



Broward SLI

State Legislative Information

2017 Session – Week Six & Seven
April 10-21, 2017

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SENATE ADVANCES EVERGLADES RESERVOIR MEASURE WITH C-51

The Senate voted 36-3 to pass [CS/SB 10 – Relating to Water Resources](#), which aims to accelerate plans to build a reservoir south of Lake Okeechobee, which is a part of the Comprehensive Everglades Restoration Plan. The bill also defines the C-51 Reservoir Project and approves the South Florida Water Management District to manage the project. The bill also establishes a revolving loan fund to provide funding assistance to local governments and water supply entities for the development and construction of water storage facilities and revises the use of the Water Protection and Sustainability Program Trust Fund to include the water storage facility revolving loan program. In particular, CS/SB 10 provides the following appropriations for the 2017-2018 fiscal year:

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- ✚ The sum of \$30 million in nonrecurring funds from the LATF is appropriated to the Everglades Trust Fund for the purposes of acquiring land or negotiating leases, or for any cost related to the planning or construction of the EAA reservoir project.
- ✚ The sum of \$3 million in nonrecurring funds from the LATF to the Everglades Trust Fund for the purposes of developing the post-authorization change report and the sum of \$1 million in nonrecurring funds from the LATF to the Everglades Trust Fund for the purposes of negotiating Phase II of the C-51 reservoir project.
- ✚ The sum of \$30 million in nonrecurring funds from the LATF to the Water Resource Protection and Sustainability Program Trust Fund for the purposes of implementing Phase I of the C-51 reservoir project as a water storage facility.

There is currently no House companion and leaders in that chamber are not supportive of the Senate bill. However, this issue will likely be dealt with during the conference process.

GAMING CONFERENCE SET

The House and Senate passed separate measures to rewrite gaming laws. CS/SB 8 – Gaming ratifies the 2015 Gaming Compact between the state and The Seminole Tribe of Florida (Tribe), allows the decoupling of greyhound racing from gaming permits, allows slot machines at dog and horse tracks in Brevard, Duval, Gadsden, Hamilton, Lee, Palm Beach, St. Lucie and Washington counties, and allows the Tribe to offer craps and roulette at its casinos.

HB 7037 - Gaming is far more limited in its scope and would only allow the Tribe to keep its slot machines and blackjack tables for 20 years, but prohibits the Tribe from offering additional games. The legislation also freezes slot machines to tribal-run casinos and tracks in South Florida. The House and Senate have established a conference committee to resolve their differences. The Committee will begin meeting on Monday, April 24th.

LOCAL TAX REFERENDA BILL ADVANCES

CS/CS/SB 278 – Local Tax Referenda by Sen. Stuebe, passed the Community Affairs Committee 6-1. The bill requires that a referendum to adopt or amend a local option discretionary sales surtax (local sales tax) may only be held at a general election and must be approved by a majority vote. If the surtax question is revenue-neutral the referendum may be held during a special election or conducted by mail ballot. The bill now heads to the Senate Appropriations Committee while the House measure CS/CS/HB 139 by Rep. Ingoglia is ready for the floor. The House measure requires that a referendum to adopt or amend a local sales tax receive at least 60 percent voter approval to pass if held during a primary election, a majority vote when held during a general election, or

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a majority vote if it is a revenue-neutral referendum (e.g., swapping a local sales tax for ad valorem taxes). A county or school district levying a revenue-neutral local sales tax may not increase the reduced property taxes for a period of three years.

WORKER COMPENSATION

On April 13th, the Senate Rules Committee unanimously approved SB 1582- Worker’s Compensation Insurance. The committee adopted a strike-all amendment which made several technical and conforming changes to the provisions of the bill, and authorized certain appropriations and positions for the Office of Insurance Regulation. In addition, the committee also adopted an amendment by Sen. Latvala amending §440.151(2), F.S., so that firefighters who have multiple myeloma or non-Hodgkin’s lymphoma are presumed to have contracted one of these occupational diseases in the course and scope of employment. This presumption extends workers’ compensation benefits to firefighters who have either of these cancer conditions. In addition, the senate bill continues to cap attorney’s fees at \$250 per hour, while the House measure, CS/HB 7085, caps attorney’s fees at \$150 per hour. The full House approved its measure 82-37 on Wednesday. SB 1582 is ready for debate before the full Senate.

