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Community Leaders Advocate Support for Port Everglades at State Capitol

Led by Commissioner Chip LaMarca and Port Everglades Chief Executive Phil Allen, a group of business and community leaders last week descended on Tallahassee to push for funding and legislative initiatives supporting Florida's ports, especially Port Everglades.



Representatives from Stiles, FEC, Paradise Bank, Greater Fort Lauderdale Alliance, Broward College, Holland America, the Port Everglades Pilots Association, and the Port Everglades Association participated in key meetings with Florida leaders to stress the importance of growing Port Everglades, one of the state's major economic engines, supporting trade growth, and readying Florida's ports for the future through infrastructure investment initiatives. In particular, the group attended the Senate Transportation Committee meeting Thursday morning to support SB 1168, Freight and Logistics Development Incentive legislation sponsored by Sen. Ring. The bill creates additional statutory investment programs to enhance the growth of freight and logistics businesses in Florida by:

- increasing the minimum statutory funding level for the state's on-port investment program from \$8 million to \$15 million;
- creating a new Strategic Port Investment Incentive program with a minimum statutory funding level of \$35 million for projects that provide important access and major on-port capacity improvement; and
- authorizing a tax credit of \$3,000 per job that is created or equal to 5% of the capital investment by a Florida business in a freight and logistics facility that exports or imports cargo through a Florida seaport.

The group also discussed restoring DOT's recent \$1.03 million cut to the programmed funding for Port Everglades' Turning Notch project. Meetings were held with Lt Governor Jennifer Carroll, CFO Jeff Atwater, Senate President Mike Haridopolos, House

Appropriations Chair Denise Grimsley, DOT Secretary Ananth Prasad, DEO Executive Director Doug Darling, Rep. Mike Horner, Rep. Brad Drake, Rep. Lake Ray, Sen. Benauquisto, Sen. Latvala, and several Broward Delegation members including Sen. Rich, Sen. Ring, Sen. Bogdanoff, Rep. Jenne, and Rep. Moraitis. As a result of these meetings, Rep. Moraitis and Rep. Jenne signed a joint letter to the Governor Scott and FDOT Secretary Prasad stressing the importance of funding for the port's major projects, such as the ICTF and Turning Notch projects, and urging them to make Port Everglades a priority as the state develops its seaport funding plan.

Vice Mayor attends Everglades Summit

Although it is only the second week of the Florida Legislative Session, many of our local officials have begun to advocate on behalf of Broward County residents, businesses, and visitors.

Vice-Mayor Kristin Jacobs attended the Everglades Summit on Jan. 17-18. This Summit proved to be an invigorating and thought provoking event. The Everglades ecosystem is an essential link between water storage supply and water supply for over 7 million Floridians. Florida's and Broward County's boating tourism, real estate, recreational and commercial fishing industries depend on a healthy Everglades ecosystem – supporting thousands of jobs and contributing billions to our economy.

In addition to participating in the Summit, Jacobs also met with several key state legislators to discuss more Broward County priorities. In a meeting with Rep. Hager, they discussed the issue of tri-rail expansion and fiscal conservation in areas of transportation within state and county budgets. Rep. Hager is a tri-rail rider and supports the system. It was also noted that the tri-rail program is the most successful New Start in the country.

A meeting with Rep. Bennett proved beneficial as he agreed to run a larger SunShot amendment for the Solar grant Broward County received late last year. Presently, even when documents are submitted electronically for a permit application, homeowners are still required to personally appear to sign. This amendment would ensure that a streamlined electronic permit application and approval process is realized. Broward County, in collaboration with Florida Power & Light (FPL) and 14 local municipalities, will receive a \$646,367 grant to develop innovative policies and procedures that will make it easier for homeowners and businesses to install solar photovoltaic (PV) systems, while saving time and money for local governments facing tight budgets.

