



Collier County 2015 State Legislative Priorities
(Update 4.27.15 a.m.)

Issues of Major Importance to Advocate:

1. **Inland Oil Drilling & Fracking** – The Board of County Commissioners (BCC) has requested assistance from the Collier County Legislative Delegation to support legislation that improves and strengthens State rules and regulations governing oil well drilling activities. The BCC has entered into a formal agreement with the Florida Department of Environmental Protection (DEP) to jointly develop and support regulatory reforms in this industry. **SB 1468 and HB 1205 are still in the Senate and House, respectively.**

SB 1468 (Richter) has passed all 3 committees of reference and has been placed on the Special Order Calendar in the Senate for 4.28.15. On 4.23.15 Sen. Richter filed the following amendment: *The department may not approve a permit to authorize a high pressure well stimulation until rules for high pressure well stimulation are adopted.*

HB 1205 (Rodrigues) has passed Second Reading. The bill is scheduled for Third Reading 4.27.15, then the full House. HB 1205 passed the House 4.27.15 and now in Senate “Messages.”

2. **Pedestrian and Bike Safety** – Collier County will ask the Florida Department of Transportation (FDOT) District One Secretary Billy Hattaway how Collier County can assist in his 2015 Pedestrian and Bicycle Focused Initiative in a complementary fashion. Collier County will also participate in a statewide task force to address these safety issues and education effectively. **HB 231 (Passidomo) has passed all 4 committees of reference; the last 3 were unanimous votes. The bill has been placed on the Special Order Calendar in the House for 4.27.15.**

SB 908 (Altman) has passed all 3 committees of reference unanimously. The bill was read a third time in the Senate and passed 38/0. It is currently in House “Messages” where the next step would be to reconcile 908 and 231, and select which bill to pass. SB 908 strengthens the state’s current transportation safety regulations regarding pedestrian safety. The bill requires that all every part of a motorized vehicle maintain a passing distance of at least three feet when passing non-motorized vehicles, and it prohibits motorized vehicles from making right turns in front of

non-motorized vehicles unless they can be made at a safe distance. It establishes that these violations are punishable as non-criminal moving violations. The bill also prohibits taunting or harassing pedestrians or bicyclists, and it establishes that a first offense is a first-degree misdemeanor, punishable by a fine of at least \$250 or no more than 30 days in jail.

3. **University of Florida/Institute of Food and Agricultural Sciences (UF/IFAS)** Collier County will continue efforts to identify and pursue a recurring funding source for UF/IFAS. **The county is very well positioned on the IFAS funding issue, both in the House and in the Senate. That will be a \$1.8 million appropriation. The appropriations conference between the House and Senate has not started as of 4.27.15. The holdup of the budgeting process has been the continuing battle over Medicaid expansion and the Low Income Pool (LIP) hospital supplemental payment renewal. Under intense scrutiny by a Senate committee, the Agency for Health Care Administration (AHCA) has submitted to the Centers for Medicare and Medicaid Services the proposed \$2 billion Senate LIP plan which would provide supplemental Medicaid and indigent care funding. A formal plan had not been submitted by the agency previously, leading Senators to question why the Governor had not sought approval for Florida's plan until now. Because of the required public comment period and other timeline requirements, a decision on the state's LIP proposal is not expected until after the beginning of the 2015-16 Fiscal Year, which is July 1.**
4. **Human Trafficking** – Work with the Collier County Sheriff's Office to add measures to the 2012 Florida Human Trafficking Law that improve and strengthen current legislation. **There are several bills moving through the legislature this session dealing with human trafficking. The federal government also plans to take up long-standing human trafficking proposed legislation that increases penalties.**

SB 534/HB 369 The state bills require the Department of Transportation (DOT) to display public awareness signs at all rest areas, turnpike service plazas, weigh stations, welcome centers and public transit facilities that are open to the public. The public awareness sign instructs anyone who is being forced to engage in an activity and is being held against their will to call the NHTRC to access help and services. The bills state not more than \$50,000 may be appropriated for signage for FY 2015-16.

SB 1106/HB 465 provide for enhanced criminal penalties for soliciting another to commit prostitution and similar offenses; providing for impoundment of a vehicle used in soliciting another to commit prostitution and similar offenses; requiring a judge to allow an advocate to be present with a human trafficking victim in an expunction hearing in certain circumstances.