LOW INCOME POOL TO RECEIVE FUNDS FROM FEDERAL GOVERNMENT

On April 17th, Governor Rick Scott and U.S. Health and Human Services (HHS) Secretary Tom Price, announced the federal government’s commitment to continuing funding for Florida’s Low Income Pool (LIP) program in an amount over \$1.5 billion annually. The announced funding level is nearly a billion dollars more than the amount previously provided to Florida by the Obama Administration. The LIP program is a federal matching program that provides federal funds to Florida hospitals to cover costs for the state’s most vulnerable patients. State officials and the Trump Administration have had ongoing discussions regarding the LIP funding since early this year.

The Senate has included \$607.8 million for the LIP program in its budget plan, while the House has included \$310,541,855 in disproportionate share payments to hospitals for serving low income individuals. Although the details for how the Center for Medicare and Medicaid (CMS) will provide the LIP program funds to the state are still being negotiated, the announcement has impacted negotiations between the House and Senate over how to deal with the expected additional funding. Funding for the LIP program is a complicated matter that is often resolved in the last few days of the budget conference process.

CIVIL CITATION MOVES IN HOUSE

On April 20th, with a 16-1 vote, the House Judiciary Committee passed CS/HB 205 – Juvenile Diversion Programs by Rep. Ahern, which requires FDLE to expunge the arrests of juveniles for certain first-time misdemeanor

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crimes, upon successful completion of a diversion program. Additionally, the committee adopted an amendment by Rep. Plakon, which would include adults, specifically allowing adults arrested for certain crimes to go into a pre-arrest diversion program – similar to Sen. Brandes’ adult civil citation bill [SB 448 – Prearrest Diversion Programs](#). The bill differs significantly from its Senate companion, [CS/CS/SB 196](#), by Sen. Flores, which mandates civil citations be issued to juveniles for a number of first-time misdemeanors. The Senate and House bills are primed and ready for approval by their respective chambers.

FRS CHANGES MOVE IN SENATE

On April 13th, the House passed [SB 7022 – State-Administered Retirement Systems](#) on a party-line vote of 74-41. As initially passed in the Senate, the bill simply changes the employer contribution rates for the Florida Retirement System’s membership classes and subclasses. However, the House amended the bill with the provisions of [HB 5007 – Florida Retirement System \(FRS\)](#) that makes several significant changes to the FRS. Presently, members of the FRS have two plan options available for participation: the pension plan, which is a defined benefit plan, and the investment plan, which is a defined contribution plan. The bill makes the default retirement plan a 401(k)-type contribution plan instead of the defined benefit plan when a new FRS employee fails to elect a plan. Currently, an employee has until the last business day of the fifth month following their month of hire to select a system retirement plan, otherwise the employee is defaulted into the FRS pension plan.

As amended and passed by the House, effective July 1, 2017, the bill:

- ✚ Authorizes renewed membership in the investment plan for retirees of the investment plan and certain optional retirement programs.
- ✚ Expands the survivor benefit for members of the Special Risk Class to provide that such benefits are retroactive to July 1, 2002. The bill also establishes a survivor benefit for all other membership classes of the investment plan who are killed in the line of duty and provides that the benefit is retroactive to July 1, 2002.
- ✚ Closes the Senior Management Service Optional Annuity Program to new participants.
- ✚ Revises the employer contribution rates for the FRS based on the System’s 2016 Actuarial Valuation.
- ✚ Reduces the annual service accrual rate for the Judicial Subclass from 3.33 to 3.0 percent.