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As has been proposed since the Governor's Budget was released, revenue estimates seem relatively consistent, projecting between a \$1.5 and \$2 billion deficit. The House delivered in budget allocation late Thursday, continuing to assert that a delay in the appropriations process is unnecessary, since later budget projections will likely remain unchanged. Rumors about extended sessions, special sessions and truncated regular session, continued to dominate the second week, although by week's end there appeared to be growing consensus the House and Senate would prepare the budget in the 60 day session, rather than waiting until a March/April revenue estimate/budget projection.

Legislative and Executive leadership continue to be optimistic that revenue estimates may be slowly, but consistently improving. As a result, Sen. Alexander, Chair of the Senate Budget committee, has said appropriations subcommittees will begin releasing

budget proposals next week, assuring the budget process remains on track for a conclusion within the allotted 60-day regular session. Chair Alexander has asserted that if a delay is in order, they would make that decision in February. Speaker Cannon has said the House allocations trigger automatic cuts while preserving budget reserves; thus avoiding a need to delay the budget process.

A full analysis of budget recommendations will occur once the Senate releases its allocations in late January.

Red Light Citations for Deceased Persons

This week, OIAPS staff and contract lobbyists assigned to the issue, met with and submitted amendatory language to Rep. Nehr who has agreed to accept the amendment on his bill, HB 343, when it is heard in its next committee of reference - Transportation and Economic Development Appropriations Subcommittee.

Firearms Preemption

Efforts continue to have SB 1340 and HB 1087 heard, allowing Broward County's language that excludes certain county buildings, substance abuse/behavioral health treatment facilities, as well as sexual assault treatment facilities from current law, which presently allows the carrying of concealed weapons into those establishments.

Ocean Outfall

SB 724 passed its first committee and will be heard in its second committee, Community Affairs, on Monday, January 23rd at 10AM. Its last committee of reference is Senate Budget. HB 989 unanimously passed two committees this week (a rare event in the process), Agriculture & Natural Resources Subcommittee, 13 – 0, and the State Affairs Committee, 15 – 0. The House bill is now on the calendar and ready for floor action.

The bills, maintain the existing 2025 deadline for final compliance and accomplish the following:

- Authorization to discharge up to 5% of annual (peak) flows for more cost effective management, thereby reducing by more than half the capital cost of additional treatment and disposal capacity. Allowing up to 5% of annual flows to continue to be discharged thru the outfalls during peak flow events would reduce the capital cost of needed facilities by \$820 million for Miami-Dade County, \$300 million for Broward County.
- Adding the option to apply the 60% reuse requirement to the entire utility wastewater flows instead of just the outfall flows, thereby gaining credit for reuse that is already planned at facilities not served by the outfalls.
- Moving the plan submission date from 2013 to 2014 and the initial nutrient reduction compliance date from 2018 to 2020; the 2025 date remains the same for closing the outfalls to all but peak backup reuse flows.

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Destination Resort Gaming/Internet Cafes

Gaming bills continue to be significant issues in both the House and Senate this week. Myriads of advertisements by both opponents and proponents began running in the Tallahassee market. As summarized in the Week 1 State Legislative Update, the Senate Regulated Industries committee took up and passed SB 710 with several amendments. The Senate bill has two remaining committee references, and it is unclear that Sen. Thrasher, who is a strong opponent of expanded gambling overall, will calendar the bill to be heard in the Rules committee, which he Chairs. The House this week held its first workshop on the issue of gaming in Florida. It is unclear as of this writing whether HB 487 will be heard in committee the third week.

Internet Cafes' treatment is a factor both within the larger Destination Gaming bills, as well as in separate legislation dealing solely with their proliferation and regulation. Members of the legislature drastically differ on how internet cafes should be addressed, some choose an outright ban and others would prefer to go the direction of allowing internet cafes with strict regulation. SB 380 and HB 467 which regulate internet cafes, stand in direct contrast to SB 428 and HB 3, which eliminate them. As amended, SB 710 now includes regulation of the internet cafes, but does not ban them. The Committee on Business & Consumer Affairs Subcommittee passed HB 3 with a vote of 10-5. The Senate is moving in an entirely different direction. The Senate companion bill that bans internet cafes is SB 428 sponsored by Sen. Oelrich, was temporarily postponed during the Senate Regulated Industries committee this week. Of particular note is that the bill has two co-sponsors: Senator Gaetz, the incoming Senate President, and Senator Gardiner, who is in the running to be the following Senate President.

