



FLORIDA
ASSOCIATION OF
COUNTIES

Legislative Bulletin

March 12, 2010

Legislative Session: Week 2

FAC Video Newsletter

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Lee County Loses Valued Leader

Lee County Commissioner Bob Janes passed away on Wednesday. Commissioner Janes had a long and varied career in public service including serving in the United States Army, he was appointed the Associate Director of the Office of Intergovernmental Relations for the Vice President of the United States and also served as Chairman of the Hennepin County Board of Commissioners in his hometown of Minneapolis, MN. As a County Commissioner, he served as the 4th Vice President and Chairman of the Health and Education Committee of the National Association of Counties.

While representing Sanibel, Captiva, Cape Coral and Pine Island in Lee County, Commissioner Janes was an invaluable member and dedicated servant to advancing FAC's mission to preserve and protect home rule. He served on many committees and was committed to the environment and preserving Florida's precious resources. His family at FAC will miss him and his dedication to counties across our state. Our thoughts and prayers go out to his wife, Lynda, and their three children. The family has asked that in lieu of flowers donations be sent to the Bob Janes Preserve. A memorial fund for Janes has been set up through the Conservation 20/20 Program and donations will be used on the 5,620-acre preserve named in his honor. They can be sent in care of Cathy Olson, Conservation 20/20 Program, 3410 Palm Beach Blvd., Fort Myers, FL 33916. Checks should be made out to "Lee County Board of County Commissioners." Write Bob Janes Memorial Fund in the note section.

Recycling a Hot Topic in Senate Committee

[SB 570](#) relating to Recycling, by Senator Constantine, was workshopped in Senate Environmental Preservation and Conservation. A strike-all amendment was discussed, but withdrawn. The amendment as drafted would have amounted to a significant deregulation of solid waste at both the state and local level, and would have been harmful both to the environment and local governments. While intended to encourage construction and demolition debris, it would have gone much further than that. As such, committee staff are currently working on a rewrite of the amendment. The bill will be heard again in the committee next week.

Elections Equipment Extension Moves Through Committee

[Ag Preemption](#)[Yard Trash](#)[Water Issues](#)[Chapter 373](#)[Mining](#)[Promotion Title](#)

On Wednesday, the House Government Affairs Policy Committee heard a [proposed committee bill](#) that delayed the requirement for counties to purchase voter interface devices for Americans with Disabilities under the Help America Vote Act. The current date in statute is 2012, the extension would give Supervisors of Elections until 2016 to purchase the new equipment and train poll workers on the new technology. Susan Gill, Citrus County Supervisor of Elections, and David Stafford, Escambia County Supervisor of Elections, were there in support of the bill. Gill spoke about the debt Supervisors still have from the previous equipment purchase. Richard La Belle, Executive Director of the Family Network on Disabilities, and Doug Towne, CEO of the Disability Relations Group, voiced their concerns over the existing technology. These groups do not believe the Automark (paper ballot equipment) is best suited for all persons with disabilities. They are asking that the legislature extend the deadline until new technology develops. The American Civil Liberties Union of Florida voiced opposition to the bill stating that Florida should not make individuals with disabilities wait any longer for acceptable equipment. She also mentioned the Governor's opposition to the bill. The proposed committee bill passed unanimously out of committee.

Bills We Mention

[HB 7101](#)[HB 325](#)[HB 923](#)[SB 1408](#)[PCB FTC 10-03](#)[SB 346](#)[SB 1410](#)[SB 1164](#)[HB 151](#)[HB 1241](#)[HB 335](#)[SB 2436](#)[SB 156](#)[HB 655](#)[SB 1254](#)[SB 690](#)[HB 163](#)[SB 1202](#)[SB 1484](#)[PCB GAC 10-04](#)[PCB MLA 10-06](#)[PCB MLA 10-07](#)[SB 360 \(2009\)](#)[SB 570](#)[PCB ANR 10-08](#)[SB 2074](#)[HB 569](#)[SB 1052](#)

Dueling Dot.com Bills on the Table in House and Senate

[SB 156](#) has been filed by Senator Lynn and [HB 335](#) has been filed by Representative Long. In summary, the proposed legislation attempts to clarify the application of the requirement to collect and remit taxes on the full amount charged by internet intermediaries for the rental of hotel rooms. The senate version has been referenced to four committees and has not been placed on agenda for its first hearing. The House version has three committees of reference and was recently discussed in a workshop by the House Finance and Tax Council, however no vote was taken on the matter. FAC SUPPORTS this legislation. Additionally [SB 2436](#) by Sen. Gaetz and [HB 1241](#) by Rep. Patronis are bills that have been filed in direct opposition to the above bills and the current FAC position in favor of the online companies.

