

# Broward SLI

State Legislative Information

January 25-29, 2016

Week 3 -2016 Session

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## Subcommittee Budget Recommendations Released

On January 27<sup>th</sup> and 28<sup>th</sup>, the House and Senate released the subcommittee “Chairman’s” budget proposals. While there are significant differences between both chambers in many areas of the budget, the charts below reflect funding levels recommended by subcommittees in key areas:

| Environmental Program/Projects  | House         | Senate        |
|---|---------------|---------------|
| Land Acquisition / Florida Forever                                      | \$109,356,206 | \$ 82,600,000 |
| Everglades Restoration  | \$100,000,000 | \$ 82,000,000 |
| Northern Everglades, WQ & Estuaries Projects                            | \$ 51,000,000 | \$ 0          |
| Springs Protection  | \$ 30,075,538 | \$ 50,000,000 |
| Alternative Water Supply  | \$ 30,000,000 | \$ 0          |
| Local Water Projects  | \$ 50,000,000 | \$ 50,000,000 |
| Drinking Water State Revolving Loan Program                             | \$104,382,432 | \$104,382,432 |
| Wastewater Revolving Loan Program                                       | \$151,093,979 | \$151,156,179 |
| Beach Restoration Projects  | \$ 30,000,000 | \$ 28,140,270 |
| Petroleum Tank Clean-up   | \$110,000,000 | \$125,000,000 |
| Dry Cleaning Solvent Clean-up   | \$ 6,500,000  | \$ 6,500,000  |
| Florida Rec. Develop. Assist. Program (FRDAP)                           | \$ 4,400,000  | \$ 10,000,000 |
| Osborne Reef Tire Removal<br><i>(Broward County Waste Tire Project)</i> | \$ 1,800,000  | \$ 900,000    |

| Transportation & Economic Development                | House            | Senate           |
|--|------------------|------------------|
| Transportation Work Program                          | \$ 9,093,950,949 | \$ 9,093,950,949 |
| Aviation Grants                                      | \$ 237,673,600   | \$ 239,673,600   |
| Transit Grants                                       | \$ 403,521,162   | \$ 404,331,162   |
| Seaport Grants                                       | \$ 114,225,263   | \$ 113,925,263   |
| Seaport Investment                                   | \$ 11,405,612    | \$ 11,405,612    |
| Rail Development Grants                              | \$ 96,387,936    | \$ 96,387,936    |
| Affordable Housing Programs (SAIL)                   | \$ 84,405,000    | \$ 121,200,000   |
| State Housing Initiatives Partnership Program (SHIP) | \$ 43,000,000    | \$ 181,800,000   |

| Criminal and Civil Justice Appropriations            | House | Senate       |
|--|-------|--------------|
| Children’s Advocacy Center Funding – <i>increase</i> | \$ 0  | \$ 1,050,000 |
| Nancy J. Cotterman Center                            | \$ 0  | \$ 250,000   |

| Health Care Appropriations                | House         | Senate       |
|---|---------------|--------------|
| CAT Teams                                 | \$ 16,500,000 | \$ 3,700,000 |
| FIT Teams                                 | \$ 6,960,000  | \$ 2,800,000 |
| Community Forensic Multidisciplinary Team | \$ 0          | \$ 3,260,000 |

Although the final local water project list is yet to be developed the House and Senate have recommended \$50 million for funding such projects. The County’s C-51 Reservoir, TY Park, and Broward County Reclaimed Water Project (Purple Pipeline) have been submitted to both Chambers for water project funding. In addition, Transportation has been fully funded for the Seaport, Port Everglades, and other projects. The appropriations committees in the House and Senate will be considering their budgets, and it’s expected that each Chamber will pass their respective budgets in Week 5, setting the stage for the budget conference process to begin developing the final state budget.

