

Broward SLI

State Legislative Information

February 22-26, 2016

Week 7 - 2016 Session

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Maximum Millage Rate Changes Replaced

On Thursday, February 25th, CS/CS/HB 1015, by Rep. Nunez – relating to the Maximum Millage Rate – was significantly amended in the House Local and Federal Affairs Committee and passed as a committee substitute. The bill was amended to remove language in the bill changing the formula for calculating the simple majority vote maximum millage to the prior year’s actual millage levy. The bill would have eliminated the millage capacity accumulated by local governments due to difficult financial decisions made during the financial downturn. As passed, CS/CS/HB 1015 requires:

- A taxing authority to post on its official website a copy of the advertisement of intent to adopt a final millage rate and budget, within 15 days following the authority’s adoption of its tentative budget in accordance with Section 200.65(2)(d), F.S.
- Within 15 days after the final adoption of tax levy and budget, the taxing authority must post on its official website the vote record of the final adopted millage levy. The vote record must include the percent by which the final adopted millage exceeds the rolled-back rate, the name of each member of the taxing authority’s governing body, and the member’s votes on the resolution or ordinance stating the millage rate to be levied and adopted at the final budget hearing.
- If the taxing authority does not have an official website, it must provide the above information within a reasonable time, as determined by the county where the authority is located, and transmit the information to the county manager or administrator, who must then ensure the advertisement and vote record information is posted to the county’s official website.

The bill will now be placed on the House Calendar of bills on 2nd Reading. The companion bill, CS/CS/SB 1222 by Sen. Flores, is awaiting a hearing in the Senate Appropriations Committee, its final committee. CS/CS/HB 1015 and its analysis can be viewed at: <http://myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=55974>.

Fracking Stalls in Senate Appropriations Committee

On Thursday, February 25th the Senate Appropriations Committee voted 9-10 to reject SB 318, by Sen. Richter – relating to the Regulation of Oil and Gas Resources (Hydraulic Fracking). The negative vote came after almost three hours of questions and debate by members, a presentation by the Florida Department of Environmental Protection (DEP) and public testimony.

A strike-all amendment filed by Sen. Simmons changed the term “high-pressure well stimulation” to “fracturing well stimulation” and expanded the definition to include additional hydraulic fracking activities subject to regulation. In discussing the strike-all, Sen. Richter stated there would be a moratorium on fracking throughout the state until DEP completed its study of fracturing well stimulation, adopted rules pursuant to the study, and the Legislature ratified DEP’s rules. He also mentioned there would be 100% disclosure of the chemicals used in the fracturing process;

however, DEP later clarified such disclosure was subject to the state's trade secret law which led to numerous questions and several members to vote against the bill. The strike-all amendment also appropriated \$1 million for the study.

An amendment by Sen. Lee, the Committee's Chair, to remove the bill's preemption of local governments was filed but ultimately withdrawn after the sponsor agreed to work with the Chair to find a solution to the preemption issue. Upon failing, a motion to reconsider the vote and leave pending was made. This procedural move allows the Chair to rehear the bill at the Committee's next meeting scheduled for March 1st.

Juvenile Detention Cost-Share Bill Heads to Senate Rules

On Thursday, February 25th, the Senate Appropriations Committee approved SB 1322, by Sen. Latvala, relating to the Juvenile Detention Costs. Sen. Latvala, withdrew a strike-all amendment he had filed which established legislative calling on non-fiscally constrained counties that participate in juvenile detention cost-sharing to voluntarily dismiss all pending lawsuits against the Department of Juvenile Justice (DJJ), and to provide DJJ with a full release of all existing claims, including any credits due counties because of DJJ's past overbilling.

In addition, the strike-all amendment provided a different percentage cost-share between counties who complied with the Legislature's intent and counties that didn't. More specifically, the amendment would have required counties, who failed to voluntarily dismiss their litigation against DJJ or release existing claims, to pay a higher (57/43 percent) cost-share amount of detention costs than counties who dismiss their actions and released their claims (50/50 cost-share percentage).