DCA Sunset Review

On Thursday, the Government Accountability Council approved [PCB GAC 10-04](#), which reenacts the Department of Community Affairs as the state land planning agency. The bill also reenacts and transfers the Small County Technical Assistance Program from the Department of Agriculture to the Department of Community Affairs. Both issues are policy priorities for FAC. The bill will now be referred to substantive committees in the House. On the Senate side, a shell bill has been filed by Senator Mike Bennett but draft language has not been developed. The Senate Community Affairs Committee has policy responsibility for this issue.

Homelessness Bill Moves to Next Committee Stop

[PCB ANR 10-10](#)[PCB ANR 10-09](#)[SB 1338](#)[HB 617](#)[HB 1109](#)

Calendar of Events

March 24
FAC Legislative Day

March 25
CCC Workshop: Ethics

March 26
CCC Workshop: Growth
Management

April 8 - April 9
ACC Program - Part 3 of 3

April 30
Last day of the 2010 Legislative
Session

June 29 - July 2
FAC Annual Conference

[HB 923](#) by Representative Reed passed favorably out of the House Health Care Services Policy Committee this week. The bill creates and revises multiple sections of the law relating to homelessness. Of note are the provisions that authorize the collection of voluntary contributions to be added to motor vehicle registrations and drivers licenses, limit the amount a lead agency can spend on administrative costs under a Challenge Grant, and replace the existing Emergency Financial Assistance for Housing program with a homeless prevention grant program administered by local homeless continuums of care to provide emergency financial assistance to families facing the loss of their current home due to financial crises.

Funding for Trauma Centers Stays in Red Light Camera Bill

The [Red Light Camera bill](#) was in the House Health Care Regulation Policy Committee on Tuesday. There were amendments filed on the bill that would have removed funding for the trauma centers. Melissa Wandall, widow of Mark Wandell, appeared before the committee to advocate for the passage of the legislation that included funding for the trauma centers. She mentioned that the night her husband died, there were eight people sent to the trauma center, and her husband was sent to the morgue. Wandall indicated that this bill is strictly a public safety measure and is intended to stop people from running red lights and save lives. The amendments were defeated, the trauma funding remains in the bill, and the measure moves to the next committee stop.

Working Waterfront Property Assessments

[SB 346](#) has been filed by Senator Dean, [SB 1408](#) has been filed by the Senate Finance and Tax committee, [HB 0073](#) has been filed by Rep. Robaina, and the House Finance and Tax Council has filed [PCB FTC3 \(FTC 10-03\)](#). In summary, the bills, in varying degrees, implement section 4(j), Article VII of the State Constitution which provides for the classification of designated waterfront property as "working waterfront property". The bill specifies that the assessed value of such property be based on current use and determines a methodology for calculation purposes. In the Senate, it is not clear as to what bill will prevail, however the major differences involve the breadth of scope of what types of property are included in the working waterfront definition. [SB 346](#) defines the classification in a more narrow sense and has an estimated impact of @\$39 million in the first year of implementation. [SB 1408](#), which is a bit more inclusive, has an estimated impact of @\$44 million in the first year of implementation. The House version will probably mirror the prevalent Senate version and will more than likely proposed through the Finance and Tax [PCB](#). FAC SUPPORTS the concepts contained within the subject legislative proposals.

Wind Resistance Improvement Measure Passes Senate Community Affairs

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2010
Legislative
Day

FSU
Conference Center

Leon County
March 24, 2010

[SB 1410](#) has been filed by the Senate Finance and Tax committee. In summary, the bill implements section 4(i), Article VII of the State Constitution which prohibits a property appraiser from considering changes or improvements made for the purpose of improving the property's resistance to wind damage in determining the assessed value of the residential property. The bill applies to new and existing construction, however only improvements that exceed the existing Florida Building Code may be exempted on new construction. The bill was passed favorably out of the Senate Community Affairs committee and will now be heard in the Finance and Tax committee. FAC SUPPORTS the concepts contained within the subject legislative proposal. [HB 151](#) by Rep. Frishe and [SB 1164](#) by Sen. Fasano are similar bills that have been filed.