SB 1108/HB 467 are linked to the passage of **HB 465/SB 1106**, amend s. 119.071(2)(h), F.S., to expand the types of criminal intelligence and criminal investigative information that are confidential and exempt from public records requirements to include:

Any information that reveals the identity of a person under the age of 18 who is the victim of a crime of human trafficking for labor or services proscribed in s. 787.06(3)(a), F.S.;

Any information that may reveal the identity of a person who is the victim of a crime of human trafficking for commercial sexual activity proscribed in s. 787.06(3)(b), (d), (f), or (g), F.S.; and

A photograph, videotape, or image of any part of the body of a victim of a crime of human trafficking involving commercial sexual activity proscribed in s. 787.06(3)(b), (d), (f), or (g), F.S.

The bills also amend s. 943.0583, F.S., making the above-described criminal intelligence and criminal investigative information confidential and exempt from public records requirements under the section providing expunction for human trafficking victims.

The bills authorize release of the confidential and exempt information by a law enforcement agency in certain instances. It also provides for retroactive application of the public records exemptions.

Water Quality Funding Requests:

Collier County is requesting funding allocations from 2015 Florida Legislature appropriations for five (5) water resource projects identified as critical needs in the community. The following prioritized water projects have been identified based on deliberate, measured review:

Re the water projects, the county's lobbyists will be starting the budget conference shortly and all of the individual water projects will be debated and some will be selected for funding during the budget conference process. No one knows how much money will be available for projects at this time. Medicaid expansion being proposed in the Senate, and strongly opposed in the House, along with low income pool (LIP) funding, will have to be worked out first. Those two issues are driving all of the budget issues right now. Sen. Richter and Rep. Passidomo are doing what they can at the present time on the water projects. The county's lobbyists will be present in Tallahassee for the budget conference to make sure Collier's interests are advocated, protected.

Meanwhile, the Governor has apparently threatened the use of his veto authority over Senate bill priorities after calling in several Republican members a week ago to share his displeasure about the Senate's desire to expand Medicaid. The 2015 Session will most certainly be extended to resolve budget differences before July 1.

I) Naples Park Water, Wastewater and Stormwater (Conveyance, Swale and Culvert Replacement Program)

Project Description: This is a phased project which will replace all three types of water infrastructure components resulting in water quality improvements reducing pollutant loading to the impaired waters of Wiggins Pass.

Cost: The estimated total cost for construction for the first phase of the integrated program is ***\$6.0 million***, (***\$1.4 million*** for stormwater and ***\$4.6 million*** for water infrastructure components). Future phases will cost approximately ***\$50.8 million*** for combined elements.

II) Golden Gate City Outfall System Replacement Program (Golden Gate City Stormwater Improvement Project)

4.27.15 a.m.

Project Description: The project will improve collection, treatment and conveyance of stormwater runoff within the four (4)-square-mile area of Golden Gate City. Stormwater runoff from this 50-year-old system is conveyed to the Golden Gate Canal system, which discharges into the impaired waters of Naples Bay.

Cost: The estimated cost for Phase I construction is **\$0.8 - \$1.6 million**.

III) Livingston Road Aquifer Storage and Recovery (ASR) System

Project Description: This is a shovel-ready program for wet and dry season optimization of water resources through ASR that will enhance the environment and provide a sustainable water supply.

Cost: The estimated cost bundled in a single phase is **\$15 million** for Fiscal Year (FY) 2015/16.

Alternatively, three (3) phases would request **\$5 million** each for FY 2015/16, FY 2016/17, and FY 2017/18.

IV) South Service Area Re-use Optimization

Project Description: This is a permitted project for wet and dry season optimization of water resources through four (4) new Lower Tamiami wells to supplement Irrigation Quality (IQ) water supply in the South Service Area to enhance the environment and provide sustainable water supply.

Cost: The estimated cost for Phase I, including two (2) wells at **\$2 million** each, is a total of **\$4 million** for FY 2015/16.

Phase II will include two (2) wells at **\$2 million** each, **\$4 million** total in FY 2016/17.

V) Lely Area Stormwater Improvement Project (LASIP)/Wingsouth Airpark Channel Improvements

Project Description: This project will improve stormwater collection, conveyance and quality while rehydrating environmental preserve areas in the upstream section of the Rookery Bay watershed. The improvements are a component of the Lely Area Stormwater Improvement Project (LASIP), a regional stormwater improvement master plan.

Cost: The estimated cost for construction is **\$2.6 million**.

