

# BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 014-2016

To: Mayor Martin Packer and Members of the Village Council  
From: Jorge M. Gonzalez, Village Manager   
Date: January 22, 2016  
Subject: Legislative Session Week 1 Report - January 11-15, 2016

The purpose of this Letter to Council (LTC) is to transmit the attached Legislative Session Week 1 Report provided by Ron L. Book.

If you have any questions or need any additional information, please feel free to contact me.



Ronald L. Book, P.A.

LAW OFFICES

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## 2016 Session Week 1 Report

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The 2016 Regular Session began Tuesday January 11<sup>th</sup>, with speeches from both Senate President Gardiner and Speaker Crisafulli, who used the opening day ceremony to outline their goals for this Session and for Florida. As is also custom, mid-day on Tuesday, Governor Scott gave his opening day remarks, touting his jobs record, the increasingly positive Florida economy, and his goals for this Session. The Governor reiterated his discontinuation to make Florida the premier jobs state, for those wishing to work and raise a family, and outlined his priorities of continuing to cut taxes and proposing a business incentive package to continue to draw new business into the State. This week, the buzz in Tallahassee on the Governor's speech was just as much about the policies he outlined – jobs and a tax cut package, as much as what was not mentioned, such as education, state workers, and health care, among other issues.

Senate President Gardiner outlined his priorities for the developmentally disabled in his opening day speech, followed by his priority bills which passed both houses and were sent to the Governor this week. First, a bill that would enhance scholarship for students with developmental disabilities, and a second bill that would create several programs for those with developmental disabilities, including a literacy program, a program to recognize businesses that hire those with disabilities, and policy that would require state agencies to work together to develop a plan to for the state to hire more disabled workers. A third priority, which is also a priority of Speaker Crisafulli, is the major statewide water policy legislation that also passed this week.

Speaker Crisafulli in his speech, outlined his priorities which as noted above, does include a major statewide water policy overhaul that is already on its way to the Governor for his signature. Strongly supported by the business community and much less so by various environmentalists, this legislation overhauls water policy use, conservation, and water funding priorities, throughout all of Florida. Going forward, an annual assessment of the state's water resources and conservation lands would be compiled for future use in assessing needs and funding projects – an organized approach which is new to Florida water policy.

We will continue to keep you updated on issues as they move through the process. As bills continue to be heard, we will add to our weekly reports. At the end of each week, we will send a comprehensive report on the legislative session and issues affecting local governments. Included in this report, are the following topics:

- Gaming
- Local Government Regulation
- Red Light Cameras
- Taxi, Limousines and Uber - Preemption of Local Governments
- Film and Entertainment Incentives
- Tax Cuts

Below are a number of bills that have been filed to date, that affect local governments. We will continually add to this list as the legislative committee meetings progress and bills are filed. As always, should you have questions on these issues or any others, do not hesitate to reach out to us.

- **Gaming Compact:** Last month, the Governor signed new provisions of the Indian Gaming Compact with the Seminole Tribe of Florida, the immediately controversial provisions include a guarantee of \$3 billion in revenue to Florida over the first seven (7) years, with the ability to continue the Tribe's exclusive rights to blackjack at its casinos, and the ability to add roulette and craps. The most controversial aspect of the compact is the two (2) new slot licenses which would be awarded in Miami-Dade and in Palm Beach. This provision is the most troublesome as the compact is silent on the two communities that have passed referendums by wide margins, to allow for expanded games such as slots, in both Lee County and Gretna, Florida. This gaming compact must now be ratified by both the House and Senate, before it can become official. Next week, 1/20/16, the Senate Regulated Industries committee will hold a workshop and take testimony on the proposed compact.
- **Tax cut package:** As outlined in his speech on Tuesday, the Governor is promoting his \$1 billion tax cut recommendation to the Legislature by holding events around the state. His targeted tax cuts include cuts to manufacturing equipment, commercial leases, and to create a \$250 million economic incentive fund to attract new business into the state. House leadership agrees with the concept in cutting \$1 billion, however it is clear that the tax cut specifics are not necessarily in alignment. The Senate continues to agree that a tax cut package is necessary, however, the amount is substantially less than the \$1 billion the Governor wants in cuts. Additionally, Senate leadership believe an incentive package is in order. In contrast, the House leadership does not support the concept of incentives.
- **Transportation Network Companies (Uber, Lyft ride sharing services):** HB 509 (Gaetz, M.) has passed all its committees and is ready for a vote by the full House. This bill preempts permitting and regulation of TNCs to the state. Permitting would be done through the Department of Highway Safety and Motor Vehicles in order to operate. Annual permit fees would cost \$5,000. Insurance requirements include a driver to have a \$1 million insurance policy while a passenger is in the car, and at least \$50,000 for death and bodily injury per person, \$100,000 for death and bodily injury per incident, and \$25,000 for property damage after a passenger exits the car. This insurance policy and costs can be borne by the specific TNC company or the driver, or even a combination of the two, with enforcement being the responsibility of the TNC. Additionally, the TNC would be required to conduct, or have a third party conduct a criminal background check on drivers, which would include a Multi-State/Multi-Jurisdiction Criminal Records Locator or a similar commercial national database with validation, and the Dru Sjodin National Sex Offender public website. This bill is ready for a vote of the full House. The Senate has not acted on this legislation, however, it is expected to do so in the near future.

