis facilities. The bill provides the following definitions: “Gasification” is a process through which recovered materials are heated and converted to synthesis gas in an oxygen-deficient atmosphere, and then converted to crude, fuel, or chemical feedstock.” “Post-use polymer” is a polymer derived from any domestic, commercial, or municipal activity and recycled in commercial markets that might otherwise become waste if not converted to manufacture fuels or other raw materials or intermediate or final products using gasification, pyrolysis, or another

thermal conversion process. A post-use polymer may contain incidental contaminants or impurities such as paper labels or metal rings. "Pyrolysis" is a process through which recovered materials are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil, or other fuel, feedstocks, diesel and gasoline blend stocks, chemicals, waxes, or lubricants, or other raw materials, intermediate, or final products. "Pyrolysis facility" is a facility that collects, separates, stores, and converts recovered materials using gasification, pyrolysis, or another thermal conversion process. A pyrolysis facility is not a waste management facility. The current statutory definitions for "recovered materials" and "recovered materials processing facility" are also expanded to include post-use polymers converted into crude, fuels or other raw materials, and facilities that use pyrolysis, gasification, other thermal conversion processes.

**Update:** On Tuesday, the (H) Natural Resources & Public Lands Subcommittee adopted two amendments. The most important change was expanding the definition of "gasification" and "pyrolysis" to mean the process of heating and converting "recovered materials" not just "post-polymers" and included crude oil as a product of the gasification process. The definition of "post-polymers" was itself expanded to include materials containing possible impurities (paper labels, metal rings, etc.) CS/HB 335 will next be taken up in the (H) Utilities & Energy Subcommittee. A Senate companion, SB 1104, has been filed but has not yet been referenced to committees.

### **Flood Insurance (SB 420 & HB 813)**

**Background:** This bill makes three changes to state law regulating flood insurance. In Florida, the flood insurance market is regulated through the Office of Insurance Regulation (OIR). Sale of Personal Lines, Residential Flood Insurance In 2014, the Legislature passed SB 542, granting certain regulatory exemptions to the sale of personal lines of residential flood insurance under s. 627.715, F.S. (Note: It does not apply to commercial residential lines, commercial non-residential lines, or excess flood insurance.) Under these exemptions, an insurer may establish flood rates through the standard OIR process provided in s. 627.062, F.S., or it may use the expedited process where the rate is filed with the OIR, but OIR is not required to review it before or shortly after implementation. The OIR may still review the rates at its own discretion. The exemptions sunset on October 1, 2019. This same law also allows surplus lines agents to export flood insurance to a surplus lines insurer without making a diligent effort to seek coverage from three or more authorized insurers until July 1, 2017. NFIP The National Flood Insurance Program (NFIP) is a federal insurance program run by FEMA and is available to all purchasers living in flood-prone communities if those communities adopt and enforce federal floodplain management criteria.

Under current law, insurance agents who receive a flood insurance application must obtain a signed acknowledgement from applicants stating that they understand that the full risk rate for flood insurance may apply to the property if flood insurance is later obtained under the NFIP. However, there is no definite time period in statute for acquiring this acknowledgement. Florida Commission on Hurricane Loss Projection Methodology This Commission is charged with reviewing methods, standards, principles, and models used by the state to project hurricane and flood losses. Current law requires it to revise its actuarial methods and standards every two years. However, the Commission finds the frequency of such revisions to be costly.

**Proposed Changes:** This bill would require the Florida Commission on Hurricane Loss Projection Methodology to revise previously adopted actuarial methods, principles, standards, models, or output ranges no less than every four years for flood loss projections. It extends the exemption period for personal lines residential flood insurance rates from OIR review a further six years, from the current sunset of Oct. 1, 2019, to Oct. 1, 2025. It also extends the exemption period for private surplus line insurers with \$300 million in reserve capital from having to obtain three declinations from admitted insurers before issuing a policy. The sunset would be moved from July 2017 to July 2025. Lastly, the bill would prohibit a policy from being removed from the NFIP if the policyholder does not sign an acknowledgment within 20 days of his or her current policy expiring. The acknowledgment must provide a warning of the potential rate increase should they choose to return to the NFIP at a later date. A policy must be returned to the NFIP if the assigned agent does not receive this signed acknowledgment from the policyholder.

**Update:** On Tuesday, the (S) Banking & Insurance Committee adopted two amendments to SB 420. The first amendment revises the requirements for exemption for surplus line insurers from having to obtain three declinations. Instead of requiring \$300 million or more in capital, those insurers would only be required to provide an exceptional rating from a private rating agency approved by the OIR. The second amendment allows excess coverage for peril of flood to be added to the OIR exemption enjoyed by personal lines insurers. In debate, Sen. Farmer expressed deep reservations about the bill, citing the growing industry in surplus lines insurers and its largely unregulated nature in comparison with traditional insurance providers. No other senators spoke on the bill, however. The bill as amended was passed. CS/SB 420 will next be heard in (S) Community Affairs Committee. A House companion, HB 813, has been filed and is in the (H) Insurance & Banking Subcommittee.

### **Natural Hazards (SB 464 & HB 181)**

**Background:** In order for state, tribal, and local governments to receive a FEMA mitigation grant, the applicant must produce a hazard mitigation plan approved by FEMA that conforms to certain requirements. At a minimum, a hazard mitigation plan must outline processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government. Jurisdictions must update their plans and resubmit them to FEMA every five years to maintain eligibility. Florida's Division of Emergency Management (FDEM) is responsible for updating and maintaining the state's Enhanced Hazard Mitigation Plan in order to comply with FEMA requirements. The FDEM accomplishes this with the collaboration and coordination of an advisory team known as the State Hazard Mitigation Plan Advisory Team (SHMPAT). SHMPAT participants include numerous state agencies, regional planning councils, water management districts, state universities, other government entities, and community stakeholders. The primary function of SHMPAT is to assist the FDEM with the development, implementation, and maintenance of the state hazard mitigation plan, comment on draft versions, and maximize the leveraging potential of all state mitigation related resources.

**Proposed Changes:** This bill creates a natural hazards inter-agency workgroup for the purpose of sharing information on the current and potential impacts of natural hazards throughout the state, coordinating ongoing efforts of state agencies towards addressing the impacts of natural hazards, and collaborating on statewide initiatives to address those impacts. The work-group would be comprised of liaisons from each agency within the state executive branch, each water management district, and a representative from the Florida

Public Service Commission, as well as a rep from the FDEM to act as the main coordinator of the group. The FDEM would be charged with preparing an annual report on behalf of the workgroup, starting on January 2019 and continuing every year thereafter, regarding implementation of the state's enhanced hazard mitigation plan as it relates to natural hazards. The term "natural hazards" in the bill includes, but is not limited to: extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

**Update:** On Tuesday, the (S) Committee on Military & Veterans Affairs, Space, & Security passed SB 464 without amendment. It will next be considered in the (S) Community Affairs Committee. The House companion, HB 181, is currently in the (H) Natural Resources & Public Lands Subcommittee. Leadership in the House has expressed an aversion to creating additional boards, commissions, etc., so this bill may have a difficult road in the House.

### **Anfield Session Report March 6-10, 2017**

The Regular Session officially kicked off this week. And, if this week is any indication, we are in for a busy 60 days (or beyond).

### **Natural Hazards (SB 464 & HB 181)**

**Background:** In order for state, tribal, and local governments to receive a FEMA mitigation grant, the applicant must produce a hazard mitigation plan approved by FEMA that conforms to certain requirements. At a minimum, the plan must outline processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government. Jurisdictions must update their plans and re-submit them to FEMA every five years to maintain eligibility.

Florida's Division of Emergency Management (FDEM) is responsible for updating and maintaining the state's Enhanced Hazard Mitigation Plan in order to comply with FEMA requirements. The FDEM accomplishes this with the collaboration and coordination of an advisory team known as the State Hazard Mitigation Plan Advisory Team (SHMPAT). SHMPAT participants include numerous state agencies, regional planning councils, water management districts, state universities, government entities, and other community stakeholders. The primary function of SHMPAT is to assist the FDEM with the development, implementation, and maintenance of the state hazard mitigation plan, comment on draft versions, and maximize the leveraging potential of all state mitigation related resources.

**Proposed Changes:** This bill creates a natural hazards inter-agency workgroup for the purpose of sharing information on the current and potential impacts of natural hazards throughout the state, coordinating ongoing efforts of state agencies towards addressing the impacts of natural hazards, and collaborating on statewide initiatives to address those impacts. The work-group would be comprised of liaisons from each agency within the state executive branch, each water management district, and

a representative from the Florida Public Service Commission, as well as a representative from the FDEM to act as the main coordinator of the group.

The FDEM would be charged with preparing an annual report on behalf of the workgroup, starting on January 2019 and continuing every year thereafter, regarding implementation of the state's enhanced hazard mitigation plan as it relates to natural hazards.

The term "natural hazards" in the bill includes, but is not limited to: extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

**Update:** On Monday, the (S) Community Affairs Committee passed **SB 464** without amendment. It will next be heard in the (S) Governmental Oversight & Accountability Committee. The House companion, **HB 181**, is currently in the (H) Appropriations Committee.

### **Public Works Projects (SB 534 & HB 599)**

**Background:** Current state law provides local preferences and wage standards for all work done with state agencies and political subdivisions. The procurement of contract construction services is generally overseen by the Department of Management Services (DMS), which is charged with rulemaking procedures for the procurement of such services. The DMS also maintains a list of vendors who are prohibited from being awarded public contracts because of public entity crimes or discriminatory work practices.

There is currently no statute in state law that explicitly prohibits either the state or a local government from imposing its own restrictive conditions for contractors.

**Proposed Changes:** This bill would prohibit the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, material suppliers, or material carriers, except as otherwise required by federal or state law. Specifically, the state or political subdivision that contracts for a public works project may not require that a contractor, subcontractor, or material supplier or carrier engaged in a state-funded project:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source. This bill would also prohibit the state or a political subdivision from restricting a contractor, subcontractor,

material supplier, or material carrier from submitting a bid on any public works project or contract, subcontract, material order, or carrying order that it is licensed, qualified, or certified to do. This prohibition would not apply to contracts made under ch. 337, F.S., which generally covers state and county roads. Under the bill:

- “Political subdivision” means a separate agency or unit of local government

created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works.

- “Public works project” means an activity that is paid for in whole or in part with state funds and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof that is owned in whole or in part by any political subdivision.

**Update:** On Monday, the (S) Community Affairs Committee passed **SB 534** after adopting **two amendments**. The first amendment limits the definition of “public works project” to projects for which 50 percent or more of the cost will be paid from state funds appropriated at the time of competitive solicitation.

A second, hand-written amendment, offered by committee chairman Sen. Tom Lee, further limits the bill so that it does not apply to vendors who are on the DMS’ blacklist of vendors who have been convicted of a public entity crime or that have been found liable for discriminatory practices under s. 287.133, F.S.

During public comment on the first amendment, a number of representatives from the building trades spoke, all in opposition to the bill and its preemption of local labor regulations for public contracts. This group included, among others, the Communications Workers of America, the Florida Building & Construction Trades Group, Florida Electrical Workers Association, and the AFL-CIO. Miami-Dade County and the City of Miami also voiced opposition.

The Florida Associated Contractors Council and Associated Builders and Contractors spoke in favor of the bill, citing restrictive ordinances in some local government districts that limit which community organizations and programs they may partner with, require contractors to reside within the same district, or hold mandatory job fairs in that district.

It was during testimony by Carol Bowers of the Associated Builders & Contractors that committee chairman Sen. Tom Lee raised the issue of the bill’s preemption clause possibly preventing local



government from excluding vendors on the DMS blacklist from being awarded public contracts. The ABC made clear this was not its intent and agreed to the chairman's **handwritten amendment** explicitly excluding such contractors from the bill's provisions.

**CS/SB 534** will next be heard in the (S) Governmental Oversight & Accountability Committee.

**HB 599**, the House companion, was heard by the (H) Oversight, Transparency, & Accountability Committee on Wednesday. **Two amendments** were made to the bill, making the same changes as were made to the Senate companion two days before.

The same group of construction trade unions and local governments came out in opposition to the bill, while the ABC, Florida Associated Contractor's Council, and other groups representing private contractors voiced their support.

**CS/HB 599** passed as a **committee substitute**, and will next be taken up in the (H) Local, Federal, & Veterans Affairs Subcommittee.

### **Flood Insurance (CS/SB 420 & HB 813)**

**Background:** This bill makes three changes to state law regulating flood insurance. In Florida, the flood insurance market is regulated through the Office of Insurance Regulation (OIR).

#### *Sale of Personal Lines, Residential Flood Insurance*

In 2014, the Legislature passed SB 542, granting certain regulatory exemptions to the sale of personal lines of residential flood insurance under s. 627.715, F.S. (Note: It does not apply to commercial residential lines, commercial non-residential lines, or excess flood insurance.)

Under these exemptions, an insurer may establish flood rates through the standard OIR process provided in s. 627.062, F.S., or it may use the expedited process where the rate is filed with the OIR, but OIR is not required to review it before or shortly after implementation. The OIR may still review the rates at its own discretion. The exemptions sunset on October 1, 2019.

This same law also allows surplus lines agents to export flood insurance to a surplus lines insurer without making a diligent effort to seek coverage from three or more authorized insurers until July 1, 2017.

#### *NFIP*

The National Flood Insurance Program (NFIP) is a federal insurance program run by FEMA and is available to all purchasers living in flood-prone communities provided those communities adopt and enforce federal floodplain management criteria.

Under current law, insurance agents who receive a flood insurance application must obtain a signed

acknowledgement from applicants stating that they understand that the full risk rate for flood insurance may apply to the property if flood insurance is later obtained under the NFIP. However, there is no definite time period in statute for acquiring this acknowledgement.

*Florida Commission on Hurricane Loss Projection Methodology*

This Commission is charged with reviewing methods, standards, principles, and models 4

used by the state to project hurricane and flood losses. Current law requires it to revise its actuarial methods and standards every two years. However, the Commission finds the frequency of such revisions to be too costly.

**Proposed Changes:** This bill would require the Florida Commission on Hurricane Loss Projection Methodology to revise previously adopted actuarial methods, principles, standards, models, or output ranges at least every four years for flood loss projections.

It extends the exemption period for personal lines residential flood insurance rates from OIR review a further six years, from the current sunset of Oct. 1, 2019, to Oct. 1, 2025. It also expands the exemption to include excess coverage.

It changes the requirements for exemption for surplus line insurers from having to obtain three declinations; instead of requiring \$300 million or more in capital, those insurers would only be required to provide an exceptional rating from a private rating agency approved by the OIR. The sunset for this exemption would also be moved from July 2017 to July 2025.

Lastly, the bill would prohibit a policy from being removed from the NFIP if the policyholder does not sign an acknowledgment within 20 days of his or her current policy expiring. The acknowledgment must provide a warning of the potential rate increase should they choose to return to the NFIP at a later date. A policy must be returned to the NFIP if the assigned agent does not receive this signed acknowledgment from the policyholder

**Update:** On Tuesday, the (H) Banking & Insurance Committee took up **HB 813** and made **one amendment** to the bill (as well as one technical amendment to the amendment). The amended bill is now almost identical to its Senate companion, **CS/SB 420**, with the exception being that surplus line insurers must be given a rating of “superior” or “excellent” by A.M. Rating Service, not just any rating service approved by OIR.

**CS/HB 813** passed 15-0. It will next be taken up in the (H) Commerce Committee, its last committee of reference. **CS/SB 420** is currently in the (S) Community Affairs Committee.

**State Park Fees (CS/HB 185 & CS/SB 64)**

**Background:** The Division of Recreation and Parks (DRP) within the DEP manages 163 parks and

11 state trails covering 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.

The division may charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks. Entrance fees and camping fees vary among the parks. Individuals may also purchase an annual pass that allows entrance into Florida State Parks in lieu of entrance fees for one year from the month of purchase. Certain individuals may use a variety of discounts and fee waivers to visit Florida State Parks and use the facilities.

**Proposed Changes:** This bill provides free annual passes and a 50% discount on base camping fees at state parks for the following two groups:

1. Families operating a licensed foster home under s. 409.175, F.S.; and
2. Families who have adopted a special needs child, as described in s. 409.166(2)(a)2., F.S., from the Department of Children and Families.

The division would be given rulemaking authority to identify the types of written documentation that must be provided in order to receive these benefits.

**Update:** On Tuesday, the (H) Natural Resources & Public Lands Subcommittee passed a **committee substitute of HB 185**. The **CS** requires the division to consult with the Department of Children and Families in identifying the types of written documentation that must be provided to benefit from this program. These changes align the House bill with the Senate bill. **CS/HB 185** will next be taken up in the (H) Agriculture & Natural Resources Appropriations Subcommittee. **CS/SB 64** is currently in the (S) Appropriations Subcommittee on the Environment and Natural Resources.