Given the differences between the House and Senate positions, the bill will be the subject of negotiations during the upcoming budget conference process.

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SOLAR TAX BREAK SHINES THROUGH THE PROCESS

This week committees in the House and Senate both passed their versions of how to implement the successful passage of Amendment 4, [SB 90](#) and [HB 1351 – Renewable Energy Source Devices](#). The Senate Appropriations Committee unanimously passed SB 90 which expands the definition of renewable energy source devices, expands the prohibition against considering the increased just value to residential real property resulting from the installation of a renewable energy source device, applies this prohibition to devices installed before January 1, 2013, and exempts devices from tangible personal property taxes.

On April 19, 2017, the Commerce Committee unanimously passed HB 1351 as a committee substitute. The Committee adopted a strike-all amendment to the bill that:

- ✚ Removed references to the term “utility scale renewable energy project”;
- ✚ Redefined the term “distributed energy generation system” to mean a device or system that is used to generate or store electricity, that has a capacity, individually or in connection with other similar devices or systems, of greater than one kilowatt or one kilowatt-hour, and that is used primarily for on-site consumption;
- ✚ Provided that a seller who installs distributed energy generation systems must be licensed under Chapter 489, F.S., and must comply with the Florida Building Code.;
- ✚ Modified and restructured the bill’s disclosure requirements and authorized the Department of Business and Professional Regulation to adopt rules to implement and enforce the disclosure requirements and to publish standard disclosure forms;
- ✚ Exempted contracts for the sale or lease of a distributed energy generation system in a solar community from the three-day right to rescind established in the bill; and
- ✚ Exempted third parties that provide financing for distributed energy generation systems, including local governments that enter into agreements with property owners to finance such systems under Property Assessed Clean Energy programs.

The full House will consider HB 1351 on April 25th, while the SB 90 is on the Senate’s 2nd Reading Calendar awaiting scheduling for full Senate consideration.

TRANSPORTATION NETWORK COMPANY BILL POISED FOR GOVERNOR

Having passed the House last week, [HB 221 – Transportation Network Companies](#) raced to the finish this week after the full Senate debated and overwhelmingly passed the bill. The bill now awaits the signature of the Legislature’s presiding officers and presentment to the Governor for action. Governor Scott is expected to sign the bill into law, which takes effect on July 1, 2017. As passed, the bill preempts all local regulation of TNCs and

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TNC drivers. However, the bill allows local governments to charge pickup fees for accessing airport and seaport facilities, not exceeding the pickup fees charged to taxicabs, and to designate locations for staging, pickup, and other similar operations occurring at an airport or seaport.

COMMUNITY REDEVELOPMENT AGENCY BILL STALL IN SENATE

CS/SB 1770 – Community Redevelopment Agencies (CRA) which would establish transparency criteria, require ethics training for CRA commissioners, phase out CRAs, and make additional changes regulating CRAs failed (2-5) in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development. The bill is pending reconsideration but is unlikely to be rescheduled. Unlike the Senate companion, HB 13 received final committee approval in the House Government Accountability Committee and is ready for deliberation by the full House. As passed by the committee, HB 13 increases accountability and transparency for CRAs by:

- ✚ Requiring CRA governing board members 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 posted on the CRA's website;
- ✚ Providing that moneys in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the CRA's board of commissioners and only for those purposes specified in current law beginning October 1, 2017;
- ✚ Authorizing the local governing body which created the CRA to set the amount of funding each taxing authority is required to contribute to the redevelopment trust fund between 50 percent and 95 percent of the tax increment;
- ✚ Requiring a CRA created by a municipality to provide its budget and any amendments to the board of county commissioners for the county in which the CRA is located by a time certain; and
- ✚ Requiring counties and municipalities to include CRA data in their annual financial report.