The Committee approved the bill 16-0 and it is scheduled to be heard in the Senate Rules Committee on Monday, February 29th. The House companion bill continues to be stuck in committee and appears dead for the Session. SB 1322 and its analysis can be viewed at: <http://flsenate.gov/Session/Bill/2016/1322/?Tab=BillHistory>.

Budget Conference Begins

Thursday afternoon Senate President Andy Gardiner and Speaker Steve Crisafulli informed members that substantial progress had been made between the Senate and House in negotiating budget allocations and that conference could commence over the weekend. Agreement on the allocations was reached Friday afternoon, conference committee members were named (attached), and the organizational meeting of the Budget Conference, At-large was held. Conference committee meetings are scheduled to take place throughout the entire weekend.

Mandatory Civil Citation Bills Arrested for Session

A committee bill, which would have mandated the use of civil citations for juveniles, was temporarily postponed in the House Judiciary Committee on Thursday. CS/HB 7085, by Rep. Trujillo would have required police officers issue citations in lieu of arrest for first-time juvenile offenders who commit certain misdemeanors. Committee Chair McBurney stated the bill was postponed because it didn't have enough favorable votes to successfully pass the Committee. With the House's committee process coming to a close, it is likely the bill is dead for session.

Meanwhile, the companion bill in the Senate, SB 408 by Sen. Altman, is scheduled to be heard in Senate Rules Committee on February 29th. CS/HB 7085 and its analysis can be viewed at: <http://myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=56509>.

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Update on Reported Bills

CS/CS/HB 791, by Rep. Ingoglia – relating to Local Tax Referenda – passed the House by a vote of 95-19. As discussed in the Week 6 update, the bill prohibits local governments from calling a special election to levy a discretionary sales surtax, and requires different passage thresholds depending on whether the surtax levy referendum is held during a primary or general election.

CS/CS/HB 791 can be viewed at:

<http://myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=55725>.

CS/HB 1325, by Rep. Boyd – relating to Economic Development - was voted favorably in the House. The bill is a comprehensive economic development package that streamlines and modernizes Florida’s economic development programs. Although there was heavy debate amongst members, the bill passed 79-39. CS/HB 1325 can be viewed at:

<http://myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=56403>.

CS/SB 12, by Sen. Garcia – relating to Mental Health and Substance Abuse – was unanimously approved, 33-0, by the full Senate. This legislation amends state law to improve the delivery of behavioral health services to Floridians, and strengthens the administration and coordination of such services through managing entities. Additionally, the bill modifies the Florida Mental Health Act (i.e., the Baker Act) and Marchman Act to ensure more consistency between its provisions.

CS/SB 12 and analysis can be viewed at:

<http://flsenate.gov/Session/Bill/2016/0012/?Tab=BillHistory>.

SB 110, by Sen. Bean – relating to Churches and Religious Organizations – was temporarily postponed on 2nd Reading in the Senate on Wednesday. The bill, also known as the “Pastor Protection Act”, allows clergy, churches and religious organizations, and their employees the ability to refuse to provide certain services or accommodations for a marriage if the action would cause them to violate a sincerely held religious belief. Its companion bill, HB 43, by Rep. Plakon is scheduled to be heard in the House on the Special Order on March 1st. SB 110 and its analysis can be viewed at: <http://flsenate.gov/Session/Bill/2016/0110/?Tab=BillHistory>.

CS/SB 620, by Sen. Grimsley – relating to Medical Examiners, was placed on 3rd Reading and scheduled for a final vote on March 2nd. As outlined in last week’s update, counties that have issued 3,000 or more medical examiner approvals for cremations, burials at sea, or dissections in the prior year may continue to charge the fee the Board of County Commissioners established by resolution or ordinance prior to February 17, 2016. Broward County’s Medical Examiner issued more 7,200 approvals in 2015. CS/SB 620 is different from the House version which prohibits counties from charging any fees for such approvals.

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