#### **Nonnative Animals (CS/SB 230 & HB 587)**

**Background:** The exotic animal trade has long been a thorny issue for environmentalists in Florida. For decades the introduction and spread of non-native species has been directly traced to escaped pets and zoo specimens. Some species have proven to be as damaging to the native ecosystem as any other natural hazard. For example, the tegu lizard, imported from Latin America, has a habit of raiding gator nests and procreates rapidly. And the poisonous lionfish, which is native to Pacific waters but can now be found in coral reefs all along the coast of Florida, has proven devastating to reef fish populations and has no natural predators.

**Proposed Changes:** This bill directs the Florida Fish and Wildlife Commission to establish a pilot program for mitigating the impact of tegu lizards, red lionfish, and common lionfish, all of which would be deemed “priority invasive species,” on public lands and waters of the state. The Commission would be authorized to enter into competitively bid contracts with private entities to capture and destroy these pests on all state-owned public lands and waters managed by the

Commission. The Commission may also enter into memoranda of agreement with other federal, state and local partners for lands and waters under the jurisdiction of those parties.

Captures and kills must be properly documented via photographs and notation of the geographic area where the specimen was caught for research purposes. The Commission must submit a report on its findings and recommendations regarding the progress of this program to the Legislature and Governor by January 1, 2020.

The bill also requires pet dealers (defined as anyone who sells more than 20 animals a year to the public) who sell or resell any of the priority invasive species listed in this bill to electronically tag each specimen they sell with a passive electronic transponder (PIT). The Commission, which is in charge of the tagging program, would also have rulemaking authority to “identify non-native animals that threaten the state’s wildlife habitats and therefore must be implanted with a PIT tag, and establish standards for the types of PIT tags used in the program and the manner in which they are implanted.”

The bill requires the Legislature to appropriate \$300,000 per year over the next two fiscal years from the Land Acquisition Trust Fund for the purpose of implementing this pilot program.

**Update:** On Tuesday, the (H) Natural Resources & Public Lands Subcommittee passed **HB 587** without amendment. The bill is substantively similar to **CS/SB 230**, however, the scope of the bill is more limited as there is no tagging component to the invasive species program that was added to the Senate bill last week. **HB 587** will next be heard in the (H) Agriculture & Natural Resources Appropriations Subcommittee. **CS/SB 230** is currently in the (S) Appropriations Subcommittee on the Environment and Natural Resources.

#### **Aquifer Replenishment (HB 755 & SB 1438)**

**Background:** Underground injection is one of a variety of methods for wastewater disposal or reuse utilized in Florida. Aquifer storage and recovery (ASR) is the injection of surface water, ground water, or reclaimed water into the aquifer for storage and recovery purposes at a later date. Aquifer recharge is similar to ASR, but the water is used solely to recharge the aquifer; it will not be withdrawn from the same facility at a later date.

A zone of discharge (ZOD) is a volume underlying or surrounding the site and extending to the base of a specifically designated aquifer, within which an opportunity for the treatment, mixture, or dispersion of wastes into groundwater is allowed. Institutional controls are intended to affect human activities in such a way as to prevent or reduce exposure to contamination.

Although permits must be granted by the DEP in order to carry out these activities, as with any activity involving large water withdrawals or discharges, there are no additional statutory requirements for advanced water treatment for reclaimed water, stormwater, or other water sources

(e.g., excess surface water).

**Proposed Changes:** This bill would require underground injection control permits that are intended to protect, augment, or replenish the state's ground water resources to include additional conditions, including the establishment of a ZOD for ground water standards and any associated institutional controls necessary to promote the conservation, reclamation, and sustainability of the state's ground water resources.

The bill provides that the DEP may develop rule criteria for operation permits for these advanced water treatment facilities, which must consider, at a minimum:

- The intended water use or uses; 7
- Conditions that may be specifically applicable to the treatment of reclaimed water, stormwater, or excess surface water, as applicable; and
- Requirements for providing monitoring, protection, augmentation, or replenishment of the state's water resources. The bill provides that the authorized use of reclaimed water by an advanced water treatment facility satisfies any requirement to implement a reuse project as part of a reuse program and must be given significant consideration by the water management district in an analysis of the economic, environmental, and technical feasibility of providing reclaimed water for reuse. The bill also authorizes the DEP to develop rules for any necessary additional permit conditions for the construction of advanced water treatment facilities and underground injection, for the purposes of monitoring, protecting, augmenting, or replenishing the state's water resources. **Update:** On Tuesday, the (H) Natural Resources & Public Lands Subcommittee passed **HB 755** without amendment. It will next be taken up in the (H) Appropriations Committee. A Senate companion measure, **SB 1438**, has been filed. **Financial Assistance for Water and Wastewater (SB 678 & HB 629) Background:** According to the DEP, this bill is one of its 2017 legislative priorities. The department uses money from the State Revolving Fund Program (SRF) to provide financial assistance pursuant to ss. 403.1835, 403.1838, and 403.8532, F.S., relating to water pollution control, small community sewer construction, and drinking water, respectively. Historically, the SRF program operated in much the same way as a bank does with a loan for house construction. A local community's contractor would perform the work and invoice the community; the local community would then send the SRF program the invoice; the SRF program reviewed the invoice and approved payment to the local community, who then paid the contractor. However, in 2010 and 2013, new regulations were passed on state grant and contractor procedures. These new regulations also covered cost reimbursement programs, which must be carried out in accordance with s. 216.181(16), F.S. This particular statute requires a local community to either submit proof that it has already paid the contractor before the SRF can disburse the loan amount, or file an

application for advanced payment with the SRF program that must also be approved by the DEP's Division of Finance & Accounting and the Department of Financial Services. Many small, financially strapped communities find this first requirement burdensome since they cannot front such large amounts of money up front. They generally must exercise the latter option, with all its filing fees and other associated costs.

**Proposed Changes:** This bill amends ss. 403.1835, 403.1838, and 403.8532 F.S., to authorize the DEP to disburse financial assistance under those sections based solely upon invoiced costs, without a requirement that the recipients request advance payment pursuant to s. 216.181(16), F.S. The recipient must submit proof of payment of invoiced costs before or concurrent with the recipient's next disbursement request.

**Update:** On Tuesday, the (S) Communications, Energy, and Public Utilities Committee passed **SB 678** without amendment. The bill will next be heard in the (S) Appropriations Subcommittee on the Environment and Natural Resources. The House bill, **HB 629**, is currently in the (H) Natural Resources & Public Lands Subcommittee.

#### **Public Notification of Pollution (SB 532 & HB 1065)**

**Background:** Many commercial, industrial, agricultural, and utility operations and entities are required to report various releases, discharges, or emissions, either as a condition of permitted operations or pursuant to law or rule. Under state law, to the extent notification is required, it typically must be made to the DEP.

In 2016, the DEP initiated rulemaking to establish a requirement for public notification of pollution release from installations throughout the state. This rulemaking was challenged in administrative court by several commercial associations, who argued that the DEP had over-stepped the authority granted to it in statute.

In November of last year, an administrative law judge ruled in favor of the petitioners, holding that the DEP lacked the rulemaking authority for its proposed rules. The final order concluded that the authorities cited by the DEP as providing it with the statutory authority to adopt the rule were only general grants of authority and not specific enough to authorize the DEP to require that owners and operators of installations provide notices to local governments, the general public, and broadcast media.

**Proposed Changes:** This bill creates the Public Notice of Pollution Act. The Act requires the DEP to publish a list of substances at specified quantities that pose an immediate and substantial risk to the public health, safety, or welfare. Releases of these substances at the quantities specified are "reportable releases."

The owner or operator of any installation where a reportable release occurs must provide a notice of



the release to the DEP. The notice must be submitted to the DEP within 24 hours after discovery of the reportable release and must contain the detailed information described in the bill about the installation, the substance, and the circumstances surrounding the release.

The DEP would be required to publish each notice on the Internet within 24 hours after it receives the notice. It must also create a system for electronic mailing that allows interested parties to subscribe to and receive direct announcements of notices received by the DEP. The bill provides that submitting a notice of a reportable release does not constitute an admission of liability or harm. Finally, the bill provides for \$10,000 per day

in civil penalties for violations of these notice requirements and authorizes the DEP to adopt rules to administer said penalties.

**Update:** On Tuesday, the (S) Environmental Preservation & Conservation Committee passed **SB 532** after adopting **two amendments**. The first amendment makes a technical change to the intent section of the bill, providing that the DEP has the authority to control and prohibit pollution of the air, land, and water. The second amendment clarifies that a “reportable pollution release” is an unlawful release of substances into the air, land, and water that has been discovered by the owner or operator of an installation, and provides more detailed instruction on what discharges must be reported, to whom they must be reported, and how they must be reported. Advocates representing the business community welcomed these changes during public comment.

**CS/SB 532** will next be taken up in the (S) Appropriations Subcommittee on the Environment and Natural Resources. The House companion, **HB 1065**, is currently in the (H) Natural Resources & Public Lands Subcommittee.

#### **Advanced Well Stimulation Treatment (SB 442 & HB 451)**

**Background:** The practice of hydraulic fracturing (or “fracking”) in petroleum exploration continues to be one of the most prominent hot button issues this session. The failure last year of a bill requiring well operators to list all the chemicals used in their operations failed in the face of vehement opposition from environmental groups, who wanted a blanket ban on the process in its entirety. 32 counties and cities in the state have already banned hydraulic fracking within their jurisdictions.

**Proposed Changes:** This bill creates what is tantamount to a statewide prohibition on fracking or “advanced well-stimulation treatments.”

The bill defines “advanced well-stimulation treatments” as “all stages of well intervention performed by injecting fluids into a rock formation:

- At pressure that is at or exceeds the fracture gradient of the rock formation and the purpose or

effect is to fracture the formation to increase production or recovery from an oil or gas well, such as hydraulic fracturing or acid fracturing; or

- At pressure below the fracture gradient of the rock formation and the purpose or effect is to dissolve the formation to increase production or recovery from an oil or gas well, such as matrix acidizing.” The bill explicitly excludes from this definition techniques used for routine well cleanout work, well maintenance, or removal of formation damage due to drilling or production; or acidizing techniques used to maintain or restore the natural permeability of the formation near the wellbore.

**Update:** On Tuesday, the (S) Environmental Preservation and Conservation took up **SB 442** before passing it unanimously (at least three committee members were co-sponsors of the bill).

All the environmental groups present waived in support or gave brief statements of thanks to the bill sponsors. Advocates for the petroleum industry voiced their opposition, citing various studies that question the correlation between groundwater pollution and fracking. One lawyer raised the prospect of landowners filing suit under the Bert Harris Act due to their losing the ability to exploit the mineral rights to their lands, thus constituting an unconstitutional taking. Another lawyer representing the American Petroleum Institute noted that the only other state to ban fracking in its entirety was Vermont, and that even its regulations were not as strict as what was proposed in the bill.

Sen. Simmons, one of the unofficial co-sponsors, made the argument that the bill would not prohibit other forms of oil exploration, and thus should not interfere with private mineral rights. He also made the point that Florida’s porous karst limestone bedrock was so unique and fragile that stricter measures were in order.

**SB 442** will next be taken up in the (S) Appropriations Subcommittee on the Environment and Natural Resources. The House measure, **HB 451**, is currently in the Natural Resources & Public Lands Subcommittee.

#### **Public Meetings (SB 914 & HB 919)**

**Background:** Article 1, s. 24(b) of the state constitution provides that all meetings by a collegial body of the state or local governments must be open to the public. Under s. 286.011, F.S., any such meeting “at which official acts are to be taken or at which public business of such body is to be transacted or discussed” must likewise be open to the public.

The Legislature has not further defined the term “meeting” within the context of the Sunshine Law. However, the courts have. In *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, the Florida Supreme Court stated:

“[M]eetings within the meaning of the Sunshine Law include any gathering, formal or informal, of two or more members of the same board or commission where the members deal with some matter on which foreseeable action will be taken by the Board.” (*Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755, at 764 (Fla. 2010).

The Court has also interpreted the intent of the Sunshine Law in relation to the types of assemblages that constitute a “meeting”:

“The obvious intent of the Government in the Sunshine Law...was to cover any gathering of some of the members of a public board where those members discuss some matters on which foreseeable action may be taken by the board.” (*Bd. of Pub. Instruction v. Doran*, 224 So. 2d 693, at 698 (Fla. 1969).

**Proposed Changes:** This bill seeks to codify judicial interpretation and application of the following terms as they exist under the Sunshine Law: “de facto meeting,” “meeting,” “official act,” and “public business.” Those terms are defined as follows:

- “De facto meeting” means the use of board or commission staff or third parties, acting as intermediaries, to facilitate discussion of public business between board or commission members;
- “Discussion” means a conversation between or among board or commission members regardless of whether through oral, written, electronic or any other form of communication;
- “Meeting” means a gathering, whether formal or informal, of two or more members of the same board or commission, even if they have not yet taken office;
- “Official act” means the adoption of a resolution or rule or other formal action being taken by the board or commission; and
- “Public business” means any matter before, or foreseeably expected to come before, the board or commission. The bill also specifies that members of a board may participate in “fact-finding” exercises or excursions to research public business, and may participate in meetings with a member of the Legislature if:
  - The board provides reasonable notice;
  - A vote, official act, or an agreement regarding a future action does not occur;
  - There is no discussion of “public business” that occurs; and
  - There are appropriate records, minutes, audio recordings, or video recordings made and retained

as a public record. Finally, the bill provides that if there is a gathering of two or more board members where no official acts are taken and no public business is discussed, then no public notice or access is required. **Update:** On Tuesday, the (S) Committee on Ethic and Electors passed **SB 914** without amendment. It will next be taken up in the (S) Community Affairs Committee. The House companion, **HB 919**, is currently slated for the (H) Oversight, Transparency & Administration Subcommittee. **Water Resources (SB 10 & HB 761) Background:** In 2000, Congress, as part of the Clean Water Act, approved implementation of the Comprehensive Everglades Restoration Plan (CERP) as a means of bringing all major water projects tied to Everglades restoration under one state-federal umbrella. Many of the current reservoirs, the Aquifer Storage & Recovery (ASR) systems, Stormwater Treatment Areas (STAs) and other projects that have been built or are under construction are integrated parts of CERP. In 2008, then Gov. Charlie Crist signed the River of Grass agreement with the US Sugar Corporation, which contained options to buy more than 187,000 acres in the Everglades Agricultural Area (EAA) for purposes of constructing a more historical “flow-way” from the lake to the Everglades. Because of the magnitude of this acquisition, many CERP projects were put on indefinite hold to re-evaluate their design aspects to account for this prospective purchase. Eventually the SFWMD, citing lack of available funding, opted to buy only 26,800 acres of land. Under an amended agreement with US Sugar that same year, the SFWMD retained the right under three different options to purchase the remaining 153,200 acres. The first two options have since expired. The remaining third option allows the SFWMD to purchase the land at “fair market value” in competition with other buyers.

**Proposed Changes:** This bill would require the SFWMD to implement one of three options:

- Option A requires the SFWMD to seek out proposals from willing sellers within the Everglades Agricultural Area to purchase enough land to build one or two reservoirs equaling 360,000 acre-feet of water storage.
- Option B requires the SFWMD, if they are unable to purchase the necessary land from independent sellers under Option A, to purchase the land from US Sugar under the terms of the 2010 River of Grass Agreement.
- Option C, to be exercised if the SFWMD is unable to purchase any land under Options A or B, requires funds from the Land Acquisition Trust Fund for CERP to be increased by \$50 million per year, with a portion of those funds going towards future land acquisitions in the EAA for reservoir construction purposes. Under each option the SFWMD, unless other funding is available, is required to begin the planning study under CERP for the Everglades Agricultural Area Reservoir project component by certain dates. If land is acquired under Options A or B, the bill authorizes the distribution of \$1.2 billion in Florida Forever bonds

and provides contingent appropriations for the debt service payments on such bonds. The bill requires that the SFWMD seek any applicable federal credits towards the reservoir project. **Update:** On Wednesday, the (S) Appropriations Subcommittee on the Environment and Natural Resources adopted a **strike-all** for **SB 10**. The strike-all makes the following changes to the bill:

- Creates the Coast-to-Coast Comprehensive Water Resource Program and transfers \$3.3 billion of bonding authority from the Florida Forever Trust Fund to this newly created program. The duration of each series of bonds issued cannot exceed 20 annual maturities, and the amount of documentary stamp tax that may be pledged to service these bonds is also limited.
- Specifies that the SFWMD, in exercising Option A, may not exercise eminent domain for the purpose of implementing the reservoir project.
- Requires the SFWMD to give preferential consideration to hiring agricultural workers displaced as a result of the reservoir project, consistent with their qualifications and abilities, for the construction and operation of the reservoir project.
- Reduces the amount that can be bonded by Florida Forever for land acquisition and improvement from \$5.3 billion to \$2 billion.
- Requests the Army Corps of Engineers, in re-evaluating its Lake Okeechobee Regulation Schedule, to consider the effect of repairs made to the Herbert Hoover Dike as well as the construction of any new storage south of the lake.
- Creates the Water Protection & Sustainability Program Trust Fund, a new water storage facility revolving loan fund. The DEP would be authorized to award loan amounts for up to 75 percent of the cost of planning, designing, constructing, upgrading, or replacing water resource infrastructure or purchasing land for water storage facilities. Alternative water supply and water sustainability projects would be given priority under this program.
- Makes the payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable to water resource protection and development bonds issued under this bill's provisions a 1<sup>st</sup> priority for LATF funding.
- Designates the EAA Reservoir Project, C-34 West Basin Storage Reservoir, C-44 Reservoir, Western Everglades Restoration Project, C-111 South-Dade Project, and Picayune Strand Restoration Project as priority projects for LATF funding under CERP.
- Appropriates \$35 million LATF funds annually to the St. Johns WMD for St. John's River and

Keystone Heights' restoration projects, and \$2 million for projects in the Florida Keys relating to water supply, stormwater collection, sewage treatment and disposal, and canal restoration & muck removal.

