Florida Senate Reapportionment Slated for Supreme Court

For the third time this year, the House and Senate could not agree as to how to finish a Session on time. After the House left the 2015 Session without a budget deal and failing to agree to Congressional maps, the Senate voted 16-23 to reject the Senate redistricting map passed by the House. Nine Republicans joined with all 14 Democrats to oppose the plan, resulting in no agreement between both chambers and the closure of Special Session C without any tangible benefit to Floridians. The issue now heads back to circuit court for Judge George Reynolds to recommend a plan to the Supreme Court.

Proposal Flushes Voter Authority to Change County Officers via Local Home Rule Charters

On Wednesday, November 4, 2015, the House Local Government Affairs Subcommittee passed HJR 165 – Selection and Duties of County Officers, by Rep. Artiles unanimously. The joint resolution would require the five constitutional offices of Sheriff, Property Appraiser, Supervisor of Elections, Clerk of the Court, and Tax Collector to be elected by voters in all counties. It removes the authority to select, establish the term of office, abolish and transfer such officers and or offices duties in a manner provided in the County’s home rule charter. Further, as proposed, the Clerk of the Court would be the ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds unless otherwise provided by special law approved by a county’s voters.

Presently, constitutional county offices can be altered through charter provision or special act, approved by the county electors, as it is done with eight charter counties, including Broward County. Broward County has elected positions for four out of the five offices, as the office of the Tax Collector was abolished and transferred to the Finance and Administrative Services Department (FASD) in 1974 when the County’s Charter was widely approved by voters. In addition, the Clerk of the Court’s non-judicial duties were transferred and split between the County Administrator and FASD.

The bill will next go to the Judiciary Committee. There has been no movement to its companion bill, SJR 648, by Sen. Hutson, was recently filed and referred to the Senate Community Affairs Committee.
“Fracking” Bill Drills Through First Committee

On Tuesday November 3, 2015 the House Agriculture and Natural Resources Subcommittee passed **HB – 191 Regulation of Oil and Gas Resources** on a party line vote of 9 to 4. The bill is similar to last year’s “fracking bill” and seeks to preempt local governments from any regulation of oil or gas exploration activities. The bill does allow local governments to keep existing zoning ordinances in place that were enacted prior to January 1, 2015.

The bill also requires the Department of Environmental Protection to conduct a comprehensive study on high-pressure well stimulation and may not authorize any fracking activities until the department has adopted rules. The bill was heavily opposed by environmental groups and supported by the business community. The bill has two more committees before the floor. The Senate companion **SB 318** has not yet been heard in a committee.

House Finance and Tax Committee Unveils Taxing Proposals

On Thursday, November 5, 2015, the House Finance and Tax Committee heard and passed **PCB FTC 16-01 and PCB FTC 16-02**. **FCT 16-01** would amend Florida’s Constitution to allow the Legislature, by general law, to limit to the rate of growth for assessed property value. The growth rate of homestead property would be limited to the lower of 3%, the inflation rate, or the percent change in the homestead property’s just value if the change is greater than or equal to zero.

Presently, under Florida’s “Recapture” rule, property appraisers are required to increase the assessed value of a homestead property by lower of 3% or the consumer price index (CPI) on all property where the prior year’s assessed value is lower than the just value. The requirement remains applicable even if the just value of a property has decreased from the previous year. **FCT 16-01** would prevent recapture in any year where the just value of a property decreases. In addition, the Legislature would also be allowed to make a similar change in non-homestead property, currently eligible for the 10% annual assessment growth limit in any year where the marker value of the property decreases.

In order for the joint resolution to become law, both chambers of the Legislature must approve the bill by a three-fifths vote, and voters must approve the measure by 60% or more at the November 2016 General Election.

Also heard was **PCB FTC 16-02**, relating to Local Government Capital Recovery. As it related to counties, the bill creates a new section of law to require that counties with certain levels of “designated revenues” competitively procure debt collection services to recover the outstanding revenues. Designated revenues are defined in the bill and include abatement fines, administrative fines, property fines, and utility charges. Specifically, the bill provides that on or after October 1, 2016, a county meeting one or more of the following thresholds must, within 30 days, issue a procurement request (i.e., a bid invitation, invitation to negotiate, or an RFP issued pursuant to the county’s procurement policies):
• The sum of the county’s designated revenues which are more than 90 days delinquent is at least $10,000,000;
• The sum of the county’s designated revenues which are more than 180 days delinquent is at least $5,000,000; or
• The sum of the county’s designated revenues which are more than 270 days delinquent is at least $1,000,000.

If a county’s delinquent designated revenues make up less than 20% of its total designated revenues billed during the previous 12 months, it is not required to issue a procurement request. Under the bill, a county may continue to collect delinquent designated revenues by any method allowed by law and is not required to enter into a contract with any consumer collection agency (CCA) responding to the procurement request. If the county's governing board, however, has not begun negotiations or entered into a contract with a CCA that responded to the county’s procurement request (within 60 days after receipt of all responses to the procurement request), the bill empowers the county executive a charter county to negotiate and enter into a contract with a CCA. In non-charter counties, the Clerk of Court may negotiate and enter into a contract in such instances.

The bill makes similar provisions for uncollected municipal revenues which meet the referenced thresholds. The bill will now be introduced and referred to appropriate committees for further consideration.

Contractor Community Pushes to Un-level Wages, Benefits, Staffing and Training in Public Works Projects

The House Local Government Affairs Subcommittee passed HB 181 – Public Works Projects on 7-3 vote along party lines. The bill prohibits the state or local governments from requiring a contractor, subcontractor, material supplier or carrier 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.

These prohibitions would apply where the state contributed funds toward the public works project, in whole or in part. The bill now goes to the House State Affairs Committee. The Senate companion SB 598 has not yet been heard in any committee.

Comprehensive Water Bill Flows in Senate

Similar to the House version which passed last committee week, the Senate Environmental Preservation and Conservation Committee unanimously approved SB 552 – Environmental Resources with changes, as a committee substitute. As modified by the Committee, CS/SB 552:

• Creates the Florida Springs and Aquifer Protection Act to provide for the protection and restoration of Outstanding Florida Springs (OFSs);
• Codifies the Central Florida Water Initiative (CFWI) and ensures that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive use permitting, and resource protection
programs for the Central Florida Water Initiative;
- Updates and restructures the Northern Everglades and Estuaries Protection Program (NEEPP) to reflect and build upon the Department of Environmental Protection’s (DEP) completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary, and the Department of Agriculture and Consumer Services’ (DACS) implementation of best management practices (BMPs);
- Modifies water supply and resource planning and processes to make them more stringent;
- Requires the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands;
- Requires the DEP to publish an online, publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes;
- Requires the DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state’s waterbodies as well as regulatory information about each waterbody;
- Creates a pilot program for alternative water supply in restricted allocation areas and a pilot program for innovative nutrient and sediment reduction and conservation; and
- Revises certain considerations for water resource permits.

The bill has been a work in progress for the last three years, and legislative leaders believe the legislation strikes a balance between agriculture, developer, and environmental protection interests. Some environmental groups oppose the bill because protections do not reach far enough. The House and Senate versions are expected to pass early next year when session begins in January.

**Upcoming Affairs**

November 16-20, 2015 – Interim Committee Week 5.

November 18-20, 2015 – Florida Association of Counties Legislative Conference in Amelia Island, Nassau County, Florida.

November 30 – December 4, 2015 – Interim Committee Week 6; last committee week before 2016 Session begins.

January 12, 2016 – Opening Day of the 2016 Regular Session of the Florida Legislature!