

Broward SLI

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Transportation Bills Move in House and Senate

This week, the House and Senate Transportation Committees heard and passed out bills, containing several Florida Department of Transportation (FDOT) priorities. HB 1399, by Rep. Brandes, was heard Tuesday in the House Transportation and Highway Safety Subcommittee. The Committee adopted a large strike-all amendment to the original bill, plus two other amendments – one striking language in the strike-all amendment that would have changed the membership of the South Florida Regional Transportation Authority (SFRTA) to give the Governor more control over the authority and prohibiting the SFRTA from expanding service into other counties beyond the Tri-County area; and a second amendment extending to AMTRAK liability and immunity protections similar to those provided CXS in 2009 for the Sunrail project.

SB 1866, by Sen. Latvala, was heard on Thursday in the Senate Transportation Committee. The Committee adopted 17 amendments to original bill. Unlike its counterpart in the House, the Senate Transportation Committee did not simply remove the SFRTA provisions in the original bill. Rather, the Committee made the current district secretary appointee an ex-officio, nonvoting member and increased the Governor's citizen appointments to the SFRTA governing board from 2 to 3 members.

The House and Senate bills are similar, and many provisions were also part of the transportation packages that failed to pass in the 2011 Session. The bills contain several port-related provisions, including:

- Renaming Chapter 311, Florida Statutes, as "Seaport Facilities and Programs."
- Substantially amending the Florida Seaport Transportation and Economic Development (FSTED) Program and increasing the minimum annual funding for the program from \$8 to \$15 million, consistent with previous years' funding levels.
- Requiring FDOT and the Department of Economic Opportunity to work cooperatively with the FSTED Council to review projects and allocate funds in accord with the schedule to include projects within FDOT's tentative work program.
- Creating the Strategic Port Investment Initiative and allocating \$35 million from the State Transportation Trust Fund to fund the program.
- Creating the Intermodal Logistics Center Infrastructure Support Program with \$5 million allocated to support infrastructure development for conveying or shipping goods through a seaport.

- Requiring FDOT, in consultation with the state’s seaports, to develop a Statewide Seaport and Waterways Plan identifying the seaport system’s 5, 10, and 20-year needs along with projects to ensure the transportation systems’ success.

HB 1399 also contains language authorizing off-site mitigation for port activities causing or contributing to pollution from storm water runoff, but this language will likely change at the next committee stop. The bills no longer require all Metropolitan Planning Organizations (MPO) located in an urbanized area to develop a single list of priority transportation projects for the area. However, MPOs in such areas must coordinate efforts in the development of “regionally significant project priorities.” In addition, language in both bills provides for designation of only one MPO for each urbanized area or group of contiguous urbanized areas, to the extent possible. Title 23 CFR §450.310(h), allows the redesignation of existing MPOs only by agreement between the Governor and the general-purpose local governments that together represent 75 percent of the metropolitan planning area population. Accordingly, it is doubtful this language will lead to any consolidation of the MPOs in Broward, Miami-Dade, and Palm Beach Counties.

As with last year’s bills, HB 1399 and SB 1866 also contain provisions requiring cities and counties to indemnify FDOT for bus benches and transit shelters installed on public right-of-ways that fail to comply with ADA requirements or with other “applicable laws and rules.” Staff has participated in discussions with FDOT representatives and offered amendment options that would ensure the County’s sovereign immunity is not affected by the indemnification provision, or provide the department with liability protection when an individual sues over an alleged non-compliant bus bench or transit shelter installation. We expect to hear from department this week as to our proposed amendments.

HB 1399 now moves to the House Transportation and Economic Development Appropriations Subcommittee, and SB 1866 next goes to the Senate Budget Committee.

Crime Lab Funding

Broward County continues to pursue expanded revenues for the BSO crime lab. Meetings with House and Senate leaders on Criminal and Civil Justice Appropriations Committees were positive. The language passed last year in 2118, sponsored by Sen. Bogdanoff, appears likely to be accepted in the appropriations process. In addition, the appointment this week of Sen. Bogdanoff as the new Chair of the Senate’s Criminal and Civil Justice Appropriations Committee is a positive development to passing this priority. The Committee’s previous chair, Sen. Fasano, had also expressed his support for the County’s crime lab amendment.

Red-Light Camera Citations

Commissioner Lieberman, staff, and lobby team members continued to meet with members of the House and Senate to discuss amending several bills with the County’s proposed amendment creating an additional defense to red-light camera citations issued to deceased individuals. The sponsor of CS/HB 343, Rep. Nehr, has agreed to include the amendment on his bill when it is next heard in the House Transportation and Economic Development Appropriations Subcommittee. Commissioner Lieberman, with the assistance of Rep. Marty Kiar, met with Rep. Albritton about including the amendment in

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CS/HB 1223, which currently resides in the same House appropriations subcommittee. Additional conversations have been undertaken with Sen. Latvala, Chair of the Senate Transportation Committee, about including the amendment in the transportation package.

AHCA Medicaid Billing Proposal

After significant lobbying in week 4, it appears that the proposal (detailed in last week's update) to significantly increase counties' fiscal responsibilities under current statute for Medicaid cost-share, including a recapture provision for past-due/rejected billings, has little chance of being considered by either the House or Senate. Stakeholders remain vigilant and will continue educating members, especially Senate Budget Chair Alexander, regarding the unfunded mandates created by such a proposal. Additionally, Commissioner Sharief, while in Tallahassee for FAC Legislative Day, discussed Broward County's concerns about the costly proposal with House and Senate members and committee staff.

