Fracking Dies in Senate Appropriations Committee

On Tuesday March, 1st, the Senate Appropriations Committee brought back CS/SB 318, by Sen. Richter – relating to the Regulation of Oil and Gas Resources (Hydraulic Fracking). The sponsor stated that he tried to work with all interested parties, but was unsuccessful at obtaining a compromise. The sponsor acknowledged he did not have the necessary support to reconsider the prior week’s vote and, thus, abandoned the opportunity for the committee to retake up the issue again. Consequently, the issue is dead for this session. The bill and its analysis can be viewed at: [http://flsenate.gov/Session/Bill/2016/0318](http://flsenate.gov/Session/Bill/2016/0318).

Everglades Legacy Passes House; Moves to Senate Floor

On Thursday, March 3rd, the Senate Appropriations Committee unanimously voted in favor of CS/CS/SB 1168, by Sen. Negron, relating to Implementation of the Water and Land Conservation Constitutional Amendment. The bill requires specified minimum distributions from the Land Acquisition Trust Fund (LATF) to fund Everglades projects that implement the Comprehensive Everglades Restoration Plan, including the Central Everglades Planning Project, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program. Specifically, the bill distributes $145 million from the LATF.

In addition, the bill requires a minimum distribution ($50 million) from the LATF to fund springs restoration, protection, and management projects, an annual amount to be appropriated to the St. Johns Water Management District for projects dedicated to the restoration of Lake Apopka ($5 million), and an annual amount ($5 million) to be appropriated to the Southwest Florida Water Management District for projects dedicated to the restoration of Kings Bay or Crystal River. Further, the bill provides an adjustment to the calculation of each distribution for the Everglades, Springs, Lake Apopka, and Kings Bay or Crystal River if debt service is paid on bonds issued after July 1, 2016, for the purposes outlined under the bill.

CS/CS/SB 1168 now heads to the Senate floor for full consideration. Its companion, HB 989 by Rep. Harrell, passed the House on March 2nd by a 117-1 vote. The House bill is different from the CS/CS/SB 1168 as it does not include the distributions for Springs, Lake Apopka, Kings Bay, or Crystal River projects.


Juvenile Detention Cost-Share Bill Ready for Final Vote

On Monday, February 29th, the Senate Rules Committee unanimously approved CS/SB 1322, by Sen. Latvala, relating to the Juvenile Detention Costs. On March 4th, the full Senate considered the bill and adopted a strike-all amendment by Senator Latvala which included:
• Legislative findings that counties and DJJ have engaged in a multitude of legal proceeding focused on the DJJ’s calculation of detention costs leading to counties being overbilled for a period of years.

• Legislative intent language requiring that counties:
  o Voluntary dismiss with prejudice all pending administrative or judicial claims; and
  o Execute a release and waiver of existing or future claims and actions arising from detention cost share prior to the 2016-2017 fiscal year.

• Language providing that DJJ cannot seek reimbursement from counties for any under payments of secure detention costs occurring prior to the 2016-2017 fiscal year.

• For FY 2016-2017 – total detention costs to be paid by non-fiscally constrained counties will be $42.5 million with each county paying its percentage share of costs.

• For FY 2017-2018 and thereafter, the split between the state and counties will be 50-50.

• The state will pay all secure detention costs associated with juveniles residing in fiscally-constrained counties, out of state, or when the juvenile is housed in state detention centers from counties providing their own detention care for juveniles.

CS/SB 1322 was rolled over to 3rd reading, meaning the bill is ready for a final vote on Monday, March 7th. The House is expected to take up the bill and pass it sometime before the end of the 2016 Session on March 11, 2016. The bill and its analysis can be viewed at: http://flsenate.gov/Session/Bill/2016/1322.

Mandatory Civil Citation Bills Moves in Senate
On Monday February 29th, the Senate Rules Committee passed CS/CS/CS/ SB 408 – Juvenile Civil Citations – by Sen. Altman. The bill mandates the issuance of civil citations in lieu of arrest for first-time juvenile offenders who commit certain misdemeanors. Before approving the bill, an amendment was adopted that deleted battery, affrays and riots as misdemeanor offenses eligible for civil citations. Despite the movement of the Senate bill, the HB 7085 continued temporarily postponed in the House Judiciary Committee making it unlikely the issue will receive favorable approval from the Legislature this session. The bill and its analysis can be viewed at: http://flsenate.gov/Session/Bill/2016/0408.