VI) Direct state advocacy efforts on behalf of Collier County to include additional support for legislative initiatives that increase opportunities for funding for local water resource projects with direct state support or additional funding through the FDEP and the SFWMD. (added by BCC March 10, 2015)

Issues to Monitor: The Board of County Commissioners (BCC) on behalf of Collier County citizens advocates for the overall principles of preserving the **Home Rule** authority of local governments; opposing state **Preemption**; opposing **Unfunded Mandates**; and protecting against **Trust Fund Diversions**.

- A. Beach Funding & Maintenance** – Support increased funding and streamlined permitting for beach renourishment and maintenance for coastal counties as beaches continue to be the State of Florida’s economic engine and tourism industry driver, attracting visitors and creating jobs. **Currently, the House’s budget has \$40 million and the Senate has \$25 million. The county’s lobbyists are meeting with members of the House and Senate Appropriations committees, and other key members whose**

districts have beach projects, to discuss the need to increase beach funding. Also, once the Medicaid issue is resolved, it is believed the ultimate number will be closer to \$47 million.

Please note: UF/IFAS, Water Projects, & Beaches all await budget conference to commence before decisions on funding are definitive.

- B. Communications Services Tax (CST)** – Oppose any legislation that would change the CST; support present CST collections. Loss of CST represents \$5 million impact to Collier County. **Counties are still held “harmless” in the communications services tax bill.**
- C. Gaming** – Continue to monitor the new Seminole Gaming Compact being negotiated by Governor Rick Scott and the Seminole tribe. Support at least three (3) % government share of any future gaming proceeds to finance future infrastructure needs. The Seminole gambling casino in Immokalee has plans to expand vertically. **House Majority Leader Dana Young filed an amendment to HB 1233, on April 8, 2015, which nixes possible gaming expansions like new destination casinos but maintains pari-mutuel decoupling. The bill does not address the gaming compact or the local revenue share. The Senate has not pursued gaming legislation through this 2015 Legislative Session.**
- D. Impact Fees (& Growth Mgt)** – Continue to support home rule authority over administration of Collier County’s existing impact fee program. **According to HB 7067, which is the House comprehensive economic development/growth management bill, businesses that are smaller than 6,000 square feet would be exempt from transportation impact fees for three years. Local governments would be permitted to override this provision by a majority vote. In addition, the bill defines “rural areas of opportunity,” where new businesses would also be exempt from certain impact fees, regardless of their sizes. As far as the county’s lobbyists could tell, Collier County does not have any of these.**
Re growth management, HB 933 (La Rosa) passed the House Transportation Economic and Development Committee this week 8/4. The controversial bill amends several provisions related to current growth management law, including deletion of the state review process for large developments known as DRI (Developments of Regional Impact); caps concurrency and impact fees in certain situations; preempts local government from imposing fees for vegetation removal from the right-of-way when a developer is complying with concurrency; and creates a private property rights element that will have to be included in all local government comprehensive plans. HB 933 is scheduled Tuesday, 4.14.15, at 9:30 a.m. in Economic Affairs. Following the House's lead, the Senate combined several stand-alone growth management bills into SB 1216 (Simpson) when it was considered by the Senate Fiscal Policy Committee last week. As amended, SB 1216 now includes provisions addressing the elimination of the DRI process for future large-scale projects; dissolving the Withlacoochee Regional Planning Council (RPC) along with some of the statutory functions of the remaining 10 RPCs; amending the sector plan process by reducing certain regulatory reviews, capping concurrency and impact fees in certain situations.

