

# Florida Association of County Managers Workshop

*Legislative Update & Policy Guidance*

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FAC Legislative Team  
June 30, 2016



# 2016 Session Highlights

## Juvenile Detention Cost Share

**SB 1322 (J. Latvala) PASSED** – 50/50 split of prior year’s total shared costs

## Comprehensive Water Policy

**SB 552 (Dean) PASSED**

## Legacy Florida

**HB 989 (Negrón/Harrell) PASSED**- dedicates Amendment 1 funds for certain water projects

## Behavioral Health

**SB 12 (Garcia) PASSED** – Comprehensive behavioral health legislation providing for a “No Wrong Door” model for persons w/ MH or SA disorders; directs counties to plan & implement receiving systems & transportation plans by July 2017

# 2016 Session Highlights

## Behavioral Health

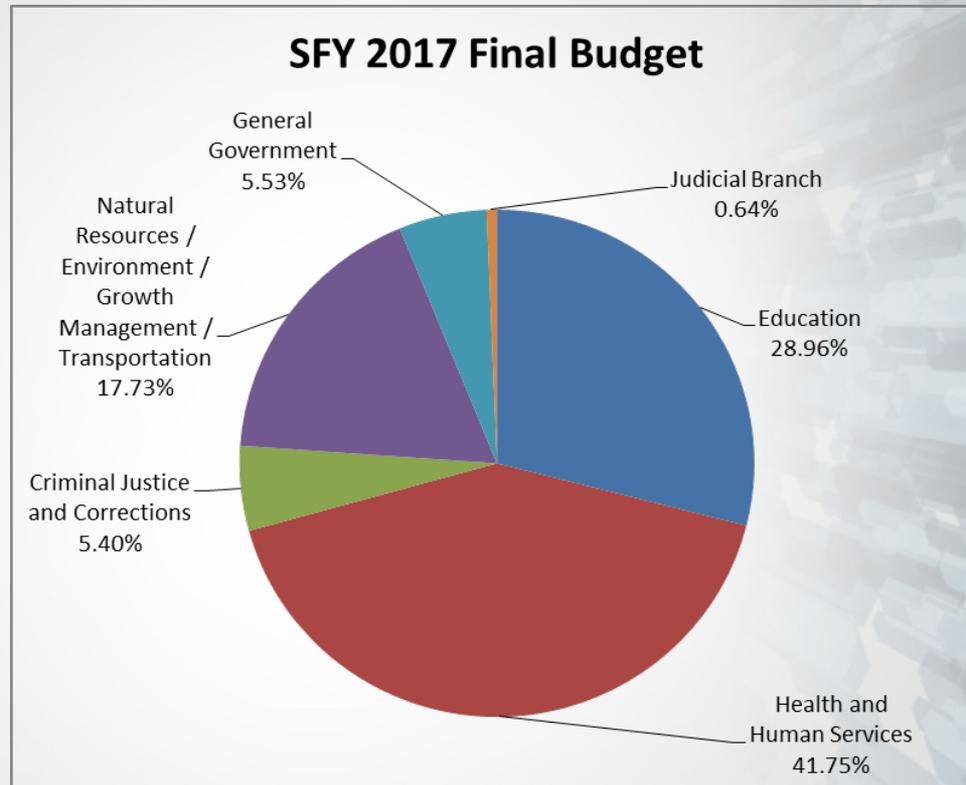
**HB 439 (McBurney) PASSED** – Provides statutory authority for counties to establish MH court programs; creates a Forensic Hospital Diversion Pilot Program (Broward, Duval, Miami-Dade)

**SB 1534 (Simmons) PASSED** - provides more flexibility & accountability for homelessness & affordable housing programs (SHIP, SAIL, Challenge grants); encourages the use of Rapid ReHousing model

# SFY 2017 Budget

The final adopted budget for State Fiscal Year (SFY) 2017 totals approximately **\$82.2 billion** and represents an estimated **\$3.76 billion** increase from the 2015 General Appropriations Act defining the state budget for SFY 2016.

- General revenue expenditures for SFY 2017 total approximately **\$30.19 billion** and trust fund expenditures total approximately **\$51.96 billion**, an 8.16% and 2.93% increase respectively.



# SFY 2017 Budget - County Funding Highlights

## Transportation and Economic Development

- Funding equal to \$135M for the **S.H.I.P.**, to provide for affordable housing (~35% increase).

