

# Florida Association of Counties

## 2013 Legislative Wrap-Up

---

5/3/2013

FAC Legislative Division



# Health & Human Services

*Susan Harbin*

# 2013 FAC Priority

## Medicaid Cost-Share

- **FAC Position**
  - Eliminate administrative burden for state and counties and equitably mitigate any potential fiscal impact for affected parties
    - Support the dissolution of the current county-state Medicaid contributory relationship
  - FAC Legislative Executive Committee approved proportionate share approach with “opt out” provision for billing
- **Bills**
  - Governor’s Conforming Bill
  - SB 1244 (S. Soto)/HB 1117 (R. Wood)
  - PCB 7156/SB 1884/SB 1520 (conforming bill)



# 2013 FAC Priority

## Medicaid Cost-Share

- **SB 1884 (Health Policy Committee)**
  - Eliminated billing & established a formula for county contribution
  - Set total county contribution: \$269.6M for 7 years (no growth)
  - FY 13/14 & FY 14/15: Allocated total contribution among the counties based on county payments made during FY12/13
  - FY 15/16 through FY 19/20: 5-year transition from billing-based share to enrollee-based formula
  - AHCA annual data report
  - Public input: two committee hearings/full floor vote
- **House Proposal**
  - Set total county contribution: \$269.6M; year two \$285M
  - County proportionate share established using 6 months of billing data; true up once FY12/13 billing reconciled
  - Annual adjustment of county share: enrollment-based

# 2013 FAC Priority

## Medicaid Cost-Share

- **SB 1520 (Appropriations Conforming Bill)**
  - Negotiated compromise between the two chambers
  - **Years 1-2:** Sets the total county contribution at \$269.6M in FY 13/14; \$277M in FY 14/15.
    - Individual county contributions based on actual collections during 2012-13, as a percentage of the total contribution
  - **Years 3-7:** Transitions counties to an enrollment-based formula
    - Grows base cost by 50% of growth in state Medicaid expenditures through FY19/20.
    - Grows the base costs by 100% of growth in state Medicaid expenditures thereafter.
  - **Data Report:** AHCA data report to the Governor, Senate President, Speaker of the House, and FAC (sunsets Dec. 2015)
  - **Flexible Payment**
  - **Hospital District Provision**

## 2013 Bills

# Health & Human Services

- **Disposition of Human Remains** (HB 171/SB 370)
  - Clarifies and updates the statutes relating to unclaimed and indigent burials
  - Provides that counties may adopt policies and procedures for the final disposition of unclaimed human remains
  - Passed after three years of FAC advocacy efforts
- **Smoking Preemption** (HB 439/SB 258)
  - Bills would have removed counties/cities from preemption regulating smoking in the state (sec. 386.209, F.S.), allowing for further restriction of smoking on certain county or municipal outdoor property by local ordinance
  - Bills died in committee
  - 2014 Legislative Program

# Finance & Tax

*Davin Suggs*

# 2013 FAC Priority

## Communications Services Tax

- **FAC Position**
  - Support revising current law to simplify administration and collection and provide for a broad and equitable tax base; enhance stability and reliability as an important revenue source for local government; provide opportunity for market-based growth
    - Annual revenue of up to \$300M
- **Bills**
  - House Finance & Tax Subcommittee concept; no Senate companion
  - Died in committee
  - 2014/2015 Legislative Program



# 2013 Bills

## Finance & Tax

- **Manufacturing & Equipment Sales Tax Exemption** (HB 7007)
  - Eliminates sales tax for certain business purchases of industrial machinery & equipment
  - Originally filed in SB 518/HB 391; language amended to HB 7007 on Senate Floor; passed by both chambers
  - Recurring negative fiscal impact of \$15M to \$20M
- **E-911 Fees** (HB 807/SB 1070)
  - HB included prepaid communications in the base of E-911 fee assessments.
  - Passage would reverse continuous revenue decline due to growth of retail sales (negative fiscal impact of \$13.6M FY11 to FY12)
  - Died in Senate/2014 Legislative Program

# 2013 Bills

## Finance & Tax

- **Internet Sales Tax** (SB 316, 88/HB 7097, 505, 497)
  - Bills to promote an equitable competitive environment between “brick and mortar” businesses and remote business establishments conducting business in Florida
  - Revenue neutral
  - Died in Committee/2014 Legislative Program
- **Local Business Taxes** (HB 7109)
  - Simplified current LBT structure to make it more consistent across business types and taxing jurisdictions
  - \$28.7M source of revenue
  - Impact to county economic development programs
  - Died in Committee/2014 Legislative Program

# Administration

*Lisa Hurley*

# 2013 Legislative Leadership Priority

## Florida Retirement System

- **FAC Position**
  - Oppose FRS benefit changes that increase county and county employee contribution rates
  - Support analysis to determine the direct fiscal impact of any proposed changes
  - Support increased diversity of retirement plan options for employees
  - County employees comprise ~22% of FRS
- **Bills**
  - HB 7011 (R. Brodeur); SB 1392 (S. Simpson)
  - HB 7011 closed pension plan (passed House 74/42)
  - Senate tool up HB 7011 and failed to adopt amendment to postpone effective date of bill until July 2014
  - Died on Senate Floor

# 2013 Legislative Leadership Priority

## Ethics & Elections

- **Ethics**

- SB 2/HB 7131 (Ethics & Elections Committees)
- Comprehensive reforms
- Mandates ethics training; addresses dual public employment, financial disclosure filings, complaints
- Governor signed legislation May 1, 2013

- **Elections**

- HB 7013 (H. E&E)/SB 600 (S. Latvala)
- Omnibus elections administration bill
- Addresses early voting days/hours, early voting sites, ballot length
- HB 7013 passed last day of Session