- E. Gulf Consortium** – Support Collier County’s continued participation in the federal RESTORE Act directives, including the State of Florida’s Gulf Consortium. Transocean is the only determined civil settlement so far; Collier County is eligible for more than \$900,000. The decision of a settlement with British Petroleum (BP) continues in federal court with Phase III; most recently BP was found to be “grossly negligent” in the Deepwater Horizon tragedy of April 2010. **County staff is attending monthly Consortium meetings which are in progress for Pot 3 of the RESTORE Act.**
- F. Transportation** – Oppose diverting funds from the State Transportation Trust Fund to non-transportation projects. A total of \$10.1 billion was funded for transportation items for the current FY 2014-2015. Also, pursue an increased return on dollars for Collier County, a long-time donor county.
- G. Libraries** – Continue to support State Aid to Libraries and the Southwest Florida Library Network (SWFLN). Last session, there was about \$34 million in statewide allocations.
- H. Public Record Requests** – Request a legislative amendment to add onto current public records law 119.07(1) a provision that includes Emergency Medical Technicians (EMTs) and Paramedics as exemptions, like firefighters and law enforcement.
- I. Tourism** - Protect the current level of funding to VISIT FLORIDA and support increased funding.
- J. Offshore Oil and Gas Drilling** - Continue to support *permanently prohibiting offshore oil and gas drilling in Florida territorial waters*, which are within nine (9) geographic miles from the coast of the Gulf of Mexico.
- K. Uber** - Aligning with the Florida Association of Counties (FAC), Collier County supports their new policy statement for the regulation of taxis and limousines, which reads: FAC supports maintaining the integrity of home rule power, which allows counties to regulate taxis, limousines, and jitneys for the purpose of public safety and consumer protection. Conversely, FAC opposes any effort that preempts to the state the regulation of chauffeured limousines, limousine services and drivers of chauffeured limousines. **Sen. Simmons filed an amendment to his ridesharing regulation bill SB 1298 that ratchets up insurance requirements for vehicles operated by Uber and other app-based ridesharing firms to an extent considered excessive by the industry. The amended measure passed its final stop, the Senate Committee on Appropriations, 4.9.15. Instead of liability insurance that covers bodily injury and property damage – which Uber currently does cover for up to \$1 million, a level mirrored in the bill in both forms – the revised language would require Uber operators to carry 24/7 commercial liability insurance. Those are the same requirements applied to taxi cabs, which ridesharing advocates argue are a completely different endeavor from an independent Uber or Lyft driver's operation. The amendment glosses over a distinction ridesharing observers agree is crucial: when an Uber driver's app is active for purposes of picking up or dropping off a rider, and when that driver is not engaged in commercial activity, on their own personal time. The House companion bill HB 757, sponsored by Rep. Hager, is stalled in the committee process. House Insurance & Banking Subcommittee, its first committee of reference, did not hear it and may not meet again this session.**

- L. Entertainment Incentives** – Support funding of film, television and entertainment incentives. (added by BCC Feb. 24, 2015)
[HB 451](#) Relating to the Entertainment Industry

Sponsored by Rep. Miller, HB 451 makes a number of changes to the current incentives and benefits that the state offers for companies within the film and entertainment industry. The bill would change the name of the Office of Film and Entertainment within the Department of Economic Opportunity to the Division of Film and Entertainment, and it would shift it to Enterprise Florida, Inc. In addition to that, the Florida Film and Entertainment Advisory Council, which is the main advisory board for the office, would be dissolved.

The Entertainment Industry Financial Incentive Economic Development Tax Credit Program would be significantly changed. The bill amends the application and certification process for the tax credits to be prioritized based on the expected economic benefit of the applicant's production, and it limits the tax credit to two application cycles per fiscal year. The certification of credits would be limited to up to 50% for the first application cycle for a fiscal year, and the department's ability to certify tax credits would be limited to no more than the allocated tax credits for that fiscal year. Most of the additional tax credit awards that are not a part of the main program would be eliminated.

Finally, the bill modifies and clarifies certain aspects of the sales and use tax exemptions for qualified production companies, which are covered by the Qualified Production Company Sales and Use Tax Exemption. HB 451 was filed on January 20, passed in the House Economic Development and Tourism Subcommittee on March 18, passed in the Finance and Tax Committee on March 31, and passed in the Economic Affairs Committee on April 8. HB 451 has passed all committees of reference and is awaiting final action on the House floor.

A similar bill in the Senate, SB 1046, by Senators Detert and Soto, includes the movement of the Office of Film and Entertainment from the Department of Economic Opportunity to Enterprise Florida. The Senate bill SB 1046 is in the last committee of reference Senate Appropriations and contains the under-utilized county language giving further tax incentives to productions located in these counties. The House bill does not contain the language.

That bill is now in the Appropriations Committee, its final committee of reference.

As we enter the final week of the legislative session, many bills have begun to reach the floor, die in committee, or have been consolidated into other bills. The implementation of Amendment 1 has passed in the Senate. HB 7003, a bill revising the state's water resource management statutes, passed in the House and is ready to be heard on the Senate floor.