## Health and Human Services

- **Community Mental Health Services** and **Substance Abuse Services** received total of \$708,071,639
- An additional \$10.2M for transitional housing for persons w/ severe behavioral health disorders
- \$5M in **Challenge Grants** to lead agencies of homeless assistance continuums of care (\$1M increase)
- \$607,825,452 **Low Income Pool** (~\$400k reduction)

## Public Safety

- **County Juvenile Detention** at \$42.5M(\$12M reduction); fiscally constrained offset at \$3,883,853
- \$79,526,607 is provided for **Delinquency Prevention and Diversion programs** (~\$4.5M decrease), of which \$19,056,099 is appropriated for the **PACE Centers** (~\$5M increase)

## Agricultural and Environmental

- The appropriation for **water projects** is \$61,593,255 (~\$15 million decrease)
- The appropriation for **beach renourishment** is \$32 million (\$4 million increase)
- \$906M in **Amendment 1 funds** allocated to 4 executive agencies for debt service, HR, land, water projects

## General Government

- Funding equal to \$24,449,440 for **libraries**

*Complete analysis available on FAC Website*



# 2017 Policy Preview

## Sentencing Reform/Possible Shift of Prison Inmates to Jails

- \$164,250 appropriated for a comprehensive review of Florida's criminal justice system, including but not limited to:
  - criminal law and procedure, law enforcement, prosecution and defense of criminal offenses, the judicial and courts system, sentencing, and corrections;
  - both adult criminal justice system & juvenile justice;
  - written report of the findings and recommendations for improvements provided to the Governor, President of the Senate and Speaker of the House of Representatives on or before March 1, 2017.

# 2017 Policy Preview

## AirBnB /TDTs

- AirBnB is presenting counties with proposed Voluntary Collection Agreement for Tourist Development Taxes to help “facilitate the reporting, collection & remittance of occupancy taxes”
- Prospective collection only; Waiver of Look Back
- Issue: Can Tax Collector or BOCC legally waive tax liability? FACA Tourist Development Tax Subcmte. researching
- DOR on behalf of 22 counties it administers has entered into agreement; 7 other self-administered counties have too
- Palm Beach County Tax Collector is suing AirBnB for TDTs; Monroe actively seeking out other counties for possible class-action

# 2017 Policy Preview

## Workers Compensation Reform

Key parts of the workers compensation system have recently been struck down:

### First District Court of Appeal:

- Miles v. City of Edgewater – prohibiting claimants from paying attorney's fees out of their own funds to litigate WC claim unconstitutional; fees can now be earned regardless of whether benefits are secured

### Florida Supreme Court:

- Castellanos v. Next Door Co.- attorney fee schedule (statutory caps) in s. 440.34, F.S. unconstitutional as it violates access to courts; return to hourly fees
- Westphal v. City of St. Pete- s. 440.15(2)(a), F.S., which cuts off disability benefits after 104 weeks to a worker is totally disabled but hasn't reached MMI unconstitutional; revert back to 260 weeks – 5 years of eligibility not 2 years.

# 2017 Policy Preview

## Workers Compensation Reform

NCCI has proposed a 17.1% rate increase

- Significantly, the rate increase does not include:
  - The impacts of the *Miles* decision - after Miles, attorney fees can be earned regardless of whether benefits are secured
  - The retroactive impact of the *Castellanos* decision (attorneys can re-open cases)
  - The unfunded liability created due to the retroactive nature of the *Castellanos* decision
  - The impact of the *Westphal* decision

# 2017 Policy Preview

## Regulatory Reforms – Face of New Economic Development?

- Legislature did not fund key economic development tool: Governor's \$250M Enterprise Fund - incentive monies given to companies looking to expand in Florida
- Why? House Leadership philosophy on “corporate welfare”
- Enterprise Florida under fire – CEO resigned, reorganization
- What can we expect?

# Legislative Constitutional Amendments

## HB 1009 (Metz)- Exemption for Disabled First Responders (Amendment 3)

- Proposes Constitutional amendment to allow the legislature to grant a full or partial property tax exemption on homestead property to first responders that are totally and permanently disabled as a result of injuries sustained in the line of duty.
- Subject to the approval by 60 percent of the voters in the November 2016 general election, the proposed amendment will take effect on January 1, 2017.
- Estimated county fiscal ~\$3M

# Legislative Constitutional Amendments

## CS/HJR 193 (R.Rodrigues) -Renewable Energy Device Assessment Limitation (**Amendment 4**)

- Proposes an amendment to the Florida Constitution to allow the Legislature to exempt the assessed value of a renewable energy device from tangible personal property tax and the installation of those devices from determining the assessed value of real property, both residential and nonresidential.
- CS/HB 195 schedules a special election on **August 30, 2016** for this proposed constitutional amendment; no implementing bill.
- If approved by 60 percent of voters, the amendment would take effect January 1, 2018 and expire on December 31, 2037.

# Legislative Constitutional Amendments

## HJR 275 (Avila)- Exemption for Low-Income Seniors (Amendment 5)

- Proposed amendment to the Constitution that clarifies provisions of an existing amendment that was approved by the voters in 2012.
- The proposed amendments would clarify that the value limitation of \$250,000 of just value of a homesteaded property is required at the time of the initial application.
- The amendment takes effect January 1, 2017, if approved by 60 percent of the voters and adopted by a city or county, but operates retroactively to January 1, 2013 for exemptions granted as of January 1, 2017.
- CS/HB 277 (Avila) implements HJR 275

# Questions, Discussion & Guidance



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