HB 509:

[http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=\\_h0509c2.docx&DocumentType=Bill&BillNumber=0509&Session=2016](http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0509c2.docx&DocumentType=Bill&BillNumber=0509&Session=2016)

- **Economic Development – Film and Entertainment Incentives:** SB 1646 (Latvala, J.) has been filed which creates a Division of Film and Entertainment within Enterprise Florida, creates a Film and Entertainment Commissioner, and Advisory Council. This bill outlines various responsibilities and qualifications of both, including the creation of a 5-year plan to recruit and maintain entertainment production opportunities throughout the state, coordination with local or regional offices maintained by counties and regions of the state, local film commissions, and labor organizations, and the coordination with each other to facilitate a working relationship. The

bill also creates a Entertainment Action Fund, to respond to opportunities for filming and to compete with other states to grow the filming industry. This bill has not been heard to date.

SB 1646: <http://www.flsenate.gov/Session/Bill/2016/1646/BillText/Filed/PDF>

- **Public Works Projects:** SB 598 (Brandes) would prohibit the state and political subdivisions that contract for the construction, maintenance, repair, or improvement of public works from imposing restrictive conditions on contractors, subcontractors, or material suppliers or carriers; prohibits the state and political subdivisions from restricting qualified bidders from submitting bids.

In this bill, the definition of a political subdivision would be expanded to mean a separate agency or unit of local government including a county or a municipality, an authority, board, commission, department, institution of higher education, public corporation, school district, taxing district, water management district, or other public agency authorized to expend public funds for construction, maintenance, repair, or improvement of public works. This bill will be heard next week, in the Governmental Oversight and Accountability committee.

SB 598: <http://www.flsenate.gov/Session/Bill/2016/0598/BillText/Filed/PDF>

- **Public Corruption bill:** HB 7071 (Formerly PCB RCEC5) passed the House Rules committee this week, 19 – 0, and would do away with two issues in proving bribery, bid rigging and fraud. This legislation would eliminate two hurdles required in prosecuting bribery, bid rigging and fraud. The bill’s provisions include recommendations from a statewide grand jury on public corruption and is backed by the Florida USA Today Network. This major piece of legislation is quite comprehensive, and it is uncertain how it would be managed should it become law. The bill does the following:
  - Expands who can be subject to criminal sanction.
  - Classifies private contractors as “public servants” for the purpose of fighting public corruption.
  - Shifts the burden of proof from the prosecution to defense. Current law stipulates that prosecutors have to prove corrupt intent, the bill will require defendants who are accused of knowingly and willingly engaged in illegal conduct to prove otherwise.

Other provisions of this bill include the expansion of who is determined to be a public servant, and therefore who can be prosecuted for these offenses, including bid tampering.

A similar public corruption bill, SB 582 by Senator Gaetz, failed in committee this week, with a vote of 1 – 4, but was left pending, and will be addressed in the next meeting of this committee. Senator Gaetz amended his anti corruption language into SB 686, which did pass the Senate Ethics and Elections committee. SB 686, now needs to go before the committee that killed the original bill, the Senate Government Oversight Committee.