- Appropriates \$20 million to offset damages to property owners incurred due to retrofitting onsite sewage treatment and disposal systems in order to cleanup Indian River Lagoon, and the St. Lucie and Caloosahatchee estuaries.
- Creates a water reuse grant program. The DEP would be authorized to grant up to 100 percent of the cost for planning, designing, constructing, upgrading, or replacing infrastructure designed to expand a facility's capacity to make reclaimed water available for reuse. The Q & A session that preceded and followed adoption of the strike-all was lengthy and largely revolved around the subject of these changes. Of particular interest to the committee was how bonding would be carried out under the new trust funds and what mechanism would be used to give former agricultural worker "preference" for reservoir work (the bill's sponsor answered that a points system would be used, as with all other government positions.)

Public comment was divided between two groups of private citizens and advocates; one representing coastal communities dependent on tourism and in favor of the bill, the other representing rural communities in the EAA dependent on the agricultural industry, who spoke out against it. **CS/SB 10** passed 5-1. It's last remaining committee stop before the floor is the (S) Appropriations Committee. **HB 761** is currently in the (H) Natural Resources & Public Lands Subcommittee.

#### **Land Acquisition Trust Fund (CS/SB 234 & HB 847)**

**Background:** In 2014, Florida voters approved Amendment 1, a constitutional amendment to provide a dedicated funding source for water and land conservation & restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF).

The General Revenue Estimating Conference in December of 2016 estimated that for the 2017-2018 Fiscal Year a total of \$2.48 billion would be collected in documentary stamp taxes. Thirty-three percent of the net revenues collected or approximately \$814.1 million must be deposited into the LATF in accordance with s. 28, Art. X of Florida's Constitution.

**Proposed Changes:** This bill requires that \$35 million be appropriated to the St. Johns River Water Management District for projects dedicated to the restoration of the St. Johns River and its tributaries, or to the Keystone Heights Lake Region.

It authorizes such funds to be used for land management and land acquisition, and for increasing recreational opportunities associated with, and improving public access to, the St. Johns River and



its tributaries or the Keystone Heights Lake Region.

The bill also requires the distribution to be reduced by an amount equal to the debt service paid on bonds issued for such restoration purposes after July 1, 2017.

**Update:** On Wednesday, the (S) Appropriations Subcommittee on the Environment and Natural Resources passed **CS/SB 234** with **one amendment**. The amendment increases the amount appropriated in the bill for the St. John's River WMD from \$35 to \$45 million. Additionally, the substance of this bill was added to the strike-all to SB 10.

**CS2/SB 234** will next be taken up in the (S) Appropriations Committee, its last committee of reference. The House companion bill, **HB 847**, is currently in the (H) Agriculture & Natural Resources Appropriations Subcommittee

**Local Government Fiscal Transparency (PCB WMC1/HB 7065) Overview:** This bill contains various provisions, all within the area of increasing fiscal transparency among local governments. Voting Records

**Background:** While the voting records of local government governing boards are public records and therefore subject to public disclosure, there is no current requirement for local governments to make available, on their websites, the voting records of their governing boards on votes taken related to tax increases or the new issuance of tax-supported debt. Generally, the adoption of an ordinance requires publication of notice in a newspaper at least 10 days prior to the meeting where such adoption is scheduled to occur.

**Proposed Changes:** This bill requires each local government post on its website, in a manner that is easily accessible to the public, the voting records on any action taken by the governing board of the local government during the most recent four years related to tax increases and new tax-supported debt issuance, excluding refinancing or refunding of debt that does not extend the term or increase the outstanding principal amount of the original debt. The bill allows these provisions to be phased in over four years.

The bill also requires these notices to include the HTML address or website where the voting records can be found and accessed.

TRIM notice

**Background:** Current law requires the county property appraiser to prepare and deliver a "notice of proposed property taxes and non-ad valorem assessments" to county residents. This is commonly referred to as the "truth-in-millage notice" or TRIM notice, and is sent on behalf of all taxing authorities and local governing boards levying both ad valorem taxes and non-ad valorem assessments on a parcel to the owner of each parcel on the current year's assessment roll.

The TRIM notice also includes the times and places for local government board meetings at which tentative budgets and proposed tax rates are to be considered prior to final approval.

Parcel-specific histories of property tax bills are commonly available on most county tax collectors' websites.

**Proposed Changes:** This bill requires each county property appraiser to maintain a public web database of all the county parcels, detailing the current TRIM notice and four- year history of millage rates and tax amounts levied by each taxing authority on each of these parcels. The website must also contain a four-year history of every annual millage rate and the total amount of property tax revenue generated from these annual levies. The bill would phase in the four-year history requirement according the following schedule:

- By October 1, 2017, two years of history;
- By October 1, 2018, three years of history; and
- By October 1, 2019, and each year thereafter, four years of history. *Public Hearings*

**Background:** In addition to the preparation and distribution of the TRIM notice, as described above, before establishing a new millage rate, each local government must hold at least two public hearings – the first to adopt a tentative budget, and the second to adopt a final budget. The public meeting held to adopt the final budget requires public notice in the county newspaper, to notify the public of the governing board's intent to adopt a final millage rate and budget.

**Proposed Changes:** This bill would require local government to hold an additional public meeting, at least 15 days before the second, final meeting when the budget is ratified and a millage rate approved. This public meeting must allow for public comment. The bill also requires the local government to provide public notice 10 days before the final meeting to approve the budget and millage rate. Current noticing and meeting requirements regarding ad valorem taxes or any new issuance of tax-supported debt issuance would be unchanged.

#### *Debt Affordability Measures*

**Background:** Current law requires the state to annually prepare a debt affordability report and a legislative statement of determination (or "budget statement") in the legislative authorization of new tax-supported debt if the additional borrowing would exceed certain benchmark debt ratios. If the ratio of debt service to revenue available to pay debt service on tax-supported debt is projected to exceed six percent as a result of the borrowing, the statement of determination must be that such authorization and issuance is in the best interest of the state, and should thus be implemented. If the same ratio is projected to exceed seven percent as a result of the borrowing, the required statement

must be that such additional debt is necessary to address a critical state emergency.

**Proposed Changes:** The bill requires local governments to conduct and consider a debt affordability analysis prior to approving the issuance of any new, long-term tax-supported debt. The analysis would consist, at a minimum, of a calculation of the debt affordability ratio for the most recent five years and at least two projected years to gauge the effects of the proposed new debt issuance on the government's debt service to revenue profile. The debt affordability ratio is the annual debt service for outstanding tax-supported debt divided by total annual revenues available to pay debt service on outstanding debt. This ratio is required to be calculated both with and without the new debt issuance.

#### *Penalties for Non-Compliance*

**Background:** Current law requires certain local government entities to submit to financial audits by the Auditor General when requested. If the Auditor General does not notify a local entity of an upcoming audit, then that entity must have its own audit prepared by an independent certified public accountant within nine months after the end of its fiscal year. Those entities include counties, cities, school districts, and certain charter schools and technical centers.

The audit report must be filed with the Auditor General within 45 days after delivery of the audit report to the governing body of the audited entity, but no later than nine months after the end of the audited entity's fiscal year. The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the audit report. Failure to take full corrective action on a recommendation that was included in two preceding audit reports will result in the Auditor General notifying the Legislative Auditing Committee, which may proceed to provide its own remedies in accordance with s. 11.4(2), F.S.

**Proposed Changes:** This bill requires the annual audit reports described above to report on whether or not the local government has complied with the new requirements of this bill. The bill requires local governments not in compliance with the proposed provisions to provide, upon request of the Auditor General, evidence of the initiation of corrective action within 45 days after the date it is requested by the Auditor General and evidence of completion of corrective action within 180 days of the aforementioned request. The Auditor General must notify the Legislative Auditing Committee if the local government does not take corrective action. The committee in turn may direct the Department of Revenue and the DFS to withhold non-bond payment funds until compliance is satisfied.

**Update:** On Wednesday, the (H) Ways & Means Committee adopted its proposed bill, which has been filed as **HB 7065**. As of this writing it has not yet been referred to any committees, nor is there any Senate companion.

**Local Government Fiscal Transparency (PCB WMC2/HB 7063)**

### *Maximum Statutory Millage Rates*

**Background:** Chapter 200, F.S., governs the process, procedures, and limitations on the establishment of millage rates by local governments. One mechanism is the use of roll-back rates, which is the base millage rate that would generate the same amount of property tax as was approved the prior year, less allowances for new improvements, land purchases, increasing property values above 100 percent and tangible personal property values increasing by 115 percent. Any property tax levied in excess of the roll-back rate must by law be referred to as a tax increase, both in the enacting ordinance and in public notification of the proposed increase.

The maximum millage a local government or special district may levy is often set by reference to the roll-back rate: the maximum millage rate that most non-school taxing authorities can levy by simple majority vote is the rolled-back assuming the previous year's maximum millage rate was actually levied, adjusted by the change in Florida per capita personal income.

**Proposed Changes:** This bill creates a new statutory maximum millage rate for local governments other than school districts. A county, municipality, special district dependent to a county or municipality, municipal service taxing unit, or independent special district may not levy a millage rate above its rolled-back rate, unless the government does not have excess unencumbered fund balances in any of its special revenue funds, as of the beginning of the fiscal year for which the millage rate is being considered, or, if there are excess balances, appropriations are made to reduce any such balances. This, in effect, prohibits property tax increases, as defined in current law, unless certain excess fund balances are spent down.

The bill defines "excess unencumbered fund balances" as:

"[A]ny non-fee revenues, in any special revenue fund of a county, municipality, special district dependent to a county or municipality, municipal service taxing unit or independent special district, which are not otherwise committed by ordinance or resolution of the governing board to either a contingency reserve or to the future funding of specific projects or services, are not encumbered by appropriations or contractual obligations and are in excess of 10 percent of total annual revenues to the account or fund. The term does not include monies subject to restrictions imposed by the federal government or revenues that were approved by referendum of the electors in the affected jurisdiction."

### *Restrictions on Local Option Tax Increases*

**Background:** The Florida Constitution preempts all forms of taxation, except for ad valorem taxes on real estate and tangible personal property, to the state unless otherwise provided by general law. Over the years, the Legislature has, by general law, authorized many different local option taxes. Each local option tax source comes with its own set of rules or prescriptions relating to the method for adopting and levying the tax.

**Proposed Changes:** This bill prohibits a municipality or county from enacting, extending or increasing any of the following local option taxes if such local government had adopted a millage rate in excess of its rolled-back rate (with certain specified exceptions) in any of the three previous years:

- Local communications services taxes
- Tourist development taxes
- Tourist impact taxes
- Discretionary surtaxes on documents
- Public service taxes
- Local business taxes
- Motor fuel and diesel taxes
- Convention development taxes
- Local option food and beverage taxes
- Local option sales taxes This restriction does not apply to millages approved by a vote of the electors pursuant to s. 9(b), Art. VII of the state constitution, or millages approved by a vote of the electors pursuant to s. 12, Art. VII of the state constitution. It does not apply to school districts, however, it does increase the majority threshold requirement for approval of a discretionary sales surtax by a district school board from a simple majority to a 4/5<sup>ths</sup> majority. *Tax Referenda* **Background:** Currently, certain local option taxes and property taxes require voter approval prior to being levied. Others have voter approval as an option that the local government may use to approve the levy. Current statute does not dictate when these referenda must occur.

**Proposed Changes:** This bill requires that any local option or property tax levy, including property taxes levied by special districts, that must be approved by referendum be considered only at a general election. Further, the bill would increase to sixty percent the threshold for voter approval of any local option tax or property tax levy. The bill amends s. 125.901, F.S., to make clear that these requirements apply to children's services independent special districts.

*New Tax-Supported Debt Issuances*

**Background:** The Florida Constitution authorizes counties, municipalities, school districts, special districts, and local governmental bodies with taxing powers to issue bonds, certificates of indebtedness, or any form of tax anticipation certificates, that pledge ad valorem tax revenues and mature more than 12 months after issuance to finance or refinance capital projects authorized by law when approved by vote of the electors.

Not all capital outlay financing mechanisms utilized by local governments and special districts fall under the constitutional grant. For example, some school districts issue “certificates of participation,” which function as bonds in everything but name, but do not require voter approval because no ad valorem taxes are pledged in the initial agreement (even though the vast majority of school funding comes from precisely that source).

In general, there is no overall requirement that voters approve any new local government tax-supported debt that pledges revenues beyond five years.

**Proposed Changes:** This bill requires voter approval for any new tax-supported debt that pledges revenues beyond five years. The voter approval would be subject to the same election restrictions described above for local option and property taxes (i.e., referenda must be held at a general election and receive at least 60 percent approval).

The bill defines “tax-supported debt” to mean:

“[D]ebt secured in whole or in part by state or local tax levies, whether such security is direct or indirect, explicit or implicit, including but not limited to debt for which annual appropriations pledged for payment are from government fund types receiving tax revenues or shared revenues from state tax sources. The term does not include debt that is secured solely by the revenues generated by the project that is financed with the debt.”

The only exception to this rule would be in certain emergency situations, following a resolution declaring such. The governing board, by a 4/5ths majority vote, may authorize a vote at an election other than the general election in such situations, while still requiring 60 percent voter approval.

**Update:** On Wednesday, the (H) Ways & Means Committee voted to adopt its proposed bill, which has been filed as **HB 7063**. As of this writing it has not yet been referred to any committees, nor is there a Senate companion.

#### **Resource Recovery & Management (CS/HB 335 & SB 1104)**

**Background:** The DEP is charged with implementing and enforcing the state’s solid waste management program. This program oversees the direct disposal of many different forms of industrial, agricultural, and residential waste. However, under s. 403.7045(1), F.S., certain wastes and activities are exempt from solid waste regulation. These generally consist of recoverable



materials and the processes by which they are recycled and reused. Currently, to qualify for an exemption, a solid waste facility must meet the following requirements:

- 1. A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within one year;**
- 2. The recovered materials handled by the facility or the products or byproducts of operations that process recovered materials are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water by the owner or operator of such facility so that such recovered materials, products or byproducts, or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwater, or otherwise enter the environment such that a threat of contamination in excess of applicable DEP standards and criteria is caused;**
- 3. The recovered materials handled by the facility are not hazardous wastes; and**
- 4. The facility is registered with the DEP.**

Furthermore, the DEP does not require solid waste *combustors* to obtain a solid waste permit if the facility operates under a current valid permit for a stationary source of air pollution, open burning, or electrical power plant and transmission line siting.

In recent years, more and more solid waste management facilities have begun employing gasification and pyrolysis as means of converting solid waste into fuel. Neither process uses combustion, instead relying on the application of heat within an oxygen-starved environment to synthesize fuel from the resulting chemical reactions. The two processes are comparatively cleaner than traditional combustion methods.

**Proposed Changes:** This bill expands the current exemption from the DEP's solid waste management program to include non-combustion gasification and pyrolysis facilities.

The bill provides the following definitions:

- "Gasification" is a process through which recovered materials are heated and converted to synthesis gas in an oxygen-deficient atmosphere, and then converted to crude oil, fuel, or chemical feedstock."
- "Post-use polymer" is a polymer derived from any domestic, commercial, or municipal activity and recycled in commercial markets that might otherwise become waste if not converted to manufacture fuels or other raw materials or intermediate or final products using gasification, pyrolysis, or another thermal conversion process. A post-use polymer may

contain incidental contaminants or impurities such as paper labels or metal rings.

