



## Legislative Bulletin

April 9, 2010

Legislative Session: Week 6

### Video Newsletter

To watch this week's video newsletter [click here](#).

### Local Savings Act

To learn more about local savings [click here](#).

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### Bills We Mention

[SB 2592](#)

[HB 1107](#)

[SB 550](#)

### CALL TODAY: HB 445 Pretrial Release on Council Agenda Monday

[HB 445](#) by Representative Dorworth has been added to the [House Criminal and Civil Justice Policy Council](#) for Monday at 1:00 p.m. Please call your members on the [House Criminal and Civil Justice Policy Council](#) and let them know that you oppose this bill. A copy of the Association's talk sheet can be found here: [Pretrial Release Talk Sheet](#).

The bail bond industry is now floating an amendment that requires pretrial programs to certify the defendant's ability to pay for a surety bond. The defendant is then only eligible to participate in a pretrial program if he/she cannot afford bond. Please let your members know that you oppose this amendment. You can link to the amendment here: [SB 782 Amendment](#). You will note it is drafted to the Senate bill, but please focus on the substance.

Again, this is estimated to have a \$55,000,000 impact on local governments. Ask your members to OPPOSE [HB 445](#).

[Snyder, William D. \(R\)](#)Chair  
[Holder, Doug \(R\)](#)Vice Chair  
[Fetterman, Adam M. \(D\)](#), Democratic Ranking Member  
[Adams, Sandra \(R\)](#)  
[Ambler, Kevin C. \(R\)](#)  
[Domino, Carl J. \(R\)](#)  
[Eisnaugle, Eric \(R\)](#)  
[Garcia, Luis R. \(D\)](#)  
[Gibson, Audrey \(D\)](#)  
[Gonzalez, Eduardo \(R\)](#)  
[Grady, Tom \(R\)](#)  
[Robaina, Julio \(R\)](#)  
[Schenck, Robert C. \(R\)](#)  
[Thurston, Perry E. \(D\)](#)  
[Waldman, James W. \(D\)](#)  
[Weinstein, Michael B. \(R\)](#)

Pretrial supervision groups do not compete with private industry, but allow for defendants to be supervised while they are awaiting trial. Bond agents do NOT supervise defendants.

State and local law enforcement officers end up bringing defendants who fail to appear back to court, not bondsmen.

The Association estimates that this bill will have a fiscal impact of more than \$55,000,000 statewide on county and Sheriff budgets. By restricting pretrial supervision programs in favor of the bail industry, these bills would result in wasteful government spending by holding defendants in jail that could be placed on pretrial supervision more safely, more cost effectively and with better outcomes.

Study after study has shown that pretrial programs are more effective than bail bonds at ensuring public safety and decreasing the likelihood of reoffending. This bill will reverse many of the pretrial diversion, mental health courts and drug courts that so many partners in Florida have worked hard to create - saving millions in tax dollars.

[SB 382](#)[SB 1844](#)[SB 610](#)[HB 417](#)[HB 5703](#)[HB 5607](#)[SB 2022](#)[SB 1902](#)[HB 445](#)[SB 782](#)[SB 2700](#)[SB 2702](#)[HB 5001](#)[HB 5003](#)[HB 1227](#)[SB 2362](#)[SB 1742](#)[SB 274](#)[SB 282](#)[HB 7107](#)[HB 1445](#)[PCB GGPC 10-02](#)[PCB EUP 10-06](#)

## Calendar of Events

### April 30

Last day of the 2010  
Legislative Session

### June 29 - July 2

FAC Annual Conference

## Appropriations

Both the Senate ([SB 2700](#) and [SB 2702](#)) and the House ([HB 5001](#) and [HB 5003](#)) completed their respective initial versions of the state budget during the first week in April. The Senate passed a budget totaling approximately \$68.6 billion and the House passed a budget totaling approximately \$67.2 Billion. It is anticipated that the budget conference and negotiation process will begin during the week of April 12th or possibly even later. A draft spreadsheet summarizing all of the appropriation issues that FAC traditionally tracks can be found [here](#).

## Sovereign Immunity

[HB 1107](#) by Representative Nehr relating to Sovereign Immunity passed the House Civil and Criminal Justice Policy Council this week. It was amended to conform to SB 2060 by Senator Bennett, which raises the caps to \$200,000 per person and \$300,000 per occurrence, but otherwise deletes the provisions of the original bill that were extremely harmful to counties.

## Growth Management

For a second consecutive week, one of the Senate's growth management bills ([SB 1742](#) by Senator Mike Bennett) was temporarily