## Mental Health Overhaul

Tuesday, January 26<sup>th</sup> – the House Children, Families, & Seniors Subcommittee voted in favor of PCB CFSS 16-01. After discussing the PCB in a previous workshop, the committee highlighted the recommended changes which include:

- Requiring the Agency for Health Care Administration (AHCA) to develop a plan modifying licensing statutes and rules to provide options for multiple types of mental health and substance abuse services. The plan must identify options for license consolidation and inter-agency license consolidation.
- Revising and creating definitions.
- Amending language to allow entities other than nonprofits to serve as managing entities amending statutory language to specify behavioral health system of care elements.
- Requiring managing entities and coordinated care organizations to work with the courts in order to develop procedures to divert future admissions to acute levels of care, jails, prisons, and forensic facilities.
- Develop additional data points and report outcomes for all clients.

The PCB also requires managing entities that are not managed behavioral health organizations to include representatives of law enforcement, courts, and a community-based care lead agency, as well as individuals with business expertise, on its governing board. The PCB further creates a new subsection addressing coordinated behavioral health system of care designation and community planning. It provides for managing entities to earn the coordinated behavioral health system of care designation by developing and implementing plans in a collaborative manner that facilitate coordination between their network providers and other systems of care.

In addition, the PCB adopted changes to the transportation aspect by authorizing counties to develop transportation exception plans; requires counties governing boards, managing entities, and DCF to approve plans before they are implemented; requires counties to evaluate whether use of a transportation exception plan would enhance the functioning of the coordinated receiving system; and clarifies that law enforcement may transport an individual to a receiving facility other than the nearest one pursuant to the county’s transportation exception plan.

## Public Corruption

HB 593, by Rep. Metz relating to Government Accountability, unanimously passed the House Government Operations Subcommittee on Tuesday, January 26<sup>th</sup>. The bill adds contractors to the list of public servants for bid rigging corruption and changes the burden of proof for prosecutors

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from proving defendants had actual malice intent to proving that the defendant acted knowingly and intentionally.

Its companion measure SB 582, by Sen. Gaetz – Public Corruption failed in the Senate during week two. However, the bill was revived last week and passed out of the Senate Governmental Oversight and Accountability Committee after amendments were adopted, narrowing the bill with respect to its application to contractors. The bill next goes to the Senate Criminal Justice Committee.

## **Broward County Local Bill Passes**

HB 871, by Rep. Clarke-Reed – Broward County unanimously passed the House Highway and Waterway Safety Subcommittee. The bill deletes the requirement that Broward County pay for erecting of boating signs on the New River and Intracoastal waterways. The bill now goes to Local and Federal Affairs Committee.

## **Medical Examiners Bill Moves Forward**

CS/HB 315, by Rep. Roberson passed its last committee of reference after a favorable vote in the Health & Human Services Committee. The bill prohibits Medical Examiners from charging a fee to issue a cremation permit. The Senate companion SB 620, by Sen. Grimsley is scheduled to be heard in the Health and Human Services Committee during week 4 of the Session.

## **Value Adjustment Board Changes Continue in House**

Local and Federal Affairs Committee also voted on HB 499, by Rep. Avila – Ad Valorem Taxation which requires VABs to submit certified assessment rolls to the property appraiser by June of the following tax year in which the assessments were mad; removes one county commissioner from the board and replaces with a citizen member; restricts the qualifications of those who can represent a taxpayer before the VAB; and makes changes to the administration of hearings.

The Senate companion SB 766, Sen. Flores does not change the composition of the board, but does require roll certification by June of the following tax year. The House bill must still pass the full Appropriations Committee while the Senate bill still has two committees of reference pending.

## **Bill Makes Machinery Tax Exemption Permanent**

The Senate Finance and Tax Committee unanimously passed SB 98, by Sen. Hukill – Exemption from the Sales and Use Tax for Certain Machinery and Equipment. Currently, industrial machinery and equipment used for manufacturing are exempt from sales tax. The exemption is scheduled for repeal on April 30, 2017. The bill would make the exemption permanent. The statewide impact to local governments is estimated to be \$14.1 million. HB 115, by Rep. Magar has yet to be heard in a House committee.