- "Pyrolysis" is a process through which recovered materials are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil, or other fuel, feedstocks, diesel and gasoline blend stocks, chemicals, waxes, or lubricants, or other raw materials, intermediate, or final products.
- "Pyrolysis facility" is a facility that collects, separates, stores, and converts recovered materials using gasification, pyrolysis, or another thermal conversion process. A pyrolysis facility is not a waste management facility. The current statutory definitions for "recovered materials" and "recovered materials processing facility" are also expanded to include post-use polymers converted into crude, fuels or other raw materials, and facilities that use pyrolysis, gasification, other thermal conversion processes. **Update:** On Thursday, the (H) Government Accountability Committee passed **CS/HB 335** without amendment. This was the House bill's last committee of reference. A senate companion, **SB 1104**, has been filed and referred to the Committee on Environmental Preservation and Conservation, Appropriations Subcommittee on the Environment and Natural Resources, and Appropriations. **Palm Beach County Lost Tree Village Septic to Sewer (HB 3023)**  
**Proposed Appropriation:** This bill appropriates, for fiscal year 2017-2018, \$1,646,750 in non-recurring funds for the Palm Beach County Lost Tree Village Septic to Sewer program as currently described in Appropriations Project Request 412. Pending approval by the House and Senate Budget conference and signage into law, it should take effect July 1<sup>st</sup>, 2017.

### **Anfield Report Week of 3-20**

Week 3 has come to a close. It was an eventful week that tailed off at the end. First reference bills that were not heard this week that have three or more committee stops are in serious jeopardy of not making it out of committee if they are not put on next week's agenda. We have also learned that, in addition to (S) Community Affairs canceling its meeting in Week 4, the substantive committees in the Senate will not meet after Week 5. The only exception would be if a committee chair specifically requests to meet and is approved by the president. This is not unheard of but is extremely rare. Similarly, although this is not yet confirmed, you should expect the House subcommittees, which tend to mirror the Senate substantive committees, to begin shutting down in the coming weeks.

### **Financial Assistance for Water and Wastewater (SB 678 & HB 629)**

*By Anfield Consultants*

**Background:** According to the DEP, this bill is one of its 2017 legislative priorities. The Department uses money from the State Revolving Fund Program (SRF) to provide financial assistance pursuant to ss. 403.1835, 403.1838, and 403.8532, F.S., relating to water pollution control, small community sewer construction, and drinking water, respectively.

Historically, the SRF program operated in much the same way as a bank does with a loan for house construction. A local community's contractor would perform the work and invoice the community.

The local community would then send the SRF program the invoice. The SRF program reviewed the invoice and approved payment to the local community, who then paid the contractor.

However, in 2010 and 2013, new regulations were passed on state grant and contractor procedures. These new regulations also covered cost reimbursement programs, which must be carried out in accordance with s. 216.181(16), F.S. This particular statute requires a local community to either submit proof that it has already paid the contractor before the SRF can disburse the loan amount, or file an application for advanced payment with the SRF program that must also be approved by the DEP's Division of Finance & Accounting and the Department of Financial Services. Many small, financially strapped communities find this first requirement burdensome since they cannot come up with such large amounts of money up front. They generally must exercise the latter option, with all its filing fees and other associated costs.

**Proposed Changes:** This bill amends ss. 403.1835, 403.1838, and 403.8532 F.S., to authorize the DEP to disburse financial assistance under those sections based solely upon invoiced costs, without a requirement that the recipients request advance payment pursuant to s. 216.181(16), F.S. However, the recipient must later submit proof of payment of these invoiced costs before or concurrent with its next disbursement request.

**Update:** On Monday, the (H) Natural Resources & Public Lands Subcommittee passed **SB 629** without amendment. **HB 678** was passed on Wednesday by the (S) Appropriations Subcommittee on the Environment and Natural Resources. **SB 678** is now in (S) Appropriations; **HB 629** will next be taken up in the (H) Agriculture & Natural Resources Appropriations Subcommittee

### **Renewable Energy Source Devices (CS/HB 1351 & CS/SB 90, HB 1411)**

*By Anfield Consultants*

**Background:** Under s. 193.624, F.S., the cost and value of renewable energy devices are exempt from real estate property tax assessments.

A “renewable energy device,” as currently defined in statute, generally encompasses the power plant components of the device, but does not encompass auxiliary components such as wiring, structural supports, and other integral systems, or conditioning and power storage devices used in conjunction with solar and geothermal energy. Also, the prohibition only applies to devices installed on or after January 1, 2013, and is limited to devices installed on real property classified as “residential” for tax purposes.

During the 2016 primary election, voters approved a constitutional amendment, Amendment 4, to expand the exemption beyond its current limits.

**Proposed Changes:** There are actually three bills which deal with this subject matter, however only two of them are currently identical: **CS/SB 90** and **HB 1411**. Those two bills simply expand the current prohibition on taxation of renewable energy devices to all real property, not just those used for residential purposes. It expands the definition of “renewable energy device” to include auxiliary components “integral” to solar and geothermal devices (including wiring, structural supports, power conditioning & storage devices) and extend it to include all such devices regardless of installation date. It does not include “any equipment that is on the distribution or transmission side” where the renewable energy source device is interconnected with the electric utility’s distribution grid or transmission lines.

The bills also create a new section of law that prohibits personal property taxes from being levied on renewable energy devices.

With a few exceptions, all the changes to statute made by these bills would sunset on December 31,

2037.

**HB 1351**, which is modeled after a similar Arizona law, contains the same tax exemption provisions as **CS/SB 90** and **HB 1411**, but also goes further. It creates a new section of law that governs the sale, finance, or lease of distributed energy generation systems, requiring those systems to meet the safety standards of various regulatory organizations. Agreements made between a buyer/lessee and a merchant who sells, finances, or leases a distributed energy generation system must also meet certain requirements under the House bill, including a detailed, accurate projection of what rates the consumer will pay should they purchase the system.

A buyer or lessee who installs a distributed energy generation system and wishes to receive the benefit of an electric utility's net metering program must comply with the applicable interconnection tariffs and rules of the electric utility and any applicable interconnection rules and standards established by the PSC.

These provisions would not apply to any person or company that markets, sells, solicits, negotiates, or enters into an agreement for a distributed energy generation system as part of a transaction involving the sale or transfer of real property to which the system is affixed. Thus, these provisions do not appear to apply to home sellers, including real estate brokers and agents. The bill also provides penalties for non-compliance.

Lastly **HB 1351** requires that any financing agreement entered into between a local government and a property owner for the financing of a qualifying improvement under a PACE program must comply with the disclosure requirements described above for the sale, finance, or lease of a distributed energy generation system.

**Update:** On Tuesday, the (H) Energy & Utilities Subcommittee adopted **one amendment to HB 1351**, which does the following:

- Replaces references to “public utilities” with references to “electric utilities,” which includes all retail electric utilities in Florida;
- Clarifies that a buyer or lessee of a distributed energy generation system is not required to interconnect with an electric utility unless the buyer or lessee wishes to receive the benefit of a utility net metering program;
- Provides that in any agreement that contains an estimate of a buyer’s or lessee’s future utility charges based on projected utility rates after the installation of a distributed generation system, the agreement must specify whether, and the extent to which, the estimate is based upon the buyer’s or lessee’s participation in a utility net metering program and, if so, must identify any conditions or requirements for participation in the program; and
- Removes a requirement that a seller disclose the assessed value of a distributed energy generation system (the bill already prohibits such systems from being assessed for tax purposes).

The **CS** was passed unanimously, 13-0. However, during public comment, numerous representatives from the solar industry and environmentalist groups who were the key drivers behind Amendment 4 rose up to voice their deep concern over the regulatory aspects of the bill, which in their view could potentially constitute as significant a burden to expanding solar energy in the state as the taxes the bill was designed to address. The disclosure requirements drew particular attention. Many solar energy providers testified that the requirements would be impossible to meet since they cannot predict what rates their customers will pay once installing their systems since they do not set the rates themselves. Otherwise, they were generally in support of the bill.

At least one local government, representing Desoto County, spoke in support of the bill in its current form. Rep. Rodriguez agreed to hold further meetings with stakeholders to address their concerns.

**CS/HB 1351** will next be taken up in the (H) Ways & Means Committee.

## **Contaminated Site Clean-Up Program (CS/SB 1018 & CS/HB 753)**

*By Anfield Consultants*

**Background:** Petroleum is stored in thousands of underground and aboveground storage tank systems throughout Florida. Releases of petroleum into the environment may occur as a result of accidental spills, storage tank system leaks, or poor maintenance practices.

Since 1983, the DEP has been in charge of regulating storage tanks for petroleum products. Of particular concern are tanks that have been abandoned or are out of service. These tanks sometimes leak into the ground and pose a risk to groundwater. In 1986, the Legislature passed the State Underground Petroleum Environmental Response (SUPER) Act. One program created under SUPER was the Early Detection Incentive Program (EDI), which allowed owners of abandoned tank sites the option of either performing site cleanup themselves and then receiving reimbursement from the DEP's Inland Protection Trust Fund (IPTF), or of having the state perform the cleanup themselves in priority order. The financial costs attached to this program quickly skyrocketed past what had been originally projected. In response, the Legislature has shifted emphasis towards funding pre-approved cleanups, with priority placed on those contaminated sites identified before 1995, and with spending limited to what is within the confines of the program's funding.

The Preapproved Advanced Cleanup Program (ACP) was also created, allowing owners of critically contaminated sites who did not take advantage of the EDI program before 1995 to bypass the priority ranking list and receive funding in order to facilitate a timely rehabilitation. Participants in this program are required to share at least 25% of the cost of rehabilitation and prepare limited scope assessments at their own expense. Applications are submitted to the DEP twice a year (between May 1 and June 30 and between November 1 and December 31). The applications are ranked based on the percentage of cost-sharing commitment proposed by the applicant, with the highest ranking given to the applicant that proposes the highest percentage of its share of costs. Different projects at different sites may also be bundled for greater cost effectiveness.

Two other programs affected by this bill are the Abandoned Tanks Restoration Program (ATRP) and the Petroleum Clean-up Participation Program (PCPP).

The Abandoned Tanks Restoration Program (ATRP) was created in 1990. In order to be eligible for the ATRP, applicants must certify that the petroleum system has not stored petroleum products for consumption, use, or sale since March 1, 1990. They must also have filed a claim before June 1, 1996.

The Petroleum Cleanup Participation Program (PCPP) was created in 1996 for sites that had missed the opportunity for state funding assistance but had reported contamination before 1995. Responsible parties in the PCPP cost share the cleanup and prepare a limited scope assessment at their expense. Sites that qualify for this program are eligible for \$400,000 in rehabilitation funding and the owner, operator, or responsible party is required to pay 25% of the costs.

Somewhat related to the family of petroleum cleanup programs is the Drycleaning Solvent Cleanup Program, which focuses on cleaning up the former sites of Laundromats or wholesale supply facilities where massive amounts of cleaning chemicals were used and have leached into the soil. The program limits the liability of site owners who participate in the cleanup so long as the parties meet the conditions stated in the law. The application period for entry into the program ended December 31, 1998; applications are no longer being accepted. That same year, the Florida Legislature established the Voluntary Cleanup Tax Credit (VCTC) program to provide an incentive for the voluntary cleanup of dry-cleaning solvent contaminated sites and brownfield sites in designated brownfield areas.

DEP rules establish criteria for the purpose of determining, on a site-specific basis, a site rehabilitation program and the level at which a site rehabilitation program may be deemed

completed. These rules incorporate, to the maximum extent feasible, risk-based corrective action principles to achieve protection of human health and safety and the environment in a cost-effective manner. For site rehabilitation to reach a status of site closure or “no further action,” appropriate institutional controls must be agreed to by the owner and applicant and implemented for the site

**Proposed Changes:** This bill makes the following changes:

- Provides a legislative finding regarding the necessity to advance site rehabilitation on a limited basis to encourage property redevelopment;
- Creates a separate procedure and criteria for the advancement ahead of its priority ranking of an individual contamination site slated for property redevelopment;
- Increases the dollar amount of the contracts for advance cleanup work into which DEP is authorized to enter from \$25 million to a total of \$30 million in each fiscal year. DEP is authorized to designate up to \$5 million of those funds for the advance cleanup of individual contaminated sites that meet the criteria in the bill for redevelopment. A single facility or applicant for advance cleanup of an individual contaminated site slated for redevelopment may not be approved for more than \$1 million of cleanup activity per fiscal year;
- Makes a legislative finding that it is in the public interest for the state to conduct site assessments on a limited basis at sites contaminated with dry-cleaning solvents in advance of the priority ranking of contaminated sites;
- Provides that a property owner who is eligible for site rehabilitation under the dry-cleaning solvent cleanup program may request, and DEP may authorize, an advanced site assessment so long as they meet certain requirements;
- Requires an advanced site assessment under the dry-cleaning solvent cleanup program to incorporate risk-based corrective action principles to achieve protection of human health & safety and the environment in a cost-effective manner and in accordance with DEP rules for site rehabilitation. The advanced site assessment must also be sufficient to estimate the cost of cleanup, the proposed course of action for site cleanup, and that the site is appropriate for one of the following:
  - Remedial action at the site to mitigate risks that, in the judgment of DEP, are threats to human health or where failure to prevent migration of dry-cleaning solvents would cause irreversible damage to the environment;
  - Additional groundwater monitoring at the site to support natural attenuation monitoring or long-term groundwater monitoring; or
  - A recommendation of “no further action,” with or without institutional controls or institutional and engineering controls, if the site meets the “no further action” criteria in accordance with DEP rules for site rehabilitation.
  - If the site is not appropriate for one of these actions, it is not eligible for advanced site assessment;
- Requires that the dry-cleaning solvent cleanup program assign advanced site assessment program tasks;
- Limits available funding for advanced site assessments to 10% of the annual Water Quality Assurance Trust Fund appropriation for the dry-cleaning solvent cleanup program. The total funds that may be committed to any one site are capped at \$70,000. DEP must prioritize requests for advanced site assessment at sites under the dry-cleaning solvent cleanup program based on the date of receipt and the environmental and economic value to the state until the available funding for advanced site assessments has been obligated.
- Increases the annual cap for the VCTC from \$5 to \$10 million

**Update:** On Monday, the (H) Natural Resources & Public Lands Subcommittee adopted **two amendments to HB 753**. The two amendments make changes that align the House bill with the Senate bill, which remove duplicative language and increase the annual cap for the Voluntary Clean-up Tax Credit program from \$5 to \$10 million.

**CS/HB 753** will next be taken up in the (H) Ways & Means Committee. **CS/SB 1018** is currently in the (S) Appropriations Subcommittee on the Environment and Natural Resources.



## **Sharks (CS/HB 823 & CS/SB 884)**

*By Anfield Consultants*

**Background:** Shark finning is the process of catching a shark, removing its fins, and discarding the rest of the shark. Shark fins command a high price on the black market, where they are often sold as a key ingredient in shark fin soup. A single fin from some large species can command prices as high as \$20,000. Fins command a far higher value per pound than the rest of the fish. Shark-finishers often throw the shark back into the ocean alive once they have removed the fins. Unable to swim properly, sharks either bleed to death or suffocate. This practice has decimated shark populations around the world, removing a vital apex predator from the food chain and disrupting other fish stocks as the result of by-catch from shark fishing methods.

Congress banned shark finning in U.S. waters in 2000 under the Shark Conservation Act.

In Florida, fisherman may only catch one shark per day and a maximum of two sharks per vessel per day even if more than two fishermen are on board. Fishermen may only take sharks by hook-and-line gear. All sharks harvested in Florida waters must be landed in whole condition. Individuals may not possess a shark that has had the head removed, been divided, filleted, ground, skinned, finned, or had the caudal (tail) fin removed while in or on the waters of the state, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed. Fishermen may eviscerate or gut the shark or slice the base of the caudal fin to bleed the carcass as long as the caudal fin remains attached before landing.

**Proposed Changes:** This bill further tightens current restrictions on shark fishing in the state. It defines “landing” as the act of bringing the harvested organism, or any part thereof, ashore. It prohibits the possession of a fin separated from a shark on the waters of the state or landing said fin ashore, unless such possession is authorized by FWC rule or the fin is lawfully obtained on land for taxidermy purposes. It provides penalties for 1st, 2nd, and 3rd time offenders with a commercial fishing license according to the following schedule:

- 1st time offense – 2nd degree misdemeanor, punishable as provided in s.775.082 or s. 775.083, with the addition of an administrative fine of \$5,000 and suspension of the harvester’s saltwater license privileges for 180 days;
- 2nd time offense – 2nd degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, with the addition of an administrative fine of \$10,000 and suspension of the harvester’s saltwater license privileges for 180 days; and
- 3rd and subsequent offenses – 1st degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, with the addition of an administrative fine of \$10,000 and permanent suspension of the harvester’s saltwater license privileges.

Violators suspended under this chapter will not be permitted to engage in saltwater fishing or even step foot on a vessel where fishing occurs. For non-commercial violators, the penalties are similar, except that third and subsequent violations only merit administrative fines between \$5,000 and \$10,000.

**Update:** On Monday, the (H) Natural Resources & Public Lands Subcommittee adopted a **strike all** to **HB 823**. The strike all makes the House bill similar to the Senate bill in some respects, except that there is no specified carve out for fins kept for taxidermy purposes. The penalties are also stiffer. In addition to the penalties prescribed by the Senate version, the House **CS** allows sentencing of up to 60 days jail time for the first offense, up to a year on the second, and minimum sentencing requirement of 90 days and maximum one year jail time on the third and subsequent offenses.