County Health Departments

Late Thursday night, a 152-page strike-all amendment for HB 1263, relating to the reorganization of the Department of Health, was filed. Among many other provisions, the bill would require counties to take over their local County Health Departments with the State establishing block grants using a formula that appears to consider both county population, as well as need, but which has little detail as to how "need" will be defined.

Specifically, the provisions of the bill include:

- A requirement that the Department of Health contracts with each county to establish and maintain a county health department
- Defines specific services to be provided by a county health department
- Establishes criteria for county public health contracts to be eligible for state block grants
- Permits two or more counties to combine and operate a county health department by inter-local agreement

The Broward County Health Department receives a legislative appropriation of \$28.7 million annually, as well as an \$817,683 allocation from primary care, in order to maintain a variety of community services, including, but not limited to: dental health, supplemental nutrition, healthy start/improved pregnancy outcomes, teen dating violence prevention, chronic disease, environmental health, HIV/AIDS, STDs, school health, general communicable disease, etc. The Health Department employs 539 staff in nine facilities, and services individuals in fifteen locations across Broward County. If passed, this legislation would require personnel of county health departments to become county employees.

The actual fiscal impact of this legislation to Broward is ambiguous, but expected to be significant and negative. Potential attendant and, perhaps, unintended consequences of the bill on Child Protection Teams, presently managed by the DOH (of which Broward is a grantee), as well as the five local governments who remain responsible for child care licensing, are still unknown.

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The bill is being considered Monday in the Health & Human Services Quality Subcommittee at 3:30 pm.

Pretrial

As we enter the fifth week of Session, with neither the House nor Senate bills heard in their first committees of reference, it appears that pretrial legislation is dead for this Session.

Destination Resort Gaming

HB 487, by Rep. Fresen was heard Friday morning in House Business and Consumer Affairs Subcommittee. Members took extensive testimony from interests on both sides of the politically divisive issue. While no final vote was taken, the subcommittee killed two relatively innocuous amendments. The bill's sponsor then moved to temporarily pass (withdraw consideration) of the proposal, saying later to media that his decision was in response to the "mood of the room." It became increasingly apparent leading up to, and particularly during, the committee hearing, that the bill did not have the votes to pass successfully out of its first committee of reference. As such, the legislation appears to have little likelihood of success this Session.

Regional Workforce Boards

HB 7203, by Rep. Brodeur, passed by a vote of 95-19 in the House on Friday. The proposal was amended to strike the provision in the original bill providing that workforce board chairs and executive directors serve at the pleasure of the Governor. Thus, the ability of local governments to appoint directors without approval from the Governor remains; however, the Governor would be permitted to remove directors for cause.

Property Tax Exemptions for Seniors

The following property tax related bills passed unanimously in Senate Community Affairs on Monday:

- SJR 1740, by Sen. Garcia, would amend Section 6, Article VII of the Florida Constitution to authorize the Legislature to allow counties and municipalities to grant an additional homestead exemption to individuals who: are aged 65 years or older; have lived in their home for at least 20 years; and whose household income does not exceed \$15,000. The additional exemption could not exceed the assessed value of the property.
- SB 1738, also by Sen. Garcia, would authorize counties and municipalities to adopt ordinances granting the additional homestead exemption set forth in SJR 1740.
- SJR 838, by Sen. Diaz de la Portilla, would amend Section 4, Article VII of the Florida Constitution to authorize the Legislature to allow counties and municipalities, by ordinance, to limit increases in homestead property assessments for low-income seniors to the prior year's assessed value.

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Super Homestead Exemption

HJR 1289 and HB 1291, by Rep. Brodeur, which propose amending Section 6, Article VII of the State Constitution to establish additional homestead exemptions applicable to the first \$400,000 of a homestead property's assessed value, were heard in the House Finance and Tax Committee on Wednesday. Specifically, the bills would create an additional exemption equal to 30 percent of a property's value from \$75,000 to \$200,000, and 15 percent of the property's value from \$200,000 to \$400,000. The House plan is similar SJR 312 and SB 314, by Sen. Simmons, in the additional exemption created; however, Rep. Brodeur's bills are proposed as an additional tax exemption, rather than a replacement to Amendment 4, which will appear on the November 2012 ballot. If enacted, the additional exemptions could have a \$570 million annual impact on local governments throughout the state. The bills, which each received 8 no-votes in their first committee of reference, now move to the House Community and Military Affairs Subcommittee.

Statewide Environmental Resource Permitting

SB 1354 by Sen. Detert, which would direct the Department of Environmental Protection (DEP), in coordination with the Water Management Districts (WMDs), to develop statewide environmental resource permit (ERP) rules, passed unanimously in the Senate Budget Subcommittee on General Government Appropriations on Thursday. An amendment, offered by Sen. Diaz de la Portilla, was adopted, clarifying that the statewide ERP program would not prohibit local governments, with or without delegated local pollution control programs, from adopting or implementing stricter standards at the local level. This additional language was a major goal of Broward and other counties concerned that the original bill would completely preempt ERP rules promulgated by local programs. SB 1354 now moves to Senate Budget. The House companion, HB 7003, is now in the State Affairs Committee.

Senate Allocations

Week 5 will see Senate appropriations rolled-out for public comment. Health and Human Services Appropriations Chair Negron, indicated that spreadsheets will be available next Wednesday, with public testimony taken Thursday.

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