Additional Bills of Significance in 2015:

[HB 7141](#) Relating to Taxation

HB 7141 provides for a range of tax reductions designed to directly impact both households and businesses. The bill cuts the communications services tax rate from 6.65% to 3.05% and the state

sales tax rate on rental of commercial real estate from 6% to 5.8%. It also creates sales tax exemptions for agricultural items, irrigation equipment, repairs of farm equipment, sales at school book fairs, college textbooks, recycling machinery, gun club memberships, and motor vehicles brought into Florida by military service members deployed outside the United States. The bill creates a three-day sales tax holiday for “back to school” clothing, footwear, school supplies, and computers; a one-day sales tax holiday on November 28 (Black Friday) for sales of items priced at \$1,000 or less by certain small businesses; and a one-day sales-tax holiday on July 4 for firearms, ammunition, camping tents, and fishing supplies. The property tax exemption for widows, widowers, the blind, and the permanently and totally disabled has been increased from \$500 to \$5,000, and the partial homestead exemption for military service members deployed overseas has been expanded. The total tax credit available for the voluntary cleanup of brownfields has been increased, and the bill creates a corporate income tax credit for defense contractors that hire Florida subcontractors. The Community Contribution Tax Credit program has been expanded by \$13.3 million for one year. The obsolete Florida estate tax and the \$5 fee to register certain vehicles to transport alcoholic beverages have been eliminated.

Overall, the bill provides for \$642.4 million in tax cuts, which is slightly less than the Governor’s recommended \$670 million in cuts. HB 7141 has passed on the floor of the House of Representatives, and it has been referred to the Senate Appropriations and Rules committees.

HB 172 Public Pensions substantially changes how insurance premium tax revenues must be used in the funding of firefighter and police officer pension benefits under chapters 175 and 185, F.S.

The House State Affairs Committee adopted a strike-all amendment and reported the bill favorably with committee substitute. The major provisions of the amendment:

- Revise the definition of "base premium tax revenues" to mean the revenues received during the 2002 calendar year, rather than the 2013 calendar year.
- Revise how insurance premium tax revenues must be used. It amends the default formula for the use of the insurance premium tax revenues if the parties cannot agree through mutual consent.
- Increase the minimum plan multiplier for pension plan benefits to 2.75 percent, rather than 2 percent, but provides exceptions.
- Require a board to provide a detailed accounting report of its expenses to the plan sponsor and to DMS, and to make the report available online.

HB 172 passed the full legislature this week and will head to the Governor for his signature.

SB 516 Act Relating to Health Insurance Coverage for Emergency Services

SB 516 (Bean and Garcia) prohibits insurance companies from requiring prior authorization before providing coverage to EMS personnel. The bill requires that the service be provided regardless of whether or not the provider was a participating provider under the insurance company’s policy. It has a companion House bill, HB 681 which will now move to the floor of the House.

HB 105 Relating to Publicly Funded Retirement Programs

HB 105 allows any municipal fire department that provides service to another municipality under an interlocal agreement to receive property insurance premium tax revenues from that

municipality for the purpose of paying for retirement pensions for firefighters. Previously, areas served by an interlocal agreement did not pay those revenues to the fire department that served them; rather, those revenues went directly into the local general revenue fund. This bill eliminates that loophole in the existing statute, thus providing an additional source of revenue for local firefighter pensions. HB 105 passed was substituted for SB 216 on April 24. SB 216, sponsored by Sen. Bradley, passed the Senate floor on April 24.

HB 113 Relating to Local Government Construction Preferences

HB 113 (Perry) prohibits local governments from establishing ordinances that restrict a contractor's right to bid for construction contracts if that contractor does business primarily in the state of Florida. It also requires that public entities, such as state colleges and universities, public school districts, and other political subdivisions, disclose information about the use of funds appropriated by the state for construction projects that require a competitive bidding process, as long as at least 20% of the funding for the project comes from the state. It establishes a preference for Florida-based contractors in the bidding process, even if an out-of-state contractor is able to provide a slightly better bid. The bill will now move to the House floor. It was tabled in favor of SB 778 on April 23.

HB 778 Local Government Construction Preferences prohibits any local laws that give preference to a local contractor in circumstances involving a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds. The bill does not prohibit the application of a local preference in a competitive solicitation for construction services in which less than 50 percent of the cost will be paid from state-appropriated funds.

SB 778 has passed the Legislature and will be sent to the Governor for his approval.