**CS/HB 823** is now on the agenda for March 28 in the (H) Careers & Competition Subcommittee, while **CS/SB 884** will next be heard in the (S) Appropriations Subcommittee on the Environment and Natural Resources on March 29.

## **Environmental Regulation Commission (CS/HB 861 & CS/SB 198)**

*By Anfield Consultants*

**Background:** The Environmental Regulation Commission (ERC) is an independent review body that exists within the DEP. Seven members appointed by the Governor and approved by the Senate serve on the ERC. When making appointments, the Governor must provide reasonable representation from all sections of the state. Membership of the ERC must be representative of agriculture, the development industry, local government, the environmental community, lay citizens, and members of the scientific and technical community. The ERC members serve for four years. The Governor may fill a vacancy on the ERC at any time.

The ERC is charged with reviewing all proposed rules by the DEP, including new environmental standards that the committee may approve, disapprove, or modify at its discretion.

**Proposed Changes:** This CS restricts the time period during which the Governor may fill a vacant position and revises the voting requirements for approval or disapproval of a proposed rule containing standards. It requires the Governor appoint a new member to the ERC within 90 days of a vacancy occurring. It also modifies the approval threshold for proposed rules containing new environmental standards submitted to the ERC for review; with only two exceptions, all rules would require only a simple majority vote of the board's 7 members to approve. Those two exceptions are rules that modify air and water quality & quantity standards, which must be approved by a supermajority of 5 votes.

**Update:** On Monday, the (H) Natural Resources & Public Lands Subcommittee adopted a **committee substitute** for **HB 861** that makes the proposed changes described above. **CS/HB 861** be heard in the (H) Oversight, Transparency & Administration Subcommittee on March 28. On Wednesday, the (S) Environmental Preservation and Conservation adopted a **strike-all** to **SB 198**. The strike-all made changes that were largely technical in nature. **CS/SB 198** will next be taken up in the (S) Ethics and Elections Committee.

## **Coastal Management (CS/HB 1213 & CS/SB 1590)**

*By Anfield Consultants*

**Background:** Due to a combination of storm events, man-made coastal constructions, and incremental sea-level rise, an estimated 411 miles of Florida's beaches are critically eroded. The Beach Management Assistance Program is a program within the DEP that is geared towards developing comprehensive beach and inlet management planning strategies and working with local partners to implement them.

In 2014, OPPAGA issued its report on the DEP's current process for selecting and prioritizing local beach management and inlet management projects. The report made several findings, including:

- Certain criteria account for the majority of the points awarded;
- Certain criteria only apply to a limited number of projects;
- The criteria do not adequately take into account the economic impact of beach projects;
- The criteria do not adequately account for a project's cost effectiveness or performance;
- The criteria do not take into account the impacts of recent storms or current conditions of the shoreline;
- Stakeholders found the application requirements for funding to be too complicated and time consuming; and
- Stakeholders perceived a bias for projects that received federal funding.

**Proposed Changes:** This bill would enact the following changes as it relates to beach and inlet management projects. For beach management, this bill:

- Revises the criteria the DEP must consider when ranking beach management projects for

funding consideration to be more detailed;

- Requires the DEP to divide the revised criteria into four tiers and assign each tier a percentage of overall point value;
- Requires the DEP weigh the criteria equally within each tier; and
- Revises the uses and procedures for expenditure of surplus funds.

For inlet management, this bill:

- Revises and updates the criteria the DEP must consider when ranking inlet management projects for funding consideration. The DEP must weigh each criterion equally;
- Authorizes the DEP to pay up to 75 percent of the construction costs of an initial major inlet management project component. The DEP may share the costs of the other components of inlet management projects equally with the local sponsor;
- Requires the DEP to rank inlet monitoring activities for inlet management projects as one overall subcategory request for funding separate from the beach management project funding requests; and
- Eliminates a current requirement that the Legislature designate one of the three highest ranked inlet management projects on the priority list as the Inlet of the Year.

The bill also requires the DEP to update and maintain its comprehensive long-term beach management plan, and sets forth an extensive list of new requirements for the plan. The plan must also, at minimum, include a strategic beach management plan (SBMP), a critically eroded beaches report, and a statewide long-range budget plan.

**Update:** On Monday, the (H) Natural Resources & Public Lands Subcommittee passed **HB 1213** with **one technical amendment**. Two days later, **SB 1590** was passed in the (S) Appropriations Subcommittee on the Environment and Natural Resources with **one amendment**. The amendment moves back the effective date of those two sections of the bill that require the DEP to develop new criteria to July 1, 2018.

**CS/HB 1213** will be heard in the (H) Agriculture & Natural Resources Appropriations Subcommittee on March 28. **CS/HB 1590** will next be taken up in the (S) Appropriations Subcommittee on the Environment and Natural Resources.

### **Construction (HB 1021 & SB 1312)**

*By Anfield Consultants*

#### *Solar Energy Certification*

**Background:** The Florida Solar Energy Center was set-up in 1976 to serve as the state's main solar energy research institute. For decades, the FSEC has been charged with setting standards and testing criteria for solar energy devices sold in Florida.

In 2009, an OPPAGA study found a significant back-log in the number of solar energy systems awaiting FSEC certification.

**Proposed Changes:** This bill would remove the requirement that the FSEC certify all solar energy devices. It provides that a solar energy device may meet state certification requirements by meeting the standards of any "recognized certifying entity" that certifies such equipment pursuant to NREL standards. However, the NREL does not currently set such standards.

#### *Construction Industry Workforce Taskforce*

**Background:** In 2016, the Legislature created the "Construction Industry Workforce Taskforce" (CIWT) to address the construction industry labor force shortage in the state. The CIWT proposed a number of changes, including the expansion of apprenticeship programs and study to explore how

current secondary and higher education programs might be utilized towards that goal.

**Proposed Changes:** This bill requires DOE and DEO to create a study on how to implement the recommendations of the CIWT, which must be provided to the Governor, President of the Senate, and Speaker of the House of Representatives before January 9, 2018. The study must address:

- Expanding the definition of “local education agency,” as used in apprenticeship programs, to include nongovernmental entities, private training organizations, industry trade organizations, labor unions, or other community-based organizations;
- Determining the appropriateness of transferring apprenticeship programs from DOE to DEO;
- Providing clarity on how current apprenticeship programs are funded from the state to the local educational agencies and what options such agencies have in how they spend apprenticeship funding;
- Requiring the State Board of Education to accept the curriculum developed by the NCCER or other comparable national curriculum, as satisfactory courses for high school credit, college credit, or state-supported scholarships;
- Providing additional support to K-12 programs to ensure construction-related education programs are offered through existing career and technical education programs; and
- Authorizing an alternative instructor certification process through the DOE which does not require certification through local educational agencies.

The bill also requires Career Source Florida (CSF) to fund construction training programs using existing federal funds awarded to CSF for training purposes. CSF must use Florida rebuilds Initiative as the implementation model.

Lastly, the bill requires DBPR to provide funds of \$150,000 to the University of Florida School of Construction Management for the continuation of the CIWT. The funds will be provided from the DBPR Building Permit Surcharge trust fund.

#### Florida Building Code

**Background:** Section C408 of the 5th edition of the Florida Building Code (FBC) requires a commercial building to receive a commissioning report prior to receiving a passing mechanical final inspection. Heating, ventilation, air conditioning, and the lighting systems are tested in the report.

Such standards are also required of HVAC engineers and technicians through their regulatory body, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHREA)

**Proposed Change:** The bill provides that the FBC will eliminate duplicate commissioning reporting requirements for HVAC and electrical systems. The bill also authorizes electrical or mechanical engineers to provide commissioning reports in addition to a licensed design professional.

#### Local Government Fees

**Background:** With the exception of certain facilities, FBC enforcement of construction is the responsibility of local governments. Local governments are authorized to provide a schedule of consistent reasonable fees to be used solely for carrying out their responsibilities in enforcing the FBC. These fees include inspection fees, plan examination fees, site examination fees, building permit fees (based on square footage of the building), and various administrative fees including re-permitting fees, time extension fees, re-inspection fees, and licensing fees.

**Proposed Changes:** This bill prohibits local jurisdictions from requiring payment of any additional fees for obtaining permits, if proof of licensure pursuant to Ch. 489, F.S., and insurance coverage required by Ch. 440, F.S., has been previously provided and recorded.

The bill also prohibits a local jurisdiction from requiring an owner of a residence to obtain a permit to paint their residence regardless if the owner is a limited liability company.

### Fire Prevention

**Background:** State law requires all municipalities, counties, and special districts with fire-safety responsibilities to enforce the Florida Fire Prevention Code (FFPC) as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Code. These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements

**Proposed Changes:** This bill prohibits local governments from requiring a separate water connection for a residential fire-sprinkler system for a dwelling if the dwelling's original water connection is adequate and prohibits a local government from charging certain fees for larger water meters.

**Update:** On Tuesday, the (H) Careers & Competition Subcommittee passed **HB 1021** without amendment. The bill will next be taken up in the (H) Appropriations Committee. A Senate companion, **SB 1312**, will be heard in the (S) Communications, Energy, and Public Utilities Committee on March 28, its first committee of reference.

### **Marine Turtle Protection (HB 1031 & SB 1228)**

*By Anfield Consultants*

**Background:** Five species of sea turtle spend a portion of their lives in Florida's waters and nest on Florida's beaches. All five of these species are listed as endangered species under the federal Endangered Species Act and Florida's own Marine Turtle Protection Act (MTPA). Under this law, it is illegal to harass or hinder any sea turtle species while they are nesting or swimming, or to traffic in any turtles, turtle parts, or eggs. However, prior to 2016, the MTPA did not specify that actual possession of a sea turtle, or parts thereof, was a violation. At least one court case found a defendant "not guilty" because "possession" of sea turtles was not specifically listed in law.

In 2016, the law was amended to clarify that possession in itself, without FWC authorization, constituted a third degree felony under that chapter. This change created a new subparagraph 6. to s. 379.2431(1)(d), F.S. The former subparagraph 6., which makes solicitation or conspiracy to commit a violation of the MTPA a third degree felony, became subparagraph 7. Unfortunately, the bill's drafters made an error in failing to correct a cross-reference to the old subparagraph in the Offense Severity Ranking Chart in the Criminal Punishment Code, which leaves judges in the awkward position of having to reference a non-existent paragraph when sentencing an offender for conspiracy to violate the MTPA .

**Proposed Changes:** This bill amends the Offense Severity Ranking Chart to correct the numbering for the solicitation or conspiracy to commit a violation of the MTPA. Furthermore, the bill adds possession of a sea turtle species or hatchling, or parts thereof, or the nest of any sea turtle species, as a level three violation.

**Update:** On Tuesday, the (H) Criminal Justice Subcommittee passed **HB 1031** without amendment. It will next be heard in the (H) Government Accountability Committee. **SB 1228** is currently in the (S) Criminal Justice Committee. It is not on next week's agenda, which likely means the bill is dead this session.

### **Ad Valorem Taxation (CS/CS/HB 49 & SB 272)**

*By Anfield Consultants*

**Background:** The Florida Constitution authorizes local governments to levy ad valorem taxes and prohibits the state from levying ad valorem taxes on real and tangible personal property. All ad valorem taxation must be assessed based on the just value of the property. Ad valorem taxes are



levied based on the assessed value, which is measured by applying any assessment limitation or use classification modifications to the just value of the property.

**Proposed Changes:** This bill provides a disaster relief tax credit for the owners of residential properties rendered uninhabitable by a natural disaster. The bill defines a “natural disaster” as any event for which the Governor declares a state of emergency, or sinkholes. An affected property owner would need an application to the property appraiser identifying the damaged property, the natural disaster that caused the damage, and the period of the time the property was uninhabitable.

The property appraiser would then have to verify the information contained in the application and submit to the tax collector the information necessary to calculate the value of the tax credit. The tax collector would calculate the value of the tax credit, apply the credit to taxes for the current tax year, and inform the Department of Revenue and the board of county commissioners of the total reduction in revenue from properties receiving the credit.

**Update:** On Tuesday, the (H) Ways & Means Committee adopted a **strike-all amendment** to **CS/HB 49**. The strike-all amendment limits the bill’s applicability to damage sustained in 2016 and initially applies disaster relief credits to taxes levied in 2018. **CS/CS/HB 49** will next be taken up in the (H) Government Accountability Committee. A Senate companion, **SB 272**, had been filed and referred to the following (S) committees: Community Affairs, Appropriations Subcommittee on Finance and Tax, Appropriations. It must be on the (S) Community Affairs agenda in Week 5 or it is likely dead.

#### **Nonnative Animals (CS/CS/SB 230 & HB 587)**

*By Anfield Consultants*

**Background:** The exotic animal trade has long been a thorny issue for environmentalists in Florida. For decades the introduction and spread of non-native species has been directly traced to escaped pets and zoo specimens. Some species have proven to be as damaging to the native ecosystem as any other natural hazard. For example, the tegu lizard, imported from Latin America, has a habit of raiding gator nests and procreates rapidly. And the poisonous lionfish, which is native to Pacific waters but can now found in coral reefs all along the coast of Florida, has proven devastating to reef fish populations and has no natural predators.

**Proposed Changes:** This bill directs the Florida Fish and Wildlife Commission to establish a pilot program for mitigating the impact of tegu lizards, red lionfish, and common lionfish, all of which would be deemed “priority invasive species,” on public lands and waters of the state. The Commission would be authorized to enter into competitively bid contracts with private entities to capture and destroy these pests on all state-owned public lands and waters managed by the Commission. The Commission may also enter into memoranda of agreement with other federal, state and local partners for lands and waters under the jurisdiction of those parties.

Captures and kills must be properly documented via photographs and notation of the geographic area where the specimen was caught for research purposes. The Commission must submit a report on its findings and recommendations regarding the progress of this program to the Legislature and Governor by January 1, 2020.

The bill also requires pet dealers (defined as anyone who sells more than 20 animals a year to the public) who sell or resell any of the priority invasive species listed in this bill to electronically tag each specimen they sell with a passive electronic transponder (PIT). The Commission, which is in charge of the tagging program, would also have rulemaking authority to “identify non-native animals that threaten the state’s wildlife habitats and therefore must be implanted with a PIT tag, and establish standards for the types of PIT tags used in the program and the manner in which they are implanted.”



The bill requires the Legislature to appropriate \$300,000 per year over the next two fiscal years from the Land Acquisition Trust Fund for the purpose of implementing this pilot program.

**Update:** On Tuesday, the (S) Appropriations Subcommittee on the Environment and Natural Resources adopted a **strike-all** for **CS/SB 230**. The strike-all changes the funding source for the pilot program from the Land Acquisition Trust Fund to the State Game Trust Fund. It also expands the trapping program to lionfish, and authorizes, rather than requires, the FWC to use private contractors. The PIT program is also expanded to include all invasive species identified by the FWC, not just those listed in the bill. **CS/CS/SB 230** will next be taken up in (S) Appropriations, its last committee of reference. **HB 587** is currently in the (H) Agriculture & Natural Resources Appropriations Subcommittee.

### **Public Notification of Pollution (CS/SB 532 & HB 1065)**

*By Anfield Consultants*

**Background:** Many commercial, industrial, agricultural, and utility operations & entities are required to report various releases, discharges, or emissions, either as a condition of permitted operations or pursuant to law or rule. Under state law, to the extent notification is required, it typically must be made to the DEP.

In 2016, the DEP initiated rulemaking to establish a requirement for public notification of pollution release from installations throughout the state. This rulemaking was challenged in administrative court by several commercial associations, who argued that the DEP had over-stepped the authority granted to it in statute.

In November of last year, an administrative law judge ruled in favor of the petitioners, holding that the DEP lacked the rulemaking authority for its proposed rules. The final order concluded that the authorities cited by the DEP as providing it with the statutory authority to adopt the rule were only general grants of authority and not specific enough to authorize the DEP to require that owners and operators of installations provide notices to local governments, the general public, and broadcast media.

**Proposed Changes:** This bill creates the Public Notice of Pollution Act. The Act requires the DEP to publish a list of substances at specified quantities that pose an immediate and substantial risk to the public health, safety, or welfare. Releases of these substances at the quantities specified are “reportable releases.”

The owner or operator of any installation where a reportable release occurs and who has knowledge of it must provide a notice of the release to the DEP. The notice must be submitted to the DEP within 24 hours after discovery of the reportable release and must contain the detailed information described in the bill about the installation, the substance, and the circumstances surrounding the release.

The DEP would be required to publish each notice on the Internet within 24 hours after it receives the notice. It must also create a system for electronic mailing that allows interested parties to subscribe to and receive direct announcements of notices received by the DEP. The bill provides that submitting a notice of a reportable release does not constitute an admission of liability or harm. Finally, the bill provides for \$10,000 per day in civil penalties for violations of these notice requirements and authorizes the DEP to adopt rules to administer said penalties.

