Budget Conference

After a false start on April 17th -- when House and Senate leadership announced the commencement of conference, only to cancel ten minutes before the opening meeting, resulting from failure to agree on the allocations -- appropriations negotiations began in week 8 and are expected throughout the weekend at the Chair level. Initially, budget conferees were selected (usually members of House and Senate standing appropriations committees) and joint meetings were held with members of both chambers reviewing line items in specific budget categories. The House “hosted” conference this year, meaning that they would make the first offer in areas of the budget where the house and senate remained in disagreement. Leadership touted the transparency to be expected and indicated that no items would be placed in the state’s budget that had not been vetted openly in the conference process. The House and Senate Health and Human Services budgets lined-up quickly in some categories, with the House accepting the Senate’s position in many high-priority areas; however, several critical issues remain unresolved as of the Monday offers, including funding levels affecting adult mental health funding. While cuts were deep in Adult Substance Abuse and Direct Behavioral Health Services funding, they were far from the devastating reductions contemplated earlier in the session process. On Saturday, we were thrilled to see the House and Senate restore funding for sexual assault treatment services at its current levels. In Natural Resources and General Government beach nourishment/storm protection funding levels were agreed to on Wednesday at a level below Broward’s request—efforts continue to bring the funding level back to the Senate’s initial offer of $15.5 M, but we will not be certain until Tuesday afternoon. As of Sunday’s Chair conference meeting, the House and Senate Chairs continue to disagree on the funding in the General Government Operations section as it relates to Medicaid fraud and the issue appears to be dead for this session. Also, in General Government, the issue of FRS employer contribution rates finally was agreed to on Monday afternoon—the rates will stay at the current level and employees who enter DROP will accrue interest at 3%, as opposed to the normal 6.5%. Transportation and Economic Development (TED) identified three critical issue areas early in the conference process, with Sen. Fasano openly articulating what many familiar with the process know, but few members readily acknowledge—that funding for one priority area will come at the expense of another. In this case, Sen. Fasano stated that Libraries Grants-in-Aid levels would be tied to Qualified Targeted Industry (QTI) and/or Quick Action Closing (QAC) Fund line items. It seems this may have been the case, since as the process evolved through the week library funding levels
steadily decreased, to a low of $11.7 M in the Senate offer on Friday morning, while QTI and QAC funding increased. By Saturday’s Chairs meeting, the House and Senate had agreed to most TED items. Issues can be adjusted in the presiding officers’ budgetary review, but infrequently do significant adjustments take place. The transportation trust fund sweep was agreed-to at a $160 M level mid-week, but many hold-out hopes that the Chairs (Sen. Alexander and Rep. Rivera) will find ways to ameliorate negative impacts on local programs and loss of federal revenue to transportation programs.

Conforming bills, the narrative accompanying the budget line items, are also the subject of conference negotiations and much proviso language was added during the transparent process, with the effect of “earmarking” several line items Broward has been watching carefully, including QTI and other economic incentive programs. In addition, Broward County staff continues working to ensure additional funding for Crime Labs, within the Civil and Criminal Justice budget, by adding an amendment to the conforming bill. On Friday, we worked to address concerns that the amendment would raise taxes and fees, so it was limited to requiring that presently discretionary fines become compulsory. On Saturday morning, we received word that leadership is in agreement with the concept. Sen. Garcia is looking for a conforming bill that could accommodate language allowing the state to take advantage of federal extensions to unemployment compensation, without requiring the legislature to reconvene.

In order to meet the requirement that the General Appropriations Act (GAA) be laid on the table for 72 hours prior to a vote, the budget conference process will need to conclude on Monday (the last meeting is scheduled for 11PM) in time for editing and printing of the voluminous GAA.

Floor Action

Substantial activity on many of Broward’s priority issues occurred during week 8. Below is a quick overview of House and senate action:

CS/CS/CS/HB 665 This legislation related to Affordable Housing that lifts the cap on housing trust funds passed unanimously off the House floor, 107-0, on Friday and is now in Senate messages.
CS/HB 1035 The bill creates a 5-year exemption for updates to the elevator safety code for existing elevators in condominiums and other multi-family residential buildings; it was read a second time.
CS/HB 1425 This bill creating and establishing the Broward County Office of Inspector General (Office) is in Senate messages.
CS/HB 1445 This Agriculturally-related legislation was the vehicle for an attempted fertilizer regulation preemption on both the sale and use. Local governments and environmental groups objected vociferously and the amendment’s sponsor, Rep. Poppell, agreed to statewide preemption only of the regulation of fertilizer sales. The bill was heavily amended on the floor, Friday, and Broward continues to watch the legislation as it rolls to third reading.
CS/HB 1157 Local Government Prompt Pay is on third reading and its companion, SB 1056 is on special order for April 27 with amendments filed to make it identical to the House version.
CS/CS/HB 1241 Rep. Patronis’s legislation allowing online travel companies (intermediaries) to avoid remitting taxes on the retail price of a hotel room was on Special Order Friday. Numerous questions from the floor inspired what became a
contentious exchange between the sponsor and prime co-sponsor, Rep. Abruzzo, and various members who questioned the business model used by intermediaries. After more than thirty minutes of questioning, with less than a third of the House membership even on the floor, the bill was rolled to third reading. Its Senate companion remains unheard in any committee of reference.

CS/CS/CS/CS/HB 663 The bill prohibits enforcement of updates to the elevator safety code for existing elevators in condominiums or multi-family residential buildings until July 1, 2015. It was read a second time.