HB 391 Relocation of Utilities (Ingram) requires a utility to relocate facilities at its own expense if the facilities are located upon, under, over, or within the right-of-way limits of a road or rail corridor, but not along the road or rail corridor. It also requires a local government to pay for relocation of utility facilities located within the right-of-way limits of a road or rail corridor if relocation is required as a condition or result of the local government's project, unless relocation would have been required under a transportation improvement project within 5 years. Lastly, the bill requires governing authorities to pay for relocation of utility facilities if the facilities are located within a utility easement granted by recorded plat.

HB 391 passed the full House; its companion, SB 896 by Sen. Brandes, has not been heard by Appropriations. An amendment filed Rep. Ingram has changed the requirements for counties to pay for the costs of utility relocation. Counties will now be required to pay for utility relocation unless the project is a road project, in which case the utility company will have to pay for the relocation.

HB 7067 Economic Development (LaRosa) creates a three-year window exempting certain new development from satisfying transportation concurrency requirements and contributing to its corresponding proportionate share. The bill also exempts certain transportation impact fees from being imposed on new development. The exemption window will apply to any new business development beginning on or after July 1, 2015, and before July 1, 2018. The exemption does not apply to business developments that consist of more than 6,000 square feet or new business developments that will include a business that employs more than 12 full-time employees. In

addition, to maintain the exemption, a new business development must receive a certificate of occupancy on or before July 1, 2019.

The exemption window will not apply to a new development in a local government's jurisdiction where such local government, by super-majority vote of its governing body, revokes the exemption. The exemption window will also not apply if the exemption alters a local government's financing contracts or bonds, or the developer elects to not have the exemption applied.

HB 7067 would radically restructure the state's economic development incentive tax refund and grant programs. This comes in response to the scheduled end of the Enterprise Zone program at the end of 2015. The bill requires "cumulative capital investment" to be considered as part of the tax incentive applications, clarifies that the model used to determine a project's "economic benefits" must include all state funds spent on a business, prohibits incentive agreements with terms lasting longer than 10 years, specifies that the average wage used to determine incentive eligibility is the average wage of the county where the project is located, defines "rural areas of opportunity," exempts certain new developments from having to comply with impact fee, concurrency, or proportionate share requirements for three years, creates the Startup Florida Initiative, makes minor wording changes to the New Markets Development Program and the Florida Development Finance Corporation, and creates a new state-administered enterprise zone certification program. Most importantly, this bill re-starts the Enterprise Zone program. Local governments would be permitted to adopt resolutions creating local enterprise zones, which would exempt all newly established businesses from business taxes, impact fees, business, professional, and occupational regulatory fees, green utility fees, building permit fees, and many special assessments for a minimum of 24 months. Local governments would be required to submit an application to the Department of Economic Opportunity for certification of an area as an enterprise zone.

HB 7067 passed on the House floor April 24. The bill passed the House and has been sent to the Senate for consideration where there are several comparable bills but no similar companion. A companion bill in the Senate, SB 1214 by Sen. Latvala, is now ready to move to the Senate floor.

HB 7003 Relating to Water Resources

HB 7003, sponsored by Rep. Caldwell, is a bill that revises a large number of provisions of Florida's water resource management policies. These revisions include designating the state's first and second magnitude springs as Priority Florida Springs (PFSs), requiring water management districts to improve their spring preservation policies regarding PFSs, requiring the Department of Environmental Protection to develop and implement a new uniform water supply, permitting, and resource plan with each of the state's water management districts, and requiring the DEP to provide a five-year funding plan for each of its water resource development projects. The bill passed on the floor of the House on March 5.

HB 7075 Relating to Transportation

HB 7075, filed in the House Transportation and Ports Subcommittee, is a committee bill that consolidates the language of numerous transportation bills into a single piece of legislation. Notably, it includes some of the language that was formerly a part of HB 231, by Representative Passidomo, which would have re-defined the state's existing bicycle safety legislation to include pedestrians and people riding virtually every form of non-motorized vehicle in a bicycle lane. The bill would also have defined what constitutes a bodily injury in the case of an accident with a bicyclist or anyone else using a non-motorized vehicle. In addition to all of this, HB 231 would have clarified that every part of the vehicle, including parts that extend from it, such as the side

mirrors, must be no closer than three feet from a bicyclist when passing him or her. The bill would have prohibited drivers from making right-hand turns in front of bicyclists or pedestrians, and it would have prohibited harassing, taunting, or throwing objects from a car at bicyclists or pedestrians. The bill also would have prescribed misdemeanor penalties for any of these violations that do not cause bodily injury, and additional criminal penalties if they do cause bodily injury. Finally, the bill would have required that anyone applying for a driver's license be tested on his or her knowledge of bicycle and pedestrian safety laws before being granted a Florida driver's license.