**Update:** On Tuesday, the (S) Appropriations Subcommittee on the Environment and Natural Resources passed **CS/SB 532** without further amendment. The bill is now in (S) Appropriations, which is the last committee of reference for the Senate bill. **HB 1065** is currently in the (H) Natural

Resources & Public Lands Subcommittee, its first committee of reference. The agenda for March 27<sup>th</sup> has been published and the House bill is not on it. This likely means the issue is dead this session.

### **State Park Fees (CS/CS/HB 185 & CS/CS/SB 64)**

*By Anfield Consultants*

**Background:** The Division of Recreation and Parks (DRP) within the DEP manages 163 parks and 11 state trails covering 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.

The division may charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks. Entrance fees and camping fees vary among the parks. Individuals may also purchase an annual pass that allows entrance into Florida State Parks in lieu of entrance fees for one year from the month of purchase. Certain individuals may use a variety of discounts and fee waivers to visit Florida State Parks and use the facilities.

**Proposed Changes:** This bill provides free annual passes and a 50% discount on base camping fees at state parks for the following two groups:

1. Families operating a licensed foster home under s. 409.175, F.S.; and
2. Families who have adopted a special needs child, as described in s. 409.166(2)(a)2., F.S., from the Department of Children and Families.

The division would be given rulemaking authority to identify the types of written documentation that must be provided in order to receive these benefits, which it must do in consultation with the Department of Children and Families.

**Update:** On Tuesday, the (H) Agriculture & Natural Resources Appropriations Subcommittee adopted **one amendment** to **CS/HB 185**. The amendment increases the discount on base campsite fees for foster families from 50% to 100%. **CS/CS/HB 185** will next be taken up in the (H) Government Accountability Committee. **CS/CS/SB 64** is currently in (S) Appropriations.

### **Vessels (HB 7043 & SB 1338)**

*By Anfield Consultants*

**Background:** In 2009, the Legislature directed the FWC to establish a pilot program to explore potential policy options for regulating the anchoring and mooring of vessels outside public mooring fields. A select number of local governments were allowed to enact their own policies and ordinances during the pilot program period, all of which are set to expire on the date the program period itself expires: July 1, 2017. With the exception of those participating in the pilot program, local governments are prohibited from enacting or enforcing regulations on the anchoring or mooring of vessels, other than a live-aboard vessel, outside the marked boundaries of mooring fields.

The FWC has since submitted its report on the program to the relevant legislative committees, including the (H) Natural Resources & Public Lands Subcommittee, which is the sponsor of the House bill.

**Proposed Changes:** This bill incorporates many of the findings and recommendations from the pilot program. The bill:

- Revises the definition of “live-aboard vessel” and defines “effective means of propulsion for safe navigation”;
- Provides that a vessel is at risk of becoming derelict if an owner or operator of the vessel cannot demonstrate, after 72 hours of notification by a law enforcement officer, that the

vessel has an effective means of propulsion for safe navigation;

- Removes the expiration of anchoring limitation areas;
- Prohibits a vessel or floating structure from anchoring or mooring within 150 feet of any marina, boat ramp, or other vessel launching or loading facility to protect maritime infrastructure, or within 300 feet of mooring field boundaries to protect legally moored vessels.
- Provides time-limited exemptions for mechanical failure and for imminent and existing weather conditions.
- Provides blanket exemptions for government owned or operated vessels, construction or dredging vessels on an active job site, and vessels actively engaged in commercial or recreational fishing;
- Provides the following penalties for violation of the minimum distance requirements:
  - o For a first violation, a noncriminal infraction; and
  - o For a second or subsequent violation, a misdemeanor of the second degree;
- Prohibits a vessel or floating structure from anchoring, mooring, tying, or otherwise affixing to an unpermitted or unauthorized object that is on or affixed to the bottom of waters of the state and provides the following penalties:
  - o For a first violation, a noncriminal infraction; and
  - o For a second or subsequent violation, a misdemeanor of the second degree.
- Authorizes local governments to enact and enforce regulations that require owners or operators of vessels or floating structures subject to marine sanitation requirements to provide proof of proper sewage disposal within marked boundaries of a permitted mooring field or federally designated no discharge zones, provided the local government has adequate pumpout services and FWC has verified such before any ordinance is effective;
- Clarifies that local governments may enact and enforce pump-out requirements for live-aboard vessels;
- Elevates the penalty for a vessel with an expired registration of more than 6 months, upon a second or subsequent offense, from a noncriminal infraction to a misdemeanor of the second degree.

**Update:** On Tuesday, the (H) Agriculture & Natural Resources Appropriations Subcommittee adopted a **strike-all**. The strike-all makes the following changes:

- Prohibits the issuance of a certificate of title to any applicant for any vessel deemed derelict by a law enforcement officer;
- Provides noncriminal penalties for leaving derelict vessels;
- Clarifies that private residential multifamily docks grandfathered to use sovereignty submerged lands after Jan. 1, 1998, may continue to exceed the amount of moored boats as authorized under that grandfathering statute;
- Adds “barge” to the list of definitions, exempting barges from the class of “live-aboard vessels”;
- Further clarifies the notification requirements for owners of derelict vessels to include electronic means of communication;
- Adds super-yacht repair facilities to the list of structures a vessel may not anchor close to (Min. Dist. 300 ft.);
- Extends the period a vessel’s operator may emergency moor for repairs from 3 to 5 days, or however long it takes to repair the ship (whichever comes sooner);
- Removes misdemeanor penalties for second time offenses under the bill’s provisions;
- Adds the protection of sea-grasses on privately owned submerged lands to the list of reasons a boating-restricted area may be established in state waters. Provides a process and requirements for sub-riparian owners to apply to the FWC for such area restrictions. This provision only applies to sovereignty submerged lands that are adjacent to an area designated as an aquatic preserve or as Outstanding Florida Waters;
- Revises the definition of the term “live-aboard vessel” to remove vessels represented as a place of business or a professional or other commercial enterprise;
  - o Adds such vessels as vessels that local governments are authorized to regulate

- outside public mooring fields; and
- Expressly exempts commercial vessels rather than commercial fishing boats from the definition of live-aboard vessel; and
- Revises the amendment to s. 327.60, F.S., to limit the proof of pump-out requirements to vessels anchored or moored for more than 10 consecutive days to specified mooring fields and non-discharge areas.

A number of advocates representing the boating industry all waived or spoke in support of the bill.

**CS/HB 7043** will next be taken up in the (H) Government Accountability Committee, its last committee of reference. A similar **strike-all** was made to **SB 1338** in the (S) Environmental Preservation and Conservation on Wednesday, with the same support from the boating industry. The two bills are not yet in complete parity, but additional changes are likely as session progresses.

### **Natural Hazards (SB 464 & CS/HB 181)**

*By Anfield Consultants*

**Background:** In order for state, tribal, and local governments to receive a FEMA mitigation grant, the applicant must produce a hazard mitigation plan approved by FEMA that conforms to certain requirements. At a minimum, the plan must outline processes for identifying the natural hazards, risks, and vulnerabilities of the area under the jurisdiction of the government. Jurisdictions must update their plans and re-submit them to FEMA every five years to maintain eligibility.

Florida's Division of Emergency Management (FDEM) is responsible for updating and maintaining the state's Enhanced Hazard Mitigation Plan in order to comply with FEMA requirements. The FDEM accomplishes this with the collaboration and coordination of an advisory team known as the State Hazard Mitigation Plan Advisory Team (SHMPAT). SHMPAT participants include numerous state agencies, regional planning councils, water management districts, state universities, government entities, and other community stakeholders. The primary function of SHMPAT is to assist the FDEM with the development, implementation, and maintenance of the state hazard mitigation plan, comment on draft versions, and maximize the leveraging potential of all state mitigation related resources.

**Proposed Changes:** This bill creates a natural hazards inter-agency workgroup for the purpose of sharing information on the current and potential impacts of natural hazards throughout the state, coordinating ongoing efforts of state agencies towards addressing the impacts of natural hazards, and collaborating on statewide initiatives to address those impacts. The work-group would be comprised of liaisons from each agency within the state executive branch, each water management district, and a representative from the Florida Public Service Commission, as well as a representative from the FDEM to act as the main coordinator of the group.

The FDEM would be charged with preparing an annual report on behalf of the workgroup, starting on January 2019 and continuing every year thereafter, regarding implementation of the state's enhanced hazard mitigation plan as it relates to natural hazards.

The term "natural hazards" in the bill includes, but is not limited to: extreme heat, drought, wildfires, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

**The House version of this bill** provides an appropriation of \$84,738 in recurring funds and \$4,046 in non-recurring funds from the Grants & Donations Trust Fund to the FDEM and one full-time position and associated salary rate of \$47,000 for the purpose of implementing the act

**Update:** On Wednesday, the (H) Government Accountability Committee passed **CS/HB 181** without amendment. It is now on the House Special Order Calendar for March 29. **SB 464** was

passed the same day in the (S) Governmental Oversight and Accountability Committee, and is now in the (S) Rules Committee, its last committee of reference.

### **Resource Recovery & Management (CS/HB 335 & SB 1104)**

*By Anfield Consultants*

**Background:** The DEP is charged with implementing and enforcing the state's solid waste management program. This program oversees the direct disposal of many different forms of industrial, agricultural, and residential waste. However, under s. 403.7045(1), F.S., certain wastes and activities are exempt from solid waste regulation. These generally consist of recoverable materials and the processes by which they are recycled and reused. Currently, to qualify for an exemption, a solid waste facility must meet the following requirements:

1. A majority of the recovered materials at the facility are demonstrated to be sold, used, or reused within one year;
2. The recovered materials handled by the facility or the products or byproducts of operations that process recovered materials are not discharged, deposited, injected, dumped, spilled, leaked, or placed into or upon any land or water by the owner or operator of such facility so that such recovered materials, products or byproducts, or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including groundwater, or otherwise enter the environment such that a threat of contamination in excess of applicable DEP standards and criteria is caused;
3. The recovered materials handled by the facility are not hazardous wastes; and
4. The facility is registered with the DEP.

Furthermore, the DEP does not require solid waste *combustors* to obtain a solid waste permit if the facility operates under a current valid permit for a stationary source of air pollution, open burning, or electrical power plant and transmission line siting.

In recent years, more and more solid waste management facilities have begun employing gasification and pyrolysis as means of converting solid waste into fuel. Neither process uses combustion, instead relying on the application of heat within an oxygen-starved environment to synthesize fuel from the resulting chemical reactions. The two processes are comparatively cleaner than traditional combustion methods.

**Proposed Changes:** This bill expands the current exemption from the DEP's solid waste management program to include non-combustion gasification and pyrolysis facilities.

The bill provides the following definitions:

- "Gasification" is a process through which recovered materials are heated and converted to synthesis gas in an oxygen-deficient atmosphere, and then converted to crude oil, fuel, or chemical feedstock."
- "Post-use polymer" is a polymer derived from any domestic, commercial, or municipal activity and recycled in commercial markets that might otherwise become waste if not converted to manufacture fuels or other raw materials or intermediate or final products using gasification, pyrolysis, or another thermal conversion process. A post-use polymer may contain incidental contaminants or impurities such as paper labels or metal rings.
- "Pyrolysis" is a process through which recovered materials are heated in the absence of oxygen until melted and thermally decomposed, and then cooled, condensed, and converted to crude oil, diesel, gasoline, home heating oil, or other fuel, feedstocks, diesel and gasoline blend stocks, chemicals, waxes, or lubricants, or other raw materials, intermediate, or final products.
- "Pyrolysis facility" is a facility that collects, separates, stores, and converts recovered materials using gasification, pyrolysis, or another thermal conversion process. A pyrolysis facility is not a waste management facility.



The current statutory definitions for “recovered materials” and “recovered materials processing facility” are also expanded to include post-use polymers converted into crude, fuels or other raw materials, and facilities that use pyrolysis, gasification, other thermal conversion processes.

**Update:** **CS/HB 335** was taken up on 3<sup>rd</sup> Reading in the House on Thursday and passed out of that chamber. **SB 1104** will be heard in the (S) Environmental Preservation and Conservation Committee on March 28.

### **Implementation of the Water & Land Conservation Constitutional Amendment (SB 982 & HB 1033)**

*By Anfield Consultants*

**Background:** In 2014, the Florida Legislature passed a constitutional amendment dedicating 33% of revenues from the state’s documentary tax to the Land Acquisition Trust fund for the purpose of finance and refinancing the acquisition land for conservation and environmental restoration. Amendment 1.

**Proposed Changes:** This bill appropriates \$30 million annually for restoration of the Indian River Lagoon system, with \$15 million distributed to the St. Johns River WMD and the other \$15 million distributed to the South Florida WMD. Such funds may be used for land management and acquisition, as well as for recreational opportunity and public access improvements. The amount appropriated shall be reduced by the amount equal to the repayment of debt service on certain bonds issued after July 1, 2017.

**Update:** On Wednesday, the (S) Environmental Preservation and Conservation passed **SB 982** with **one technical amendment**. **CS/SB 982** will next be taken up in the (S) Appropriations Subcommittee on the Environment and Natural Resources. **HB 1033** is currently in the (H) Agriculture & Natural Resources Appropriations Subcommittee. It is not on the March 28 agenda, which means the bill, as a stand-alone, is likely dead.

### **Disposable Plastic Bags (SB 162 & HB 93)**

*By Anfield Consultants*

**Background:** In 2008, the Legislature passed a law prohibiting local governments, local governmental agencies, and state government agencies from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of plastic bags and other disposable plastic wrappings and containers. This same law directed the DEP to conduct a study on possible measures for regulating plastic bag use, which run the spectrum from total bans to more voluntary efforts. The study, released in 2010, found that bans had the fastest effects, followed closely by user fees and taxes on plastic bag use by retailers. Voluntary efforts were found to be helpful in changing consumer behavior patterns, but their effectiveness was found to be dependent upon the number of retailers participating. Finally, the report concluded that public education, by bringing awareness to the damages caused by single-use bags and the costs of undoing such damage, is crucial to any approach.

In 2016, the Legislature passed a bill preempting the regulation of polystyrene containers to the Department of Agriculture and Consumer Services in those industries covered under ch. 500 (food production). Earlier that year, the City of Coral Gables passed its own ordinances regulating Polystyrene use. Shortly after the bill became effective the city was sued by the Florida Retailer’s Association, which argued that its ordinances were invalid due to the state preemption. The court granted summary judgment to the city, holding that the state preemption statutes were unconstitutionally vague and lacking in standards for implementation.

**Proposed Changes:** This bill would authorize any coastal community with a population of fewer



than 100,000 people to establish a pilot program to regulate or ban disposable plastic bags. Any municipality that establishes a pilot program must enact an ordinance for the regulation or ban of disposable bags, which may not take effect earlier than January 1, 2018, and must expire no later than June 30, 2020.

The enacted ordinances may not include new taxes or fees on the use or distribution of disposable plastic bags. Additionally, a municipality that establishes a pilot program would be required to collect data pertaining to the impact of its regulation or ban and submit a report on its findings to the governing body of the municipality at a public hearing. A copy of the report must also be provided to the DEP.

The bill defines the term “coastal community” as a “municipality that abuts or borders the Gulf of Mexico or Atlantic Ocean, or a saltwater bay, sound, straight (sic), inlet, lagoon, salt marsh, coastal wetland, or other saltwater body immediately adjacent to the Gulf of Mexico or Atlantic Ocean.”

**Update:** On Wednesday, the (S) Environmental Preservation and Conservation took up **SB 162** on consideration and voted favorably on it, 4-1. A fair number of private citizens, environmental groups (including the Sierra Club and the Surf Rider Foundation), and representatives from various coastal communities rose to support the bill, including one from Coral Gables who declared the bill a boon for such communities that have to deal beach cleanup.

The Florida Chamber of Commerce and Associated Industries of Florida both rose in opposition to the bill. A representative from the Florida Retail Federation argued that the cost of complying with multiple different sets of ordinances would be costly.

**SB 162** will next be taken up in the (S) Community Affairs Committee. **HB 93** is currently in the (H) Local, Federal & Veterans Affairs Subcommittee. This bill will likely die in committee, either in Community Affairs or Commerce and Tourism, as it will run out of time.

### **Public Works Projects (CS/SB 534 & CS/HB 599)**

*By Anfield Consultants*

**Background:** Current state law provides local preferences and wage standards for all work done with state agencies and political subdivisions. The procurement of contract construction services is generally overseen by the Department of Management Services (DMS), which is charged with rulemaking procedures for the procurement of such services. The DMS also maintains a list of vendors who are prohibited from being awarded public contracts because of public entity crimes or discriminatory work practices.

There is currently no statute in state law that explicitly prohibits either the state or a local government from imposing its own restrictive conditions for contractors.