HB 7071:

<http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h7071 .docx&DocumentType=Bill&BillNumber=7071&Session=2016>

SB 582: <http://www.flsenate.gov/Session/Bill/2016/0582/BillText/Filed/PDF>

SB 686: <http://www.flsenate.gov/Session/Bill/2016/0686/BillText/c1/PDF>

- **Election of Officers:** HJR 165 (Artiles) proposes to amend the State Constitution to require that the offices of sheriff, property appraiser, supervisor of elections, tax collector, and clerk of the circuit

court, would be elected offices, and would carry four year terms of office. The joint resolution was amended in committee to include tax collector, and to specifically clarify that the proposed constitutional amendment is applicable to all counties, including Miami-Dade County. Lastly, the HJR was amended to delay implementation until January 8, 2019, so that the affected counties would have time to amend their charters and hold elections.

Being that this legislation amends the state constitution, each house of the Legislature must pass this joint resolution by a three-fifths vote in order for the proposal to be placed on the ballot. CS/HJR 165 provides for the proposed constitutional amendment to be submitted to the electors of Florida for approval or rejection at the next general election or at an earlier special election specifically authorized for this measure. Any proposed constitutional amendment in Florida must pass statewide, by a vote of 60 percent or more. This bill passed the Judiciary Committee; 16 – 2.

CS/HJR 165:

[http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=\\_h0165c1.docx&DocumentType=Bill&BillNumber=0165&Session=2016](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0165c1.docx&DocumentType=Bill&BillNumber=0165&Session=2016)

The Senate companion, SB 648 (Hutson) was temporarily postponed in committee this week. We continue to work with members to oppose this bill, in both the House and Senate.

SB 648: <http://www.flsenate.gov/Session/Bill/2016/0648/BillText/c1/PDF>

- **Municipal Power Regulation:** HB 579 (Mayfield) was heard this week in the Energy and Utilities Subcommittee. An amendment passed that would remove the requirement that the Public Counsel to participate in FMPA rate-setting proceedings and removed provisions that defined FMPA as a public utility for purposes of regulation by the PSC. This bill passed the Energy and Utilities Subcommittee, 6 – 5.

CS/HB 579:

[http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=\\_h0579c1.docx&DocumentType=Bill&BillNumber=0579&Session=2016](http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0579c1.docx&DocumentType=Bill&BillNumber=0579&Session=2016)

SB 840, the Senate companion bill, by Senator Simpson, was not heard this week.

SB 840: <http://www.flsenate.gov/Session/Bill/2016/0840/BillText/Filed/PDF>

- **Government Meetings / Licenses to Carry Concealed Weapons or Firearms:** HB 4031 (Steube) is among several bills addressing guns this session. This specific bill though, would delete the prohibition on concealed carry licensees from openly carrying handgun or carrying a concealed weapon or firearm into any meeting of the governing body of a county, public school district, municipality, or special district, any meeting or committee meeting of the Legislature, and in any career center. Effective Date: July 1, 2016. This bill has not been heard to date.

HB 4031: <http://www.flsenate.gov/Session/Bill/2016/4031/BillText/Filed/PDF>

- **Body Cameras/Law Enforcement Officers:** HB 93 (Jones) and SB 418 (Smith) Requires law enforcement agencies that permit law enforcement officers to wear body cameras, to develop policies and procedures governing the proper use, maintenance, and storage of body cameras and recorded data. The policies would be required to include the following:

- Guidelines for the proper use, maintenance, and storage of body cameras;
- Any limitations on which law enforcement officers are permitted to wear body cameras;

- Any limitations on law enforcement-related encounters in which law enforcement officers are permitted to wear body cameras; and
- Guidelines for the proper storage, retention, and release of audio and video data recorded by body cameras.
- Training for use and storage of camera, and use and maintenance of data.

HB 93 passed its first committee hearing, 13 – 0. SB 418 has not yet been heard.

HB 93:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h0093 .docx&DocumentType=Bill&BillNumber=0093&Session=2016>

SB 418: <http://www.flsenate.gov/Session/Bill/2016/0418/BillText/Filed/PDF>

- **Traffic Infraction Detectors (Red Light Cameras):** SB 168 (Brandes) and HB 4027 (Artiles) would repeal the use of red light cameras. Neither bill has been heard to date.