Residential Property Assessments - Energy Efficiency Improvements

[SB 1410](#) has been filed by the Senate Finance and Tax committee. In summary, the bill implements section 4(i), Article VII of the State Constitution which prohibits a property appraiser from considering the installation and operation of a "renewable energy source device" in determining the assessed value of residential property. The bill applies to new and existing construction and defines a specific list of "renewable energy source device". The bill was passed favorably out of the Senate Community Affairs committee and will now be heard in the Finance and Tax committee. FAC SUPPORTS the concepts contained within the subject legislative proposal. [HB 151](#) by Rep. Frishe and [SB 1164](#) by Sen. Fasano are similar bills that have been filed.

Senate Introduces Medicaid Reform Bill

The Senate Health and Human Services Appropriations Committee revealed today [SB 1484](#) will serve as the Medicaid Reform expansion bill. The legislation directs AHCA to seek an extension of the Section 1115 Waiver and expand the pilot to counties with 2 or more managed care plans and then to additional counties as plan capacity develops. Other provisions of the proposed bill are outlined below:

- Authorizes AHCA to expand the waiver to counties with 2 or more managed care plans with the capacity to accept all Medicaid patients and to additional counties as plan capacity develops
- Requires AHCA to fine any managed care plan which discriminates against a Medicaid recipient based on health status
- Requires managed care entities wishing to contract with AHCA to post a surety bond which will be used to pay the state a guaranteed level of savings in the event the managed care entity terminates its contract with the state
- Directs AHCA to extend the Medicaid reform waiver until June 30, 2014 and to preserve the low-income pool funding mechanism
- Revises requirements for choice counseling in reform counties
- Revises enrollment requirements in managed care plans for children in the child welfare system in Broward County
- Adds "plan performance as designated by the agency" as a criteria to be used by the agency in determining mandatory assignment for Medicaid patients who fail to select a managed care plan

The counties eligible for expansion are: Miami-Dade, Orange, Hillsborough, Pinellas, Brevard, Citrus, Hernando, Jefferson, Lake, Madison, Manatee, Osceola, Pasco, Polk, Seminole and Wakulla.

Gadsden, Liberty and Palm Beach counties qualify by having at least two managed-care plans but the plans could absorb only a portion of Medicaid enrollees.

[SB 1484](#) is currently a shell bill, members will be updated as soon as language is available.

Legislators Looking at Defining First Time Homebuyers

[SB 1254](#) has been filed by Senator Fasano and [HB 655](#) has been filed by Representative Domino. In summary, the bill proposes an amendment to the State Constitution to provide additional exemptions to first time homebuyers and reduce the cap on the increase of annual assessments on non-homestead property from 10% to 5%. The senate version has five committees of reference and the House version has three committees of reference. NOTE: This legislation was passed last session and is already on referendum for the Fall 2010 statewide elections. The bill is being reintroduced to broaden the definition of a "first-time homebuyer". FAC SUPPORTS the concepts contained within the subject legislative proposal in an attempt to have the cap number analyzed in depth and potentially re-addressed.

Senate Favors Local Government Accountability

[SB 690](#) has been filed by Senator Dean. In summary, the bill proposes to increase the level of detail that constitutional officers must include in annual budget submissions, requires internet posting of county budgets, and it changes the time period for the completion of the annual audit and the annual financial report. The bill has been passed favorably by three committees to date and has two committees of reference remaining. FAC SUPPORTS this legislation. However, there is currently no House companion legislation.

E-911 Fees See Progress in Senate

[SB 1202](#) has been filed by Senator Bennett and [HB 163](#) has been filed by Representative Gibbons. In summary, the bill proposes to implement the collection of a previously established fee for E-911 purposes on the sale of prepaid wireless calling cards. The bill proposes to collect the fee at the point of sale of the actual calling cards. The senate version was passed favorably by the Commerce committee and has five remaining committees of reference. FAC SUPPORTS this legislation.

Appropriations Begin

Both the Senate and the House appropriation committees have received their projected allocations (revenue) from the Senate President and Speaker respectively. All appropriations committees are beginning to finalize their recommended appropriations, as well as proviso and conforming language.