**Proposed Changes:** This bill would prohibit the state and its political subdivisions that contract for public works projects from imposing restrictive conditions on certain contractors, subcontractors, material suppliers, or material carriers, except as otherwise required by federal or state law. Specifically, the state or political subdivision that contracts for a public works project may not require that a contractor, subcontractor, or material supplier or carrier engaged in a state-funded project:

- Pay employees a predetermined amount of wages or prescribe any wage rate;
- Provide employees a specified type, amount, or rate of employee benefits;
- Control, limit, or expand staffing; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

This bill would also prohibit the state or a political subdivision from restricting a contractor, subcontractor, material supplier, or material carrier from submitting a bid on any public works

project or contract, subcontract, material order, or carrying order that it is licensed, qualified, or certified to do.

This prohibition would not apply to contracts made under ch. 337, F.S., which generally covers state and county roads. It also does not apply to vendors who have been convicted of a public entity crime and placed on the DMS blacklist, or that have been found liable for discriminatory practices under s. 287.133, F.S.

Under the bill:

- “Political subdivision” means a separate agency or unit of local government created or established by law or ordinance and the officers thereof. The term includes, but is not limited to, a county; a city, town, or other municipality; or a department, commission, authority, school district, taxing district, water management district, or other public agency or body thereof authorized to expend public funds for construction, maintenance, repair, or improvement of public works; and
- “Public works project” means activities for which 50 percent or more of the cost will be paid from state funds appropriated at the time of competitive solicitation, and that consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof that is owned in whole or in part by any political subdivision.

**Update:** On Wednesday, the (S) Government Accountability Committee passed **CS/SB 534** after adopting **one amendment**. The amendment removes the bill’s prohibition on a local government restricting a contractor from submitting a bid on any contract, subcontract, material order, or carrying order that it is licensed, qualified, or certified to do; thus restricting the scope of the bill to public works projects only. **CS/HB 599** was Temporarily Postponed in the (H) Government Accountability Committee.

### **Loxahatchee River Neighborhood Sewering (HB 2311)**

*By Anfield Consultants*

**Proposed Appropriation:** This bill appropriates, for the fiscal year 2017-2018, a non-recurring sum of \$498,000 to the DEP for funding the Loxahatchee River Neighborhood Sewering project as described in Appropriation’s Project Request 285.

Pending approval by the House and Senate Budget conference and signage into law, it will take effect July 1, 2017.

**Update:** This bill was passed by the (H) Agriculture & Natural Resources Appropriations Subcommittee on Tuesday. It is now in the (H) Appropriations Committee.

### **J.W. Corbett Levee (HB 2725)**

*By Anfield Consultants*

**Proposed Appropriation:** This bill appropriates, for the fiscal year 2017-2018, a non-recurring sum of \$3,500,000 to the DEP to fund the J.W. Corbett Levee as described in Appropriations Project Request 519.

Pending approval by the House and Senate Budget conference and signage into law, it will take effect July 1, 2017.

**Update:** **HB 2725** was passed by the (H) Agriculture & Natural Resources Appropriations

Subcommittee on Tuesday. It is now in the (H) Appropriations Committee.

### **PMS NASA Trip Update**

Students from Pahokee Middle School's STEM and AVID programs participated in a tour of Kennedy Space Center on Friday, January 27th. The academic field trip allowed our students to participate in hands-on experiences and make real world connections with the STEM components of classroom curriculum. Please feel free to share.



### **Governor Rick Scott Recognizes Eight Educators with the Governor's Shine Award** *By County Staff*

During a meeting of the Florida Cabinet, Governor Rick Scott recognized eight outstanding educators with the Governor's Shine Award. The Shine Award is presented to teachers and administrators in Florida who make significant contributions to the field of education. The teachers honored today were recognized for their commitment to student success.

Governor Rick Scott said, "I am proud to present these eight educators with the Shine Award today. Great teachers help ensure our students are prepared for higher education and careers. I'd like to thank these teachers and educators around the state for their impact on today's students and generations of students to come."

Among those awarded is Dr. Wilhelmenia Jacobs of Palm Beach County – Jacobs is the AVID teacher for students in grades 6-8 at Lake Shore Middle School and is a member of the High Impact Teacher Corps.

### **BCC Briefs** *By County Staff*

**By Legislative Affairs** – reviewed and approved the proposed 2017 federal legislative agenda, including priority appropriations and local issues to be lobbied during the upcoming congressional session in Washington, D.C.

**Surtax** – ratified the selection of Jacobs Project Management Company as the highest ranked

consultant by the selection committee to provide program management services for the general government capital program, which includes the one-cent infrastructure sales tax program. The consultant will assign a senior project manager to act as liaison to the county's Infrastructure Surtax Independent Citizens Oversight Committee and monitor overall budgets, schedules, compliance with the surtax program, and provide financial and project managers as needed.

**Fire Rescue** – approved an amendment to the interlocal agreement with the town of Jupiter for fire protection and emergency medical services, increasing personnel by four firefighter/paramedic positions at a cost of \$329,571, of which \$224,405 (68 percent) will be recovered from the Jupiter MSTU.

**Pet tags** – adopted a resolution outlining the responsibilities of veterinarians who issue rabies license tags and adding new language allowing animal agencies to issue dog and cat rabies license tags at the time of adoption and providing for automatic renewal.

**Affordable housing** – adopted a resolution conveying four, separate, county-owned residential properties to the Community Land Trust (CLT) of Palm Beach County, Inc. The foreclosed properties in Lake Worth (2), West Palm Beach and Greenacres have appraised values of \$115,000, \$235,000, \$63,500, and \$165,000, respectively. The homes will be offered for sale or lease/purchase whereby the buyer enters into a 99-year land lease and purchases the improvements to the property while CLT holds title to the land in perpetuity for the purposes of facilitating affordable housing.

**Homelessness** – directed staff to prepare a report for presentation at a budget workshop on Feb. 21 regarding funding and resources to assist homeless persons at the Sen. Philip D. Lewis Center.

**Plastic bags** – agreed to draft a resolution asking the state Legislature to reconsider a measure that would allow local governments near public waters to ban the use of plastic bags by stores and other commercial entities.

**Burt Reynolds Park** – approved an amended and restated lease agreement with the Loxahatchee River Environmental Control District (ENCON) for a one-acre parcel and 4,748-square-foot building in Burt Reynolds Park in Jupiter. ENCON operates River Center, a public environmental learning center on the site. The lease agreement is for 10 years at an annual rental rate of \$10. ENCON is responsible for payment of utilities and maintenance.

### **Congratulations Rosenwald and Gladeview ES!**

*By County Staff*

Rosenwald Elementary School's Drum Line placed 3rd in the Boynton Beach High School Drumline Showcase. This was the competition for the students . They really enjoyed it.

Congratulations to Bry'Jae Bolds for winning the 2017 Honda Classic Kids Ticket Design Contest. Bry'Jae's design has been selected from over 400 entries and will be featured this year at the Honda Classic. Gladview Elementary School will receive \$1,000 for art supplies and Bry'Jae and family will receive a tremendous gift package to attend the Honda Classic. Bry'Jae and family will attend the Honda Classics's press conference and luncheon. The press conference and luncheon will be held at the PGA National Resort and Spa. See attached for Bry'Jae's art work that will be featured during the press conference.

## **Grow Our Own Glades Region Teacher Development Information Session**

*By County Staff*

March 16, 2017

5:00 – 7:00 PM

West Tech

2625 NW 16 St.

Belle Glade, FL 33430

*Are you interested in pursuing a career in teaching?*

Come learn about our pathways to teacher certification and employment. Connect with administrators and teachers from the Glades region. Learn about degree and licensure requirements from our Certification department and university partners. Meet members of our Professional Development and Recruitment departments who are committed to support you through this journey! See attached for more details.

## **Tackling Rising Waters in Atlantic City and Miami Beach**

*By The Atlantic*

The Irish Pub near Atlantic City's famed boardwalk doesn't have any locks on the doors as it is open 24 hours a day. So when Hurricane Sandy crunched into what was once known as the Las Vegas of the east coast in 2012, some improvisation was needed.

Regular drinkers helped slot a cork board through the frame of the door, wedging it shut and keeping out the surging seawater. The wild night, which severely damaged more than 320 homes and caused a week-long power blackout, was seen out by those taking shelter with the help of several bottles of Jameson.

But Sandy was just the headline act among increasingly common flooding events that are gnawing away at the thin island upon which the city sits.

"Sandy, as devastating as it was, isn't the greatest barometer because we have flash floods," said Cathy Burke, who has run the Irish Pub since 1973. Burke, a gravelly voiced institution along the boardwalk, has hoarded treasures from Atlantic City's zenith. The upstairs of the pub is replete with vintage furniture, gramophones and china dogs.

"We can have floods at the drop of a hat," Burke said. "Without even realizing we're going to have them. It'll be raining and within seconds you'll see flooding in the street. You don't read about it in the paper. You don't hear about it on the radio or television. You just have water that just comes up and if you don't have warning and move your car, you have water in the car."

These flooding events have increased seven-fold in Atlantic City since the 1950s, according to the National Oceanic and Atmospheric Administration, and are spurred by rainfall or simply a spring tide abetted by unhelpful gusts of wind.

The casinos and boardwalk are protected on the ocean side by a network of beach dunes. But the western side of the city, where few tourists venture and poverty lingers, is more vulnerable. Several times a month water swells in the bay behind Absecon Island—the barrier strip dotted by the resorts of Atlantic City, Ventnor, Margate and Longport—and with nowhere to go can slosh into the streets, wrecking cars and stranding residents.

The rising ocean, fed by melting glaciers and the expansion of warming water, is piling up water along America's entire eastern seaboard. To compound the problem much of the mid-Atlantic coast is sinking, a hangover from the last ice age, meaning life and property is being swamped like never before.

And yet with no overarching national sea level rise plan and patchy commitment from states, many coastal communities are left to deal with the encroaching seas themselves. Wealthier areas are raising streets and houses, erecting walls and pumps. Those without the funds or political will have several state or federal grants they can access but often make muddled choices in the face of this Sisyphean task.

“There is no central place that makes all the decisions, so you get one town building a pump station to push water out and another town pumping the water back to the same place,” said Rouzbeh Nazari, an environmental engineering expert at Rowan University.

Nazari is critical of outdated flood maps, risky building in areas prone to flooding and what he considers an undue haste to buy up water-ravaged houses on the cheap to compensate homeowners rather than improve ragged coastal defenses.

“It kind of feels like we've just given up, that we can't do anything about it,” he said. “I'm less worried about a Sandy-like event than nuisance flooding. They are losing 20 cars a month to nuisance flooding on Absecon Island. We need a regional solution but New Jersey has no specific plan to deal with it.”

A spokesman for New Jersey's department of environmental protection disputes claims that it lacks a plan, pointing to work with the army corps of engineers over future levees and a solution to “inadequate” stormwater systems that can exacerbate flooding.

“We will be working very closely with coastal communities in identifying problem areas and the best ways to deal with them,” the spokesman said. Chris Christie, the New Jersey governor, has previously said there was no evidence that Hurricane Sandy was linked to climate change. Asked about flooding at Cape May last year, Christie said: “I don't know what you want me to do, you want me to go down there with a mop?”

In Atlantic City's heyday, its Steel Pier hosted concerts by Frank Sinatra and the Beatles, as well as a recurring attraction where a horse was required to dive off a 60ft platform into a pool of water—a “colossally stupid idea” according to the then president of the US Humane Society. Today, it abuts the shuttered Trump Taj Mahal casino, which was sold by the president last year, as well as a tidal gauge that is quietly recording the fate of the city.

The numbers are stark—the sea is rising at nearly 1.5 inches (38mm) a decade, streaking ahead of the global average and eroding away the tips of the island. Slender barrier islands such as Absecon aren't easy to tame even with a stable sea level. Native Americans used to holiday, but never live, on the shifting sandy outcrop because they knew that it would be perennially mauled by the sea. Today, there are about 40,000 people living in Atlantic City, with the boardwalk drawing in millions of tourists to its hulking casinos.

“The Native Americans were a lot smarter than the European settlers,” said James Whalen, a former Atlantic City mayor turned state senator. “The barrier islands up and down the coast really should not have been built on, but here we are.”



And then there are the storms. Ben Horton, a climate scientist at Rutgers University, said that a Sandy-like storm used to occur on the east coast once every 500 years, before industrial activity began loading the atmosphere with greenhouse gases. Now such a storm arrives once every 25 years or so. Should the sea level continue to rise sharply, by 2100 Sandy would visit Atlantic City every five years.

“If you chat to people here and you say, ‘How sustainable is the New Jersey shore or Atlantic City to an event of the magnitude of Hurricane Sandy occurring every five years?’, you’ll get a very negative response,” Horton said.

The sustainability of Atlantic City consumes the thoughts of Elizabeth Terenik, the city’s spry planning director. Terenik said the rise in nuisance flooding has become a “major quality of life issue” for back-bay residents. Many of those able to have raised their homes—new buildings must now be a foot higher than previous codes due to the flooding.

Terenik is plotting new sea walls, a curb on new development in flood-prone areas and an underground canal that can funnel away stormwater. Perhaps most ambitiously, she is taken by an idea, put forward by Princeton University, that would raise the streets and houses in Chelsea Heights, a vulnerable neighborhood, and allow the water to seep into vacant land to create a sort of New Jersey twist on Venice.

“It’s an exciting project but one that really needs to be looked at closely before anything’s moved forward and of course it would need funding,” Terenik conceded. “A lot of funding.”

Miami Beach: ‘climate gentrification’

Funding isn’t such a problem 1,200 miles south at another barrier island facing a daunting challenge from the seas—Miami Beach. While it shares much of Atlantic City’s bygone glory, with its art deco grandeur and former celebrity playground status, Miami Beach—linked by causeways to the mainland city of Miami—has managed to retain much of the wealth that has allowed it to hurl money at the sea level rise problem.

Pancake flat and built on porous ground that is slowly sinking back to the seabed, Miami Beach is surrounded by seas accelerating at an astonishing 9 millimeters a year—vastly more than the 3 millimeters-a-year global average. Should slabs of Antarctic ice start to crumble away into the ocean and fuel a 6 foot sea level rise by 2100, Miami Beach will pretty much be swallowed up.

“We are facing an existential threat here,” said Kristen Rosen Gonzalez, Miami Beach’s city commissioner. Gonzalez, a college professor, focused heavily on sea level rise when she was elected last year. It’s not really much of a choice these days—the mayor, Philip Levine, paddled down a flooded street in a canoe as part of an election stunt.

Once known as a “sunny place for shady people” due to its popularity with pre-war gangsters, Miami Beach is now often referred to as ground zero for the sea level rise phenomenon. But it’s perhaps more like a living laboratory experiment into what happens when you give a cashed-up place the task of avoiding drowning.

Miami Beach is spending \$400 million on a network of pumps, sea walls and raised streets in order to beat the tides. One vulnerable neighborhood, Sunset Harbor, has had its streets raised by 2 feet at a cost of over \$30 million. All over the island, predominantly in the wealthier neighborhoods where properties go for \$10 million or more, streets are being torn up.

“We’re literally going to have to rise above this,” Gonzalez said. “That’s very scary for many of us because right now, we can’t really picture what that looks like. It is so hard to imagine parts of Miami Beach disappearing. A lot of this island is fill. We filled it in once. We’ll fill it in again.”

City engineers admit that they are merely buying themselves time, perhaps 20 years or so, until Miami Beach will need to work the problem out again, possibly with some new technology. The seas are relentless, and rising ever further without end in sight. Much of southern Florida will eventually be reclaimed, but for now there is trillions of dollars of real estate to save.

Retreat isn't on the agenda, but as in Atlantic City there's an equity issue at play. The affluent can afford to raise their homes, lobby for sea walls and water pumps, and stay in a nice hotel if it all gets a bit much.

Poorer residents are less able to do this, nor can they foot the bill for the work—Miami Beach has eye-watering average water bills of \$350 a month in order to pay for the street work. Some people may have to leave if the costs mount further. Even some of the wealthier residents are buying insurance properties in areas of the mainland, farther from the coast.

Valencia Gunder calls this phenomenon “climate gentrification”. Gunder is a nascent climate campaigner and resident of Liberty City, a Miami district known for its problems with crime and poverty. Gunder has been agitating, so far unsuccessfully, for some large trees to help shade the Liberty City populace from increasingly frequent heatwaves. She gives a wry smile at the mention of Miami Beach's extreme engineering. “We're noticing things like heatstrokes and people passing out because it's so hot outside, people can't take the heat,” she said.

“I do understand that you want to take care of the community that's right on the shore, but we all are affected. Four hundred million dollars, yes, is needed for resiliency, but just to put it in one neighborhood I think is ridiculous.

### **Coastal Programs Face Fears of Deep Budget Cuts**

*By SavannahNow*

A nonprofit advocacy official says deep cuts proposed by the Trump administration to natural resources agencies will disproportionately hurt jobs and the environment along the coast in Georgia.

“The president has promised to put America first, but the budget he has released really puts our coastal communities last,” said Alice Miller Keyes, vice president of coastal conservation group One Hundred Miles.