## **House Proposal Slashes \$1 Billion in Taxes**

The House Finance and Tax Committee unveiled an omnibus tax cut package with potential reductions in statewide funding to the tune of \$989.2 million. The billion mark is expected to be reached with other tax cut bills moving through the process. Specifically, the bill:

- Permanently reduces the sales tax rate on rental of commercial leases from 6% to 5% in 2017 and further to 4% in 2018;
- Extends the exemption on machinery and equipment for manufacturing;
- Exempts school books and college text books for one year;
- A ten day back to school holiday for clothing, footwear, school supplies, and computers;

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- Small business holiday; and
- A one-day hunting and fishing holiday for certain firearms, ammunition, camping tents, and fishing supplies.

The bill also makes technical changes to varying tax issues such as equalization of the tax rates on apple and pear cider. The bill was presented and discussed as a workshop where no votes were taken. The measure faces uncertainty with \$400 million in less revenue than previously estimated by state economists. Governor Scott has asked for a \$1 billion tax cut package, but mainly for a \$770 million recurring reduction of corporate income tax.

## **Public Works Bill Voted Down in Senate**

The Senate Governmental Oversight and Accountability voted 2-3 in opposition to SB 598 – Public Works. The bill prohibits the state or a political subdivision, except when required by state or federal law, from requiring a contractor, subcontractor, or material supplier or carrier engaged in a 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; or
- Recruit, train, or hire employees from a designated, restricted, or single source.

The bill would have adversely affected the County’s Workforce Investment Program and potentially prohibited setting CBE goals in construction contracts, unless otherwise required in federal or state law. The companion measure, CS/HB 181, which had been on the House Special Order Calendar, was postponed after the identical senate bill failed.

## **Economic Development and Film Incentives Get Considered**

CS/SB 1646, by Sen. Latvala relating to Economic Development was unanimously approved out of the Commerce and Tourism Committee. The bill modifies the state’s economic development programs to increase accountability and efficiency, and reforms the incentives for the Film and Entertainment Industry. In addition to creating incentives for economic development and film, the bill:

- Adds reporting requirements regarding job creation and health care benefits to incentive program reports.
- Renames the Quick Action Closing Fund as the Florida Enterprise Fund and makes the following changes to the fund:
  - Lowers the required return on investment to 3-to-1.
  - Requires that projects create at least 10 jobs.
  - Requires that 20 percent of the award comes from local financial support.

The bill will also change the entertainment industry development efforts by renaming the Office of Film and Entertainment to the Division of Film and Entertainment. The bill also creates the Entertainment Action Fund, in which approved production companies may receive funds for qualified expenditures in the state. The bill also requires an application period for the fund, requires applications to be reviewed, evaluated, and ranked according to criteria that would maximize the state’s investment. Finally, the bill will change the repeal date of the Entertainment Industry Incentive Tax Credit Program to April 1, 2016, and prohibits program tax credits from being awarded after that date.

CS/SB 1646 next moves to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development Committee.

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## **Airport Eminent Domain Bill Heard in Community Affairs**

SB 1480 by Sen. Sobel was heard in the Community Affairs Committee on Tuesday, January 26, 2016. The bill authorizes the state or a political subdivision to convey condemned property without restriction to a private party, if the property is near a large hub airport and the property is condemned pursuant to:

- A noise mitigation program; or
- A noise compatibility program; and
- The property was condemned on the basis:
  - That the property is deemed incompatible with residential land use under the standards provided by the Federal Aviation Administration in Appendix A of 14 C.F.R. part 150;
  - Of noise mitigation measures; or
  - Of measures required for the safety utility, or efficiency of an airport identified in a Record of Decision or other evaluation issued by the Federal Aviation Administration in connection with an airport development project.

Essentially, the bill creates an exception to the requirement that a condemning authority hold a property acquired through eminent domain for 10 years, unless an exception applies allowing for disposing at an earlier time. Moreover, the above authority only applies to large hub airports identified in the National Plan of Integrated Systems prepared in accordance with 49 U.S.C. §47103.

The bill was temporarily postponed by the committee after members expressed concerns with the broadness of the bill and a desire to fix the language to narrow its application to inverse condemnation situations. The bill will be back on the Committee's agenda in week 4. The bill is identical to the 2014 measure supported by the County and the City of Dania Beach in reference to the South Runway Project at the Fort Lauderdale-Hollywood International Airport.

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