House Actions in Growth Management

The House Military and Local Affairs Committee approved 2 Proposed Committee Bills (PCBs) this week. The first bill, [MLA-06](#), was drafted in response to a pending court case challenging last year's growth management bill ([SB 360](#)). As drafted, [MLA-06](#) would allow any local government permit that received an automatic 2-year extension, as provided for under [SB 360](#), to remain in effect until the court invalidates [SB 360](#). Similarly, the PCB would also ensure that any dense urban land area county that elects to amend its comprehensive plan to create a Transportation Concurrency Exception Area (TCEA), such action would be valid irrespective of the court's decision.

The committee also approved [MLA-07](#) which addresses the interface between local government land use actions and military base encroachment concerns. Specifically, the bill is intended to clarify and strengthen legislation passed in 2004 requiring local governments to amend their future land use elements to address the compatibility of future uses on lands adjacent or closely proximate to military installations. Local governments were directed to amend their plans by June 30, 2006. This date was later changed to June 30, 2012. The bill replaces general definitions in law regarding "affected local governments" as a municipality "adjacent to or in close proximity to... a military installation" by identifying specific installations and local governments that are required to disclose certain information to improve communication between the bases and the local governments. It also includes a mandatory mediation process for any local government that fails to meet the June 30, 2012 compliance deadline and allows sanctions against the local government by the Administration Commission for failure to include criteria into its comprehensive plan by December 31, 2013.

Senate Meets on Inland Waters

The Senate Select Committee on Inland Waters met this week to present its report after concluding a series of meetings around the state. The report, among other things, recommends that cities and counties create regional maintenance entities (RMEs), the functional equivalent of "septic tank utilities", to manage the inspection and maintenance of onsite wastewater treatment systems. The concepts contained in the report will be workshopped in Senate Environmental Preservation and Conservation.

Ag Preemption

[SB 2074](#) by Senator Peaden passed Senate Agriculture this week, and [PCB-10-08](#) passed the House Agriculture and Natural Resources Policy Committee this week. The bills contain compromise language that FAC staff negotiated with agriculture representatives last year. The language is still of some concern, but is the closest to consensus the parties were able to reach last year. The stormwater language contained in the bill is still being discussed by the Florida Stormwater Association and agriculture representatives.

Yard Trash on Hold in Senate, Moves in House

[SB 1052](#) by Senator Gaetz was temporarily postponed by the Senate Environmental Preservation and Conservation Committee this week, since it was being discussed as a component of the overall recycling effort. [HB 569](#) by Representative Poppell passed the House Military and Local Affairs Policy Committee. The bills lift the current ban that prevents yard trash from being disposed of in Class I landfills, as long as the facility engages in gasification. Proponents of the bill argue that this change will help gasification landfills produce renewable energy. Opponents have expressed concerns that there are more environmentally friendly ways to deal with yard trash. Additionally, some counties have waste to energy facilities and may prefer that yard trash go to those facilities. While lifting the ban would only make the acceptance of yard trash voluntary, not all Class I landfills are owned by counties, so private facilities would be able to make a determination relating to the acceptance of yard trash that might conflict with the county's preference.

House Proposes Committee Bills on Water

PCBS [ANR-10-09](#) and [ANR-10-10](#) were workshopped in the House Agriculture and Natural Resources Policy Committee this week. The bills relate to demand management and water conservation, respectively. There will be a stakeholder meeting on Tuesday, March 16 at 8 am in 306 HOB for those of you who are in Tallahassee.

House Looks at Rewriting Water Resources Statutes

[HB 1109](#) by Representative Williams is up in the House Military and Local Affairs Policy Committee next week. The bill is intended to be a technical rewrite of Chapter 373, adding a new part VII to the statute and reorganizing all of the water supply provisions into this new part. This bill has been filed several years in a row. Each year, substantive amendments are added to the bill and it becomes controversial. This year, Representative Williams has committed to keep the bill clean and not allow any substantive amendments.

Mining Bill Passes in First Committee Stop

[HB 617](#) by Representative Bembry passed the House Military and Local Affairs Committee this week. The bill relates primarily to state regulatory issues associated with aggregate mining permits. Some counties expressed concerns initially, but the bill was amended to address those concerns. The companion, [SB 1338](#) by Senator Dean, has not been heard yet. Senate Environmental Preservation and Conservation is its first committee of reference.

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