CS/HB 7229 This legislation sponsored by Rep. Precourt provides for Energy Incentives/Energy Initiatives passed the House on second reading and is now awaiting a vote in the House (engrossed Text (E1) filed).

CS/HB 1109 Chairwoman Williams’s Water Supply legislation was read a second time and rolled to third reading, unamended.

CS/HB 7177 This Water Resources legislation was amended on the floor, Friday, with four amendments that did not create issues for Broward, which has been watching the legislation. The bill now rolls to third reading.

CS/CS/HB 1385 Rep. Poppell’s Petroleum Site Cleanup bill was on second reading Friday and rolled to third, unamended.

CS/CS/HB 225 The legislation on controlled substances (pill mills) is on second reading, but was temporarily postponed this week. Two strike-all amendments, one by Rep. Legg and one by Rep. Skidmore, have been filed.

CS/CS/CS/HB 561 This legislation dealing with various condominium issues, including fire and elevator extensions and foreclosure issues, is on second reading.

HJR 7231 This legislation, a proposed joint resolution creating a new Section 20 to Article III of the Florida Constitution, adds new state standards for establishing legislative and congressional district boundaries. It is in Senate messages.

CS/CS/CS/HB 829 This bill allows the county commission to lease county real property for less than five years without going through the competitive bidding process as well as deleting local government electioneering prohibitions enacted in SB 216 in 2009. It is on second reading.

CS/CS/SB 1216 In an agreement between the sponsor and Children’s Services Councils, the bill as amended requires a referendum regarding retention or dissolution and allows for the governing body of a county to specify the authorization period of retention or that the retention is permanent. If no ballot language regarding the period of authorization is included in the referendum, the authorization is for 12 years. The bill was read for the second time and the bill language was also amended onto another bill.

CS/CS/CS/SB 550 Sen. Constantine’s Environmental legislation, with eleven floor amendments adopted on second reading when the bill was heard on Friday, rolls to third in the final week.

CS/CS/SB 900 This voting legislation, sponsored by Sen. Thrasher, had an amendment allowing for an expansion of early voting sites filed by Sen. Smith on the floor on Friday. The bill also includes language to extend the ADA voting machine compliance from 2012 to 2016. The bill was temporarily postponed.

CS/CS/SB 570 This legislation related to recycling was temporarily postponed after four late-filed amendments initiated substantial controversy late on Friday.

CS/CS/SB 2074 Sen. Peaden’s Agricultural bill (Right to Farm), prohibiting a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances, is on the Senate Special Order Calendar for Monday, April 26.
SB 506  Senator Rings’ Crimes Against Homeless bill is on the Senate Special Order Calendar for Monday, April 26. (HB 11 by Rep. Porth passed off House floor this week).

CS/CS/SB 2272  The Senate companion for the pill mills was withdrawn from its last committee of reference and is calendared for next week.

CS/SB 1172  This legislation provides for a 5-year exemption for elevators in condominiums or multi-family dwellings, including elevators in licensed continuing care facilities. It is on the special order calendar next week.

CS/SB 1824  Sen. Gelber’s Misrepresentation of Military Status bill is on the Senate Special Order Calendar for Tuesday, April 27. HB 1455 passed the House last week.

SB 2372  Sen. Rich’s bill relating to Animal Control or Cruelty Ordinances is on the Senate Calendar on Second reading.

CS/CS/SB 1856  The Qualified Tax Incentive bill was withdrawn from committee and is on the Senate Calendar on Second reading. Its companion, SB 1752, passed the Senate.

CS/CS/SB 2000  Sen. Ring’s Seaports bill is on the Senate Special Order Calendar for Tuesday, April 27.

CS/CS/CS/HB 963  Relating to Seaport Infrastructure, is on 3rd Reading.

CS/CS/SB 2176  Relating to Insurance, has been amended to fix the notice period that may be required of a participant desiring to withdraw from a self-insurance risk pool from 45 to 60 days. The bill is on 3rd Reading in the Senate; however, its House companion remains in committee. Since it did pass one substantive committee in the House, the Senate version could be taken up. Another insurance bill with the same self-insurance notice language is SB 844, which staff is working to amend. There is no companion measure to SB 844 that has been heard at least once in the House.

CS/CS/HB 7243  Relating to Recycling, is on 3rd reading and will be heavily amended in the last week. The House bill is preferable to the Senate’s version, at this point, but Broward, like several other counties remains concerned with the policy implications of the legislation. Consideration of the Senate’s recycling package, SB 570, was temporarily postponed on second reading.

CS/HB 569  Relating to Yard Trash Gasification, is in Senate Messages and its companion, SB 1052 is on special order on April 27.

CS/CS/SB 1842  Relating to Transportation Projects, was on special order on Friday and read a second time. As amended in the Senate, the bill requires DOT to provide 180-day notice to affected businesses, local governments, and property owners of any project that will divide a highway, erect medians, or have the effect of modifying or closing access to properties. The bill requires DOT to consult with the appropriate local government on its final design and to consider alternative local government plans that mitigate impacts to business properties. The major transportation packages are moving: HB 1271 is on third reading in the House and SB 2362 is on special order for 4/27.

CS/CS HB 971  The Department of Highway Safety and Motor Vehicles package, HB 971, is on 3rd reading in the House and SB 2400 is on special order for April 26. Language in HB 971 provides for collection of fees when registration data is obtained through a tax collector’s office; however, if registration data is obtained through the electronic filing system resulting in the issuance or a title certificate or a registration credential, then the existing statutory fees do not apply.