The Committee adopted a strike-all amendment providing that creation of new CRAs on or after October 1, 2017, may only occur by special act of the Legislature. The bill provides for the eventual phase-out of existing CRAs at the earlier of the expiration date stated in the agency's charter or on September 30, 2037, with the exception of those CRAs with any outstanding bond obligations. However, the phase-out may be prevented if a supermajority of board members serving on the board that created the CRA vote to retain the agency. 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. Given the failure of SB 1770, it is unlikely a CRA reform bill will pass this Session.

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PUBLIC WORKS PROJECTS BILLS PRIMED FOR SENATE FLOOR

On Wednesday, April 19th, the House passed (77-40) CS/CS/HB 599 – Relating to Public Works Projects. The bill states that when a county, city, or other local government competitively procures a public works project, the county, city, or local government may not prohibit a contractor, subcontractor, material supplier or carrier from submitting a bid on the project, if such individual or business is otherwise qualified to perform the services needed for the project. This provision does not apply to vendors that have been convicted of a crime or have committed discrimination.

In addition, when the state appropriates 50% or more of the funding for the public works project, the bill prohibits the state, a county, city, and other local government, except when required by state or federal law, from requiring a contractor, subcontractor, material supplier or carrier engaged in the public works project to:

- ✚ 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.
- ✚ Recruit, train, or hire employees from a single source.

Meanwhile, the Senate companion, CS/CS/SB 534 by Sen. Perry passed its last committee, the Senate Appropriations Committee on Thursday, April, 20th, and has been placed on the Senate's Second Reading Calendar for consideration by the full Senate.

SELECTION AND DUTIES OF COUNTY OFFICERS MOVES IN HOUSE

On Wednesday, April 19th, the House Government Accountability Committee approved HJR 721 – Selection and Duties of County Sheriff by a 19-4 vote. The committee approved an amendment by the bill sponsor to conform the bill to its Senate companion, SJR 134, and clarify that future changes (assuming the constitutional amendment passes and is approved by Florida voters) to the office of sheriff, including the manner of selection, abolishment, transfer of duties to another office, or the term of office could not occur other than by a vote of the county's electors. The bill has been placed on the House 2nd Reading Calendar.

The committee also approved (19-5), HJR 187 – Selection Duties of County Officers (Property Appraiser), by Rep. Diaz. Similar to HJR 721, the committee adopted an amendment to the clarify that future changes to the office of the property appraiser, including the manner of selection, abolishment, transfer of duties to another office, or the term of office could not occur other than by a vote of the county's electors. The bill has been placed on the House 2nd Reading Calendar.

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The Senate companion bills, SJR 134 and [SJR 136](#), were not heard this week given the events related to their sponsor, Sen. Frank Artiles, who resigned from the Senate effective April 21, 2017.

HOUSE AND SENATE PRIMED FOR BUDGET CONFERENCE

Both the House and Senate passed their respective funding bills and will look to hold a conference between the two chambers. The conference process allows for alignment of the budget through negotiations on state spending for the upcoming fiscal year. As passed, the House proposal is approximately \$81.23 billion and the Senate proposal is about \$83.16 billion, a close resemblance to the Governor’s recommended budget of \$83.47 billion.

Summary of SB 2500 and HB 5001– the 2017-2018 General Appropriations Act

*** Amounts have been rounded up ***

Budget Issue	Senate Appropriation Amount	House Appropriation Amount
Early Learning Services	\$1.1 billion	\$1.06 billion
Voluntary Prekindergarten Program	\$411.8 million	\$397 million
School Readiness Program	\$596.3 million	\$608 million
Health & Human Services	\$35.52 billion	\$31.31 billion
Agency for Health Care Administration – Low Income Pool	\$607.8 million	\$310 million
Agency for Persons with Disabilities	\$1.34 billion	\$1.29 billion
Department of Children and Families	\$3.2 billion	\$3.03 billion
✚ Managing Entity Administrative TrueUp	\$318,000	\$0
✚ System Improvements SAMH – Community Based Programs	\$0	\$12.95 million
✚ Managing Entity Housing Initiative	\$0	\$0
✚ Managing Entities Care Coordination	\$0	\$0
✚ Reentry Transitional Housing, Job Training and Behavioral Health Clinical Services (Broward Executive Order)	\$500,000	\$0
✚ Specialized Forensic Florida Assertive Community Treatment (FACT) Team – Broward County	\$1.25 million	\$0
✚ CAT & FIT Teams – Broward	\$0	\$0