HB 7075 keeps HB 231's language referring to noncriminal traffic infractions leading to injury or death, which states that any individual that commits a noncriminal traffic violation leading to serious injury or death within five years of committing a previous violation shall have his or her license suspended for a period of one year. HB 7075 also retains HB 231's definition of "serious bodily injury." Notably, HB 7075 does not include any references to bicycles or other non-motorized vehicles, which were the main focus of Passidomo's bill.

HB 7075 passed on the House floor on April 16.

HB 383 Relating to Private Property Rights

HB 383 would fundamentally change the way that property use settlements are handled at the county level. It requires that any governmental entity wishing to make use of private property prove that the use of that property provides some sort of benefit to the county or municipality in question. It also stipulates that a property owner may bring legal action against the county or municipality if he or she feels that the governmental entity is not using his or her property for a purpose that benefits the jurisdiction in question. The bill also allows for the reward of damages if the property owner feels that his or her property was used in an unconstitutional manner, even if the issues were previously resolved. HB 383 will now move to the House floor.

This section does not apply to any actions taken by a county with respect to the adoption of a Flood Insurance Rate Map issued by the Federal Emergency Management Agency for the purpose of participating in the National Flood Insurance Program, unless such adoption incorrectly applies an aspect of the Flood Insurance Rate Map to the property, in such a way as to, but not limited to, incorrectly assess the elevation of the property.

Implementation of Amendment 1

Amendment 1 is an amendment to the Florida State Constitution that was passed in 2014, which fundamentally alters the way that documentary tax stamp revenues are spent by redistributing 33% those revenues to the Department of Environmental Protection (DEP) Land Acquisition Trust Fund, and it consolidates the vast array of environmental protection trust funds that the state currently maintains into a smaller and better organized set of funds within the DEP, the Agency for Persons with Disabilities, the Department of Agriculture and Consumer Services, the Department of State, and the DOT. The amendment also prohibits those funds from becoming mixed with other sources of revenue, which previously made it virtually impossible to accurately determine how much money was going into the environmental protection trust funds. In order to carry out the provisions of the amendment, SB 584 and 586 have been filed in the Senate, and it

will be important to watch these bills closely as they continue to move through the legislative process.

SB 584 Relating to Implementation of the Water and Land Conservation Constitutional Amendment (Dean)

Implementation of the Water and Land Conservation Constitutional Amendment; Terminating certain trust funds within the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the Fish and Wildlife Conservation Commission; requiring monies in land acquisition trust funds created or designated to receive funds under s. 28, Art. X of the State Constitution to be retained in those trust funds; repealing provisions relating to beach erosion control project staffing; authorizing a percentage of proceeds from the phosphate rock excise tax to be credited to the State Park Trust Fund, etc. Effective Date: July 1, 2015

This bill is part of the Amendment 1 restructuring effort in the Senate. The bill terminates trust funds in order to comply with the prohibition on commingling funds in the Amendment. More specifically: Florida Communities Trust (FCT) Fund is terminated and funds are redirected to the Land Acquisition Trust Fund (LATF) and the Internal Improvement Trust Funds; the Ecosystem Management and Restoration Trust Fund is terminated and funds are redirected to the LATF, the Coastal Protection Trust Fund, the Water Quality Assurance Trust Fund, and the Florida Permit Fee Trust Funds; the Water Management Lands Trust Fund is terminated and funds currently deposited in that trust fund are redirected to the LATF and the Water Quality Assurance Trust Funds; and the Conservation and Recreation Lands (CARL) Trust Funds in DACS, the DEP, and FWCC are terminated and funds redirected.

After a series of technical amendments, the bill was passed unanimously by the Appropriations Subcommittee on General Government, without comment or debate and in the full Appropriations Committee, its final reference. Last week, the bill was passed off of the Senate Floor, was received by the House, amended with the House bill 1291, and is in returning message. The House is posturing for Budget Conference. NO CHANGE
For more on Amendment 1 restructuring legislation, please see SB 586/HB 1291.