The budget blueprint released earlier this month by the Office of Management and Budget lists few details but proposes a 31 percent reduction in funding to the Environmental Protection Agency, and “returns the responsibility for funding local environmental efforts and programs to state and local entities.”

At the National Oceanic and Atmospheric Administration, the budget zeroes out over \$250 million in “targeted grants and programs supporting coastal and marine management, research, and education including Sea Grant, which primarily benefit industry and state and local stakeholders.”

What's the Georgia coast got to lose in these cuts? In most cases, the federal money is matched by state, local or private grants, Keyes said. But if programs aren't eliminated by budget cuts, they would at best be hamstrung. Among others, the programs at risk include ones that promote a resurgence of the state's oyster industry, lower flood insurance payments and warn beachgoers when it's unsafe to swim.

#### **Beach water bacteria**

For example, a \$272,000 annual EPA grant allows the Coastal Resources Division and the Coastal Health District to monitor the water quality at Georgia's beaches.

In fact, like he does weekly for most of the year, William Hughes of the Department of Natural Resources spent Tuesday morning on Tybee, collecting samples of beach water to test for bacteria. The results of the testing are made public through postings at the beaches, online, through local media and with email advisories that more than 7,000 people have subscribed to, said Elizabeth Cheney, who heads up the program for CRD.

Tybee's beaches are generally in good shape, Cheney said, but that doesn't mean there are never advisories against swimming there. It happens.

"In general the public would want to know if there's bacteria in the water," Cheney said.

One such warning went out Wednesday about high bacteria at East Beach at the old Coast Guard station on St. Simons Island, just in time to warn those on spring break.

Increased costs have already meant a recent cutback from year-round weekly testing on the most visited beaches — Tybee, St. Simons and Jekyll — to a reduced testing schedule in winter on those islands.

Nationally, the EPA funds beach water monitoring and other requirements of the 2000 Beaches Environmental Assessment and Coastal Health Act with about \$10 million in grants split among coastal and Great Lakes states.

Jon Devine, a senior attorney at the Natural Resources Defense Council, said it's not clear if the beach program is at risk, but citizen groups would fight any attempt to cut it, just as they did during the Obama administration.

"We'd be very concerned about any cuts to the beach monitoring and notification programs, just as we are already appalled by the Trump administration's proposed cuts to many critical programs," he said.

#### Resilience on Tybee

Sea Grant, funded at \$73 million a year nationally, supports academic research to help communities adapt to climate change and manage their coastal resources. It's the largest of the NOAA programs the Trump budget seeks to eliminate in zeroing out \$250 million in grants.

Tybee has already benefited. A study funded in part by a nearly \$100,000 grant from Sea Grant with a partial match from Tybee and the University of Georgia created a sea-level rise adaptation plan for that city. It suggested innovations like storm water retrofits and living shorelines of oyster beds installed along Horse Pen Creek.

"It's information that otherwise would not have been made public or developed unless we had that project," said Jason Evans, the plan's lead author. Evans is an assistant professor of environmental science at Stetson University but was with the University of Georgia when the research kicked off.

The study and resulting report played a role in reducing flood insurance premiums on Tybee, with data and analyses from the study fed into Tybee's Community Rating System application with the National Flood Insurance Program. An improved rating resulted in a 10 percent reduction in flood insurance premiums there over the course of the project, though Evans cautioned he's uncertain how much of the benefit to credit to the study.

He's better able to quantify the savings a similar study on St. Marys has brought that community. Home and business owners there will save an estimated \$87,000 in the first year in flood insurance premiums thanks to the improved resiliency produced by another study also funded by Sea Grant at about \$100,000. That report will be presented in May.

Going forward, Tybee's document includes data the city can point to when lobbying transportation officials to raise U.S. 80 — Tybee's only access to the mainland — high enough keep it safe as the sea level rises.

"If they do eventually decide to elevate the road more because of sea level rise that's one of the considerations I would think the Sea Grant project at least had a contribution to that," Evans said.

## Oysters

Research into revitalizing Georgia's oyster industry also relies on funds from Sea Grant. A program based at UGA Marine Extension and Georgia Sea Grant on Skidaway Island has established an oyster hatchery to grow single oysters preferred by restaurants rather than the clumped variety that grow here naturally.

Since its start in 2015, the hatchery has produced 700,000 spat or baby oysters, which have been given to 10 shellfish farmers on the coast who grow the oysters on sites they lease from the state. The potential harvest value of the oysters is up to \$245,000. By 2018, the hatchery is expected to produce between 5 million and 7 million spat per year, with an annual estimated harvest value between \$1 million and \$2 million. The goal is to attract a commercial hatchery and businesses related to oyster production to the area, which would provide jobs and greater economic development opportunities on the coast.

Rep. Buddy Carter, R-Savannah, and Jared Downs, a member of U.S. Sen. Johnny Isakson's staff, toured the oyster hatchery last month and met with John Pelli, owner of Savannah Clam Company, who is working with UGA to grow single oysters in an effort to diversify the coastal economy.

Carter had encouraging words for the program.

"The oyster industry has great potential to bring strong economic benefits to our area," Carter said in a press release following the visit. "The UGA oyster hatchery is leading this effort and working to strengthen Georgia's shellfish industry."

But it remains to be seen if that will translate into budget support.

Through a spokeswoman on Wednesday, Carter, whose district includes every coastal county, declined to comment on specific programs. He said the budget blueprint is a starting point for budget discussions.

"Now, Congress will work with the Trump administration to create a fiscally sound budget," he said. "During this process, I will fight to ensure the needs of the First District of Georgia are a top priority."

One Hundred Miles is encouraging coastal Georgia residents to contact their senators and congressmen to "express the value of the federal programs bring to the health of our communities, our landscapes and our businesses," Keyes said. Go to [www.OneHundredMiles.org](http://www.OneHundredMiles.org) for more information about the programs affected by the proposed changes, action items and contact information for elected officials.

## **These Republicans Think Climate Change Is Real. They Can See It In Their States**

*By The Sacramento Bee*

WASHINGTON - Republicans may have a president and a congressional majority that doesn't

believe climate change is a big threat or that the cause is driven by human activity – but they also have a bloc of congressional lawmakers with very different views.

About 13 of the House of Representatives' 237 Republicans are part of the Climate Solutions Caucus. Among them, Florida Republican Reps. Carlos Curbelo and Ileana Ros-Lehtinen represent south Florida, where rising sea levels pose a grave threat to coastal communities.

“We’re already seeing the effects of rising sea levels,” Curbelo told reporters. “These are very real concerns.”

The bipartisan caucus, which also has 13 Democrats, was established last year to promote economically viable options to reducing the risks from climate change. Though it hasn’t proposed specific legislation, it has brought some influential voices to the cause.

Republican Rep. Mark Sanford of South Carolina says climate change threatens his coastal district, and he supports efforts to move from carbon-based fuels to clean energy.

“This is not an academic issue for many people along the coast of the United States of America,” Sanford said. “I represent the Low Country of South Carolina, and they call it the Low Country for a reason.”

“Large numbers of Southeastern cities, roads, railways, ports, airports, oil and gas facilities, and water supplies are vulnerable to the impacts of sea level rise,” the report said.

The impacts are already noticeable in their districts, the Republican lawmakers said.

“We’ve seen firsthand how streets keep flooding from king tides,” Ros-Lehtinen said, referring to the highest predicted tide of the year in a coastal location.

Sanford, a former South Carolina governor, said areas he remembered with pine trees growing up were now salt marshes.

“You talk to old-timers, and they say it’s changing,” he said. “They’re watching that change as the sea level is elevated.”

The House Republicans expressed confidence that they could persuade their reluctant colleagues, and a reluctant White House, to pay more attention to the issue.

“For a long time now, the Republican Party has dismissed this issue,” Sanford said, “even though the scientific consensus has been clear.”

It may be a tough sell. A Pew Research survey last year found that only 27 percent of conservative Republicans agreed that international treaties to limit carbon emissions would work to curb global warming, versus 71 percent of liberal Democrats.

President Donald Trump has called climate change a hoax. Environmental Protection Agency Administrator Scott Pruitt has said that carbon dioxide is not a primary contributor to global warming. House Speaker Paul Ryan, R-Wis., has expressed skepticism of the scientific consensus on climate change.

Trump campaigned on removing regulatory barriers to fossil fuel production. He promised to build oil pipelines and to put coal miners back to work. He tapped officials for his Cabinet who have long-standing ties to the oil and natural gas industry.

He also vowed to withdraw from the Paris Agreement, a 2015 international pact to limit carbon emissions. Curbelo has urged the White House to remain committed to the accord.

Curbelo and three House Democrats wrote Secretary of State Rex Tillerson this month that “our country should not lose its seat at the table” in a market-driven shift away from fossil fuels that was already happening.

“Whether or not the United States stays in the Paris Agreement,” they wrote, “major international investments will be made in clean energy, energy efficiency and climate resilience.”

Sanford said it was time for Republicans to acknowledge the problem.

“We can’t deal in alternative facts, or alternative realities,” he said. “We have to deal with whatever there’s consensus about as a starting point in legitimate debates that do exist.”

### **Report: Sea Level Rise May Permanently Alter Coastal Communities**

*By WSHU Public Radio*

Roads and railroads flooded, and beaches destroyed. This could be the reality for communities near Long Island Sound, and the East and Hudson Rivers if projections in a New York State Department of Environmental Conservation report bear out.

The projections display a range of possibilities for just how high the sea level will rise around Long Island and New York. On the high end, by the end of the century, the sea level could rise more than six feet.

Michael Gerrard, director of the [Sabin Center for Climate Change Law](#) at Columbia Law School, says those projections will need to be considered by builders and homeowners.

“That is going to have a significant effect on plans for construction, restoration of beaches and all kinds of coastal property,” Gerrard says.

It’s not automatic that those higher projections will bear out because it depends on the level of greenhouse gas emissions and the melting of ice in Greenland and Antarctica.

Gerrard says efforts to control these variables were on the right path under President Obama but are in peril under President Trump, who has proposed deep cuts to the Environmental Protection Agency.

“That’s going to inhibit efforts to control greenhouse gas emissions and adapt to the climate change that is happening, and it’s going to inhibit the scientific studies that are going to allow us to have a clearer understanding of what’s happening and why.”

Gerrard says communities that aren’t right on the coast are vulnerable to higher levels of storm surge. That could mean flooding further inland that would endanger homes and impede transportation on roads or by rail.

### **Local Bill Update**

*By County Staff*

### **Port of Palm Beach**

On Tuesday, HB 737 a local bill by Representative Bill Hager passed out of the House Local, Federal & Veterans Affairs Subcommittee with an adopted technical amendment clarifying the bill language. The bill amends the Charter throughout by eliminating gender-specific references;



removes outdated references to specific railroads, airlines, newspapers and other entities that no longer exist; and updates all the financing and bond issuance language. The bill also amends the Port's Trade Zone designation in Section 1{5) of Article VIII, which will allow a more streamlined approval process, known as Alternative Site Framework, for those cargo logistic businesses desiring a federal throughput tax exemption.

HB 737 is now in the House Government Accountability Committee.

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### **West Palm Beach Police Pension Fund**

Local bill HB 1135 by Representative Matt Willhite incorporates agreed upon changes to the police pension plan between the City of West Palm Beach and the Palm Beach County Police Benevolent Association. The bill passed out of the House Local, Federal & Veterans Affairs Subcommittee March 15, 2017 with an adopted technical amendment clarifying the bill language.

HB 1135 has been placed on the House the Oversight, Transparency & Administration Subcommittee agenda to be heard on March 28, 2017.

### **Building Code Advisory Board of Palm Beach County**

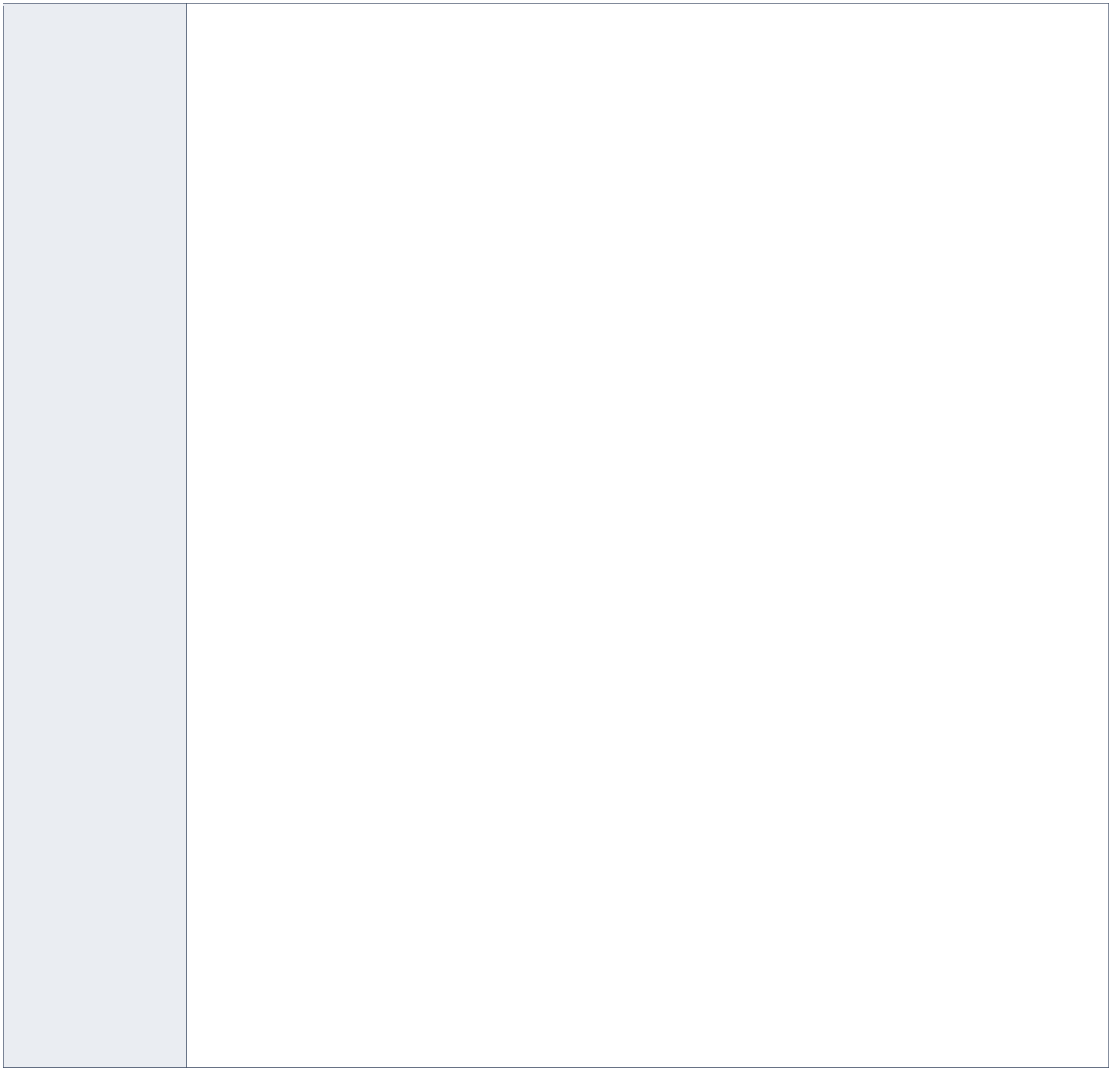
HB 1297 by Representative Joseph Abruzzo is a local bill that revises the nomination process for appointees to the Building Code Advisory Board of Palm Beach County. The proposed changes to the law are intended allow the seven industry representatives to be nominated by existing local chapters of national or regional construction industry trade associations. The bill passed out of the House Local, Federal & Veterans Affairs Subcommittee on March 15, 2017.

HB 1297 is now in the House Government Accountability Committee.

### **Solid Waste Authority**

HB 531 a local bill by Representative Lori Berman passed out of the House Local, Federal & Veterans Affairs Subcommittee February 22, 2017. HB 531 would allow private companies in a contract with the Solid Waste Authority to depreciate their equipment over seven years, which is the industry standard, rather than five. Seven-year contracts would encourage competition for future franchise awards and haulers can depreciate the cost of equipment over a longer period of time. With the increased competition and reduced costs, lower fees are expected for ratepayers.

HB 531 is now in the House Government Accountability Committee.





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**Board of County**

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Melissa McKinlay,

Vice Mayor

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Dave Kerner

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**County Administrator**

Verdenia Baker

**Palm Beach County  
Legislative Affairs**

301 North Olive Avenue  
Suite 1101.3  
West Palm Beach, FL  
33405

**Rebecca DeLaRosa  
Director of Legislative  
Affairs**

**Phone**

Office: (561) 355-3451

**Fax**

(561) 355-3982

**E-mail**

[rdelarosa@pbcgov.org](mailto:rdelarosa@pbcgov.org)

**We're on the Web!**

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