Gaming Compact Deal Likely Dead
On March 1st, the Senate Appropriations Committee temporarily postponed consideration of legislation (SB 7072 and SB 7074) to ratify a new Seminole Compact, decouple greyhound, jai alai, harness racing, and quarter horse live performances and games from pari-mutuel cardroom and slot machine operations, and allow slot machines in counties that approved a referendum allowing slot machines. Similarly, the House Finance and Tax Committee passed on a 12-5 vote HB 7109, Gaming, and HJR 7113, Voter Control of Gambling Expansion in Florida, on a 16-1 vote, a proposed constitutional amendment prohibiting any future expansion of gambling in Florida except by a voter initiative petition.

CS/HB 7109 and HJR 7113 were temporarily postponed on March 4th as the bills were on the special order calendar for consideration by the full House. Given these actions, it’s unlikely the compact will be ratified in the Session’s remaining week. HB 7109 can be viewed at: http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=56571. HB 7113 can be viewed at: http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=56573.

Senate VAB Bill Passes Last Hurdle; Companion Passes House
On Tuesday, March 1st, SB 766 by Sen. Flores, relating to Ad Valoreum Taxation, passed unanimously out of the Senate Appropriations Committee. On March 3rd, the House companion
bill, CS/HB 499 by Rep. Avila, also passed the full House 117-0. The House and Senate measures are very similar, except CS/HB 499 changes the composition of the VAB to replace a county commissioner with another citizen member who owns homestead property in the county to be appointed by the County Commission.

The Senate bill and its analysis can be viewed at: [http://flsenate.gov/Session/Bill/2016/0766](http://flsenate.gov/Session/Bill/2016/0766).

### Rape Kit Backlog Passes Legislature

On March 2nd, the House passed (114-0) CS/CS/HB 636, by Sen. Benacquisto – relating to Evidence Collected in Sexual Offense Investigations. The bill addresses the collection and processing of evidence in sexual offense investigations that may contain DNA evidence. The bill requires that a sexual offense evidence kit collected in an investigation be submitted to a member laboratory of the statewide criminal analysis laboratory system for forensic testing within 30 days after the evidence is received by a law enforcement agency, if a report of the sexual offense is made to the agency, or when the victim or his or her representative requests the evidence be tested.

In addition, testing of the sexual offense evidence kit must be completed no later than 120 days after submission to a member of the statewide criminal analysis laboratory system and a collected sexual offense evidence kit must be retained in a secure, environmentally safe manner until the prosecuting agency approves the kit’s destruction. The victim, or his or her representative, shall be informed of his or her right to demand testing and explanation for the purpose of testing. The victim shall be informed by either the medical provider conducting the physical forensic examination for purposes of evidence collection for a sexual offense evidence kit or, if no kit is collected, a law enforcement agency that collects other DNA evidence associated with the offense.

The budget also contains a $2.3 million appropriation to pay for testing of existing kits statewide. It is unclear whether any of this funding will be provided to any of the five locally-operated crime laboratories (Miami-Dade, BSO, Palm Beach, Indian River and Pinellas).


### Medical Examiner Bill Moves through Senate

CS/SB 620, by Sen. Grimsley – Medical Examiners, passed the full Senate on March 2nd. The bill caps fees relating to Medical Examiner approvals relating to cremations, burials at sea, and dissections, to $50, or an existing fee for counties who have issued 3,000 or more medical examiner approvals as of February 17, 2016. It is doubtful the House will take up this bill, since the House has approved legislation prohibiting the charging of any fees for such approvals.

In addition, the House took up HB 941, by Rep. Gonzalez, relating to the Department of Health, passed on 3rd Reading 37-0 on March 4th. Initially this bill had language prohibiting the charging of any fees for cremation, burial at sea, or dissection approvals; however, the Senate amended the bill to remove that language. CS/SB 620 and its analysis can be viewed at: [http://flsenate.gov/Session/Bill/2016/0620](http://flsenate.gov/Session/Bill/2016/0620). HB 941 and its analysis can be viewed at: [http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=55901](http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=55901).