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 Prescription Drug Abuse Treatment Federal Grant	\$27.2 million	\$0
Department of Elder Affairs	\$313.5 million	\$316.4 million
Alzheimer’s Respite Care	\$3 million	\$3 million
Community Care for the Elderly Program	\$3 million	\$4 million
Home Care for the Elderly Program	\$1 million	\$3 million
Department of Health	\$2.9 billion	\$2.85 billion
Child Protection Teams	\$1.4 million	\$300,000
Department of Juvenile Justice	\$576.3 million	\$544.8 million
Fixed capital outlay for repair and maintenance of department-owned facilities	\$6.5 million	\$4.3 million
Transportation, Tourism and Economic Development	\$13.4 billion	\$14.3 billion
Transportation Work Program	\$9.9 billion	\$3.6 billion
Library Grants and Initiatives	\$39.4 million	\$24.45 million
Cultural and Museum Grants and Initiatives	\$24.2 million	\$11.39 million
Historic Preservation Grants and Initiatives	\$11.8 million	\$3.5 million
Department of Economic Opportunity	\$1.4 billion	\$775.9 million
Economic Development Partners	\$129.2 million	\$35 million
 Enterprise Florida (EFI)	\$23.5 million	\$0
 VISIT Florida	\$76 million	\$25 million
 Space Florida	\$19.5 million	\$10 million
Affordable Housing Programs	\$274.4 million	\$44 million
 SHIP	\$124.9 million	\$34 million
• Homeless Challenge Grants	\$5.2 million	\$3.8 million
State Housing Programs	\$37.5 million	\$10 million
 SAIL Program	At least 50%	
 Competitive grant program for housing developments designed for persons with developmental disabilities	\$10 million	
Department of State	\$141 million	\$97.6 million
 Cultural & Museum Program Support and Facilities Grant	\$29.1 million	\$11.4 million

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Department of Transportation	\$10.9 billion	\$10.85 billion
✚ Highway and Bridge Construction	\$4.2 billion	\$3.6 billion
✚ Public Transit Development Grants	\$639.7 million	\$565.2 million
✚ Rail Development Grants	\$237.7 million	\$159 million
✚ Aviation Development Grants	\$257.1 million	\$257.1 million
✚ Seaport and Intermodal Development Grants	\$188 million	\$236 million
✚ Transportation Disadvantaged Program Grants	\$54.1 million	\$50.8 million
Division of Emergency Management	\$395.3 million	\$392.38 million
Environment and Natural Resources	\$3.8 billion	\$1.8 billion
Department of Environmental Protection	\$1.7 billion	\$1.27 billion
✚ Everglades Restoration	\$144 million	\$126.89 million
✚ Beach Management Funding Assistance	\$50 million	\$30 million
✚ Water Projects	\$67.3 million	\$20 million
✚ Petroleum Tanks Cleanup Program	\$110 million	\$100 million
✚ Drinking Water & Wastewater Revolving Loan Programs	\$245.3 million	\$240.3 million
✚ Hazardous Waste/Site Cleanup	\$8.5 million	\$8.5 million
✚ Local Parks	\$3.2 million	\$1.1 million
Fish & Wildlife Conservation Commission	\$372.7 million	\$365 million
Boating Infrastructure and Improvement Program	\$5.7 million	\$5.7 million

Budget materials for the Senate

<http://flsenate.gov/Session/Appropriations/2017>.

Budget materials for the House

<http://myfloridahouse.gov/Sections/Documents/appropriations.aspx?SessionId=83&Session=2017>.