SB 586 Relating to Implementation of the Water and Land Conservation Constitutional Amendment (Dean)

Implementation of the Water and Land Conservation Constitutional Amendment; Providing that specified distributions to the Land Acquisition Trust Fund are not subject to the service charge unders. 215.20, F.S.; repealing provisions relating to beach erosion control project staffing, funding for the state's beach management plan, and the Florida Preservation 2000 Trust Fund; requiring specified public recreation projects to have been selected through the Department of Environmental Protection's competitive selection process prior to the release of funds, etc. Effective Date: July 1, 2015

This bill restructures the documentary stamp allocation formula in s. 201.15, Florida Statutes, to ensure that the Land Acquisition Trust Fund (LATF) receives at least 33 percent of net revenues pursuant to Amendment 1. The bill provides that revenue distributed to the LATF is not subject to the General Revenue service charge and provides that all revenue from doc stamps is pledged and must first be made available to pay debt service on Florida Forever and Save our Everglades bonds.

One area that could be significantly impacted from this restructuring effort is the funding of State and Local Housing trust funds. Under the current statutory distribution formula and using FY 15/16 projections from the Revenue Estimating Conference, the State and Local Housing Trust Funds would receive approximately \$266 million. Under the revised distribution to implement SB 586, the trust funds would receive only \$154 million (a \$112 million impact. Last week, the Appropriations Chair had a restored the funding for state and local housing. With the Amendment, the bill was passed unanimously and is now on the Senate floor.

The House bill 1291 also maintains the current level of funding for the state and local housing trust funds, and also maintains PILT funding. With the exception of SB 586, the House took up the Senate implementing bills, refused to concur, amended 1291 onto SB 584, and they are in returning messages. The House is posturing for Budget Conference.

HB 1291 Relating to Implementation of Water and Land Conservation Constitutional Amendment (Boyd)

Implementation of Water and Land Conservation Constitutional Amendment: Terminates obsolete trust funds and provides for disposition of balances; revises distributions of documentary stamp tax revenues into certain trust funds; revises distributions of revenues upon sale of certain lands; reenacts the Land Acquisition Trust Fund; deletes obsolete provisions relating to use of bond and trust fund proceeds; conforms provisions. Effective Date: July 1, 2015

(See previous notes on SB 586.) This bill restructures Florida Statutes and the trust funds therein to comport with and implement Amendment 1. This bill does not allocate any funding. As for policy, the bill maintains the current level of funding for the state and local housing trust funds, and also maintains PILT funding. The bill was heard on Second Reading and then laid on the table, after being amended onto the Senate implementing bill (SB 584). The House failed to concur with any of the Senate implementing bills, and requested waiting for a conference committee. Bill(s) are expected to pass eventually.

Creation of New Land Acquisition Trust Funds

Four bills filed by Senator Dean on January 30 will create several divisions of the Land Acquisition Trust Fund within the Agency for Persons with Disabilities, the Department of Agriculture and Consumer Services, the Department of State, and the Department of Transportation. Documentary tax stamp revenues deposited within the Department of Environmental Protection's Land Acquisition Trust Fund (LATF) will be further appropriated to these trust funds, and from there they will be appropriated to various state environmental programs. This will allow every dollar deposited into the LATF at the Department of Environmental Protection (DEP) to be easily tracked to its final destination. Senate bills 576, 578, 580, and 582 passed the floor of the Senate on April 1 and on the floor of the House on April 2.

SB 1414 Relating to Juvenile Justice Costs

SB 1414, sponsored by Sen. Bradley, requires that juvenile justice costs be split between county governments and the state government, with counties paying 60% of the costs and the state paying the remaining 40%. Fiscally constrained counties would be exempt from this funding provision. SB 1414 is now in the Senate Appropriations Committee. A similar committee bill in the House (albeit with a 57%-43% split between the counties and the state), HB 5201 has been placed on the House Special Order Calendar.

On April 22, Florida Division of Administrative Hearings Judge David Watkins issued his ruling regarding juvenile detention cost share. While there were many arguments made during the course of this rule challenge, the judge ruled with counties on all but one of them. The judge ruled that the Department of Juvenile Justice (DJJ) should not automatically assume that a juvenile arrested within two days of impending incarceration has committed a new violation and charge counties accordingly, that if an adjudicated juvenile is on probation and is arrested for the new violation, the state is responsible for those costs, that the DJJ should use actual costs, not a legislative appropriation to determine the individual county cost share, that counties are required by law to be consulted when DJJ is estimating and reconciling billing costs; and that the existing

law clearly states that DJJ is responsible for "preadjudicatory non-medical educational or therapeutic services," yet this was not a cost assumed in the rule.