SB 168: <http://www.flsenate.gov/Session/Bill/2016/0168/BillText/Filed/PDF>

HB 4027: <http://www.flsenate.gov/Session/Bill/2016/4027/BillText/Filed/PDF>

**Tax Package:** The following bills provide for various tax reductions, however, the overall tax package as addressed above, has not yet been introduced.

- **Sales Tax on Commercial Real Property:** HB 215 (Ahern) would phase out taxes on the rental of commercial property over the next decade. This bill would gradually increase tax exemptions and completely repeal the tax by January 2025. This bill has not been heard to date.

HB 215: <http://www.flsenate.gov/Session/Bill/2016/0215/BillText/Filed/PDF>

- **Tax on Sales, Use, and Other Transactions/Commercial and Sales and Use Tax Reduction:** SB 116 (Hukill) would also reduce the commercial property tax, by trimming the tax rate from 6 percent to 5 percent, effective Jan. 1, 2017. Additionally, the bill reduces sales and use tax revenue by \$119.6 m in FY 2016-2017 and \$287m on a recurring basis. It decreases General Revenue and local revenue by \$254.1m and \$32.9m, respectively, on a recurring basis. In FY 2016-2017, the bill reduces General Revenue by \$105m and local revenue by \$137m. The bill would take effect January 1, 2017.

The bill has passed two of its three committees of reference unanimously, but has not been heard since it passed the Finance and Tax committee on 10/20/15, with a vote of 8 – 0. We expect this or a similar version, to be included in a tax package in the upcoming weeks.

SB 116: <http://www.flsenate.gov/Session/Bill/2016/0116/BillText/Filed/PDF>

- **Tax on Communications Services:** SB 256 (Hukill) would reduce the tax rates applied to the sales of communications services and retail sales of direct-to-home satellite services, revise the allocation of revenue received from the tax on retail sales of direct-to-home satellite services. This bill has not been heard to date.

SB 256: <http://www.flsenate.gov/Session/Bill/2016/0256/BillText/Filed/PDF>

- **Public Procurement Practices:** SB 124 (Evers) and HB 95 (Steube) would require a private entity that submits an unsolicited proposal to pay an initial application fee and additional amounts if the fee

does not cover certain costs. It deletes provisions relating to notice to affected local jurisdictions by which the responsible public entity would no longer be required to notify each affected local jurisdiction when considering a proposal for a qualifying project. Also, this bill would increase the dollar threshold for a contract amount of a project for which a person, the state, or a political subdivision is prohibited from refusing a surety bond issued by a surety company, and deletes provisions creating the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force. SB 124 passed the Community Affairs committee, 7 – 0 on 11/17/15. HB 95 passed the Local Government Affairs Subcommittee 11 – 0, on 11/4/15.

SB 124: <http://www.flsenate.gov/Session/Bill/2016/0124/BillText/Filed/PDF>

HB 95: <http://www.flsenate.gov/Session/Bill/2016/0095/BillText/Filed/PDF>

- **Texting while driving:** SB 328 (Altman) and HB 537 (Perry) would authorize law enforcement officers to stop motor vehicles and issue citations as a primary offense to people who are texting and driving. Currently texting while driving is a secondary offense. Neither bill has been heard to date.

SB 328: <http://www.flsenate.gov/Session/Bill/2016/0328/BillText/Filed/PDF>

HB 537:

[http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=\\_h0537\\_.docx&DocumentType=Bill&BillNumber=0537&Session=2016](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0537_.docx&DocumentType=Bill&BillNumber=0537&Session=2016)

- **Texting while driving in a school zone:** HB 25 (Stark) and SB 246 (Sachs) is a different approach, which would only make texting while driving a primary offense while in a school zone or in a school crossing. Neither bill has been heard to date.

HB 25: <http://www.flsenate.gov/Session/Bill/2016/0025/BillText/Filed/PDF>

SB 246: <http://www.flsenate.gov/Session/Bill/2016/0246/BillText/Filed/PDF>

- **Community Investment Program:** HB 33 (Rodgers) and SB 240 (Soto) would establish an investment program within the Department Of Economic Opportunity. The program will focus investment to reduce poverty in economically disadvantaged communities. Neither bill has been heard to date.

HB 33: <http://www.flsenate.gov/Session/Bill/2016/0033/BillText/Filed/PDF>

SB 240: <http://www.flsenate.gov/Session/Bill/2016/0240/BillText/Filed/PDF>

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