# 2013 Bills

## Administration

- **Wage Theft** (HB 1125/SB 1216)
  - Prohibited counties from adopting or maintaining ordinances and rules to address unpaid wage claims
  - Permitted counties to set up administrative, voluntary mediation programs to assist with such claims should both parties choose to settle outside court system
  - Died on Calendar
- **Family or Medical Leave Benefits** (SB 726/HB 655)
  - Prohibits counties from requiring or otherwise regulating employee benefits beyond county employers & contractors
  - Creates workgroup to study issue of statewide medical & sick leave benefits
  - No living wage preemption
  - HB 655 passed, as amended

# Public Safety

*Lisa Hurley*

# 2013 FAC Priorities

## Juvenile Detention

- **FAC Position**

- Establish a more collaborative and equitable detention model
  - Support dissolution of the current shared state-county detention relationship
  - Eliminate administrative burden for all parties
- FAC Legislative Executive Committee approved budget split approach

- **Bills**

- Appropriations Act (\$71,446,071 cost to counties - \$2,563,332 reduction from FY 12-13)
  - *Okaloosa, et al. (#1D12-3929)* -Oral Argument May 14, 2013
  - Continue to negotiate language /conditions with Governor's Office of Policy & Budget/DJJ/ Legislature



# 2013 Bills

## Public Safety

- **Controlled Substances** (SB 294/HB 619)
  - Expands Schedule I of the controlled substances register to include 22 new formulas of synthetic drugs
  - Governor signed into law
- **Texting While Driving** (SB 52/HB 13)
  - Creates “Florida Ban on Texting While Driving Law”; texting, emailing, instant messaging while driving a secondary offense
  - Passed last week of Session
- **Pain Management Clinics** (SB 1192/HB 831)
  - SB preempted regulation of pain clinics & practitioners
  - Preemption language removed in House Messages
  - Died in Messages

# Growth Management & Transportation

*Eric Poole*

## 2013 Bills

# Growth Management & Transportation

- **Affordable Housing**

- Bills to close affordable housing tax exemption loophole that allows for-profit affordable housing developers to transfer ownership to a non-profit entity and receive ad valorem tax exemption
- Recurring fiscal impact: >\$140M by FY17/18
- Loophole fix included in:
  - Stand-alone bills (SB 740/HB 921)
  - Property tax bills (SB 1830/HB 7159)
  - Affordable housing package for the Florida Housing Finance Corporation (SB 928/HB 437)
- HB 437 passed last week of Session

## 2013 Bills

# Growth Management & Transportation

- **Affordable Housing Funding**
  - \$204 million swept from State and Local Housing Trust Funds
  - National Mortgage Settlement – 2013 (SB 1852)
    - Appropriates \$202 million as follows:
      - \$40 million - SHIP
      - \$60 million – SAIL
      - \$52 million – Courts
      - \$20 million – Habitat for Humanity
      - \$10 million – Homeless Initiatives
      - \$10 million – Disabled Housing Assistance
      - \$10 million – Attorney General

# 2013 Bills

## Growth Management & Transportation

- **Transportation Concurrency** (HB 319/SB 972)
  - Forces counties that have an alternative to traditional transportation concurrency to allow developers to use the proportionate share funding process
  - HB 319 passed last week of Session
- **Red-Light Cameras** (HB 7125)
  - Specific description for issuing citations for making right turn on red light
  - Passed as part of Highway Safety bill
- **Internet Cafes** (HB 155/SB 1030)
  - Prohibits operation of Internet cafes
  - Governor signed into Law

# 2013 Bills

## Growth Management & Transportation

- **Public Private Partnership s(SB 84/HB 85)**
  - Creates a statewide process for counties and cities to undertake Public Private Partnership (PPP) initiatives.
  - Creates a separate PPP process for county road projects.
  - The process allows a county to:
    - Receive solicited and unsolicited proposals from a private entity seeking to construct, extend, or improve a county road.
    - Use public funds to pay for such work under certain conditions.
    - Be exempt from s. 255.20 (Local bids and contracts for public construction works).

# Environment

*Stephen James*

# 2013 Bills

## Environment

- **Ocean Outfalls** (SB 444/HB 707)
  - Revises requirements for the elimination of ocean outfalls
- **Numeric Nutrient Criteria** (SB 1808/HB 7115)
  - Ratifies agreement between the **Florida DEP** and **U.S. EPA**, which authorizes implementation of nitrogen and phosphorus limits for streams, downstream waters, springs, lakes & estuaries
- **Biodiesel Fuel** (SB 522/HB 633)
  - Exempts counties that manufacture biodiesel fuel from bonding, licensing and bonding requirements
- **State-Owned & State-Leased Space** (HB 1145/SB 1074)
  - Addresses inventory, sales, lease and reporting requirements for state-owned and state-leased property
  - Requirements for county governments removed from bill



# 2013 Bills

## Environment

- **Environmental Regulation** (HB 999/SB 1684)
  - HB 999 passed; further modifies environmental permitting
    - Addresses RAls, sovereign submerged lands regulations, water supply well permitting program, stormwater permitting
    - “Florida Fertilizer Regulatory Review Commission” and wetlands/water quality exemption for 298 districts removed from final bill on last day of session
- **Agricultural Lands** (HB 203/SB 1190)
  - Prohibits a “governmental entity” from limiting *bona fide* farm operations on land classified as agricultural land; prohibits governmental entity from charging an *assessment or fee*
- **Agritourism** (SB 1106/HB 927)
  - Prohibits local government from limiting an agritourism activity on land classified as agricultural land

# Contact Us



(850) 922-4300

[www.fl-counties.com](http://www.fl-counties.com)

facebook.com/flcounties

Twitter: @flcounties