Local Business Tax Repeal

As reported in last week's update, Commissioner LaMarca presented to a House Subcommittee on the advantageous aspects of Local Business Taxes, especially as they are allocated and utilized in Broward County. Three bills, HB 1063 and HB 4025 by Rep. O'Toole/SB 760 by Sen. Hays, repeal all of Chapter 205, Florida Statutes and if passed, would take effect July 1, 2011. This same legislation filed in 2011, was temporarily postponed and completely tabled after pushback from local governments. SB 760 will be heard in Senate Community Affairs, on Monday, January 23rd, at 10AM, and Broward County will be testifying in opposition - reiterating many of the points made by Commissioner LaMarca in the House.

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Developments of Regional Impact

SB 1180 by Sen. Bennett/HB 979 by Rep. Diaz seek to require that reviewing agencies make only recommendations and comments regarding a proposed development which are consistent with statutes, rules, or adopted local ordinances applicable to all developments in the jurisdiction where the proposed development is located; provide legislative intent regarding the issues that may be considered during the development-of-regional-impact review process; require that a local government having jurisdiction rescind a development-of-regional-impact development order, upon request, and upon a showing that all required mitigation related to the amount of development that existed on the date of rescission will be completed under a permit or other authorization issued by a governmental agency. Effective Date: July 1, 2012

Commercial Fertilizer Application

The House Community & Military Affairs Subcommittee considered HB 421, by Rep. Smith, on Wednesday of last week. Originally, the bill would have exempted from all local fertilizer ordinances those commercial fertilizer applicators who had obtained a limited certification. Certification would require the applicator to follow Department of Environmental Protection established best management practices. The subcommittee, however, amended the bill by a 7-6 vote to only exempt commercial applicators from outright seasonal fertilizer bans, but to otherwise allow for local regulation.

Several local governments have enacted fertilizer bans that apply during the rainy season. After significant debate on the bill as amended, the subcommittee temporarily postponed HB 421. While not added to the calendar yet, the bill may be taken up again by the Community & Military Affairs Subcommittee this week. The Senate companion, SB 604 by Sen. Dean, is now in the Environmental Preservation and Conservation Committee, but will likely not be heard this week.

Statewide Environmental Permitting

The Senate Environmental Preservation and Conservation Committee will be considering SB 1354, by Sen. Detert, on Tuesday afternoon. SB 1354 would direct the Department of Environmental Protection (DEP), in coordination with the water management districts, to adopt statewide environmental resource permitting (ERP) rules for activities relating to storm water management. Specifically, the rules would provide for statewide consistency in terms of types of permits, review procedures, exemptions, fee categories, and forms. Counties with ERP delegation, like Broward County, would be required to amend their local ordinances to conform to the statewide ERP rules.

Broward County, along with other counties currently seeking ERP delegation, has had concerns about the bill as written, in that it does not explicitly authorize local programs to adopt stricter or additional standards where necessary. The County is working with the DEP and other stakeholders to amend the bill to include language ensuring that local programs retain the flexibility to implement stricter standards when necessary to adequately protect water quality and comply with federal law. Additionally, DEP has maintained throughout the process that the intent is to establish a statewide ERP baseline and promote a streamlined process, while still allowing local programs the ability to implement more stringent standards. SB 1354 will be heard at 3:30pm on Tuesday. The House companion, HB 7003 is currently in the State Affairs Committee.

Correction to Week 1 SLI, Number 7 - Volume XIV

In last week's update, we erroneously reported that Commissioner Lieberman met with Senator Bennett to discuss the County's Sunshot grant and an amendment to current law allowing property owners seeking to install solar panels on their residential properties to submit building permit applications electronically. Though scheduled to meet with Sen. Bennett, Commissioner Lieberman was testifying before the House Transportation and Highway Safety Committee at the time of the scheduled meeting. Therefore, at her direction, OIAPS staff met with Sen. Bennett to talk about the amendment. We apologize for the error.

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