### Tax Package Passes Appropriations

On Thursday, March 3rd, the Senate Appropriations Committee approved a comprehensive tax cut package which provides $129.1 million in tax cuts. The Committee amended CS/CS/HB 7099 by
Rep. Gaetz, relating to Taxation, to authorize “Gulf tourism counties” to use up to 10 percent of tourist development tax (TDT) revenues for expenses associated with public safety services, including emergency medical services and law enforcement services which are necessary because of increased tourism and visitors to an area. If TDT is used to reimburse emergency medical services or public safety services for tourism or special events, the governing board of a county or municipality may not use those revenues to supplant the normal operating expenses of an emergency medical services department, fire department, sheriff’s office, or police department.

To receive reimbursement, the county must:

- Generate a minimum of $10 million in annual proceeds from any tax, or any combination of taxes, authorized to be 30 levied pursuant to this section;
- Have at least three municipalities; and
- Have an estimated population of less than 225,000, according to the most recent population estimate prepared pursuant to s. 186.901, F.S., excluding the inmate population.

In addition, the amended tax package:

- Makes permanent the sales tax exemption for machinery and equipment used in manufacturing and provides exemptions for machinery and equipment used in agricultural post-harvest activities and used by metal recyclers.
- Effective July 1, 2019, eliminates a current aviation fuel tax exemption and reduces the aviation fuel tax rate from 6.9 cents per gallon to 4.27 cents per gallon.
- Replaces the current tax calculation for determining the alcohol and tobacco taxes sold on cruise ships with a simpler revenue-neutral calculation.
- Makes a technical change to the documentary stamp statute to provide that documentary stamp tax revenue is pledged and made first available to pay debt service on bonds authorized before July 1, 2017.
- Clarifies that counties and municipalities may grant economic development property tax exemptions in areas which were previously designated as enterprise zones for projects that were preapproved before December 31, 2015.
- Adopts the Internal Revenue Code as in effect on January 1, 2016, for purposes of corporate income tax, but decouples from certain federal bonus depreciation provisions.
- Makes changes to corporate income tax filing dates and estimated payment due dates to conform to changes made to the federal corporate tax.
- Provides a sales tax exemption for sales of food and drink by veterans service organizations.
- Reduces the beverage tax rate imposed on pear cider to make it the same as the rate on apple cider.
- Allows purchasers of airplanes to retain the airplane in Florida while waiting for the airplane to be registered in a foreign country.
- Provides a three-day “back-to-school” sales tax holiday for clothing and footwear costing $60 or less, and school supplies costing less than $15 from August 5, 2016, to August 7, 2016. A dealer may choose to not participate in the holiday if less than five percent of the dealer’s gross sales of tangible personal property in the prior calendar year are comprised of items that would be exempt under this section. Non-participating dealers must notify the Department of Revenue by August 1, 2016, and post that notice in a conspicuous location at its place of business.
- Phases out, over three years, the indexed sales tax on asphalt used for government projects.

Pastor Protection Ready for Governor’s Signature

On Thursday, March 3rd, the Senate voted (23-15) to send HB 43 by Rep. Plakon, relating to Churches or Religious Organizations, to the Governor for signature. The bill, as explained previously, provides that clergy, churches and religious organizations, and their employees may not be required to solemnize a marriage or provide certain services or accommodations for a marriage if the action would cause them to violate a sincerely held religious belief.

Additionally, the refusal may not become the basis for the state or its subdivisions to penalize or withhold benefits or privileges, including tax exemptions or government contracts, grants, or licenses from the refusing individuals or entities. The Governor has until March 10th to act.


John U. Lloyd State Park Named Changed

On Friday, March 4th, the Senate rolled SB 288 by Sen. Chris Smith, relating to State Designations, to 3rd Reading for a final vote on Monday, March 7th. The bill renames John U. Lloyd State Park as the “Von D. Mizell-Eula Johnson State Park” in honor of two African-American civil rights pioneers who led efforts to desegregate Broward County beaches.

In addition to the park’s name change, SB 288 also:

- Renames a park boat ramp for Alphonso Giles, who ferried local black residents to the beach in the days of segregation.
- Names three pavilions in recognition of other local civil rights trailblazers, including W. George Allen, who was the first African-American to graduate from the University of Florida law school and who, as a young attorney, pursued lawsuits to integrate the county's public schools.

Meanwhile, its House companion, HB 497 by Rep. Jenne, has been placed on the House Special Order Calendar for consideration before the full House on March 8th. The bill and its analysis can be viewed at: http://flsenate.gov/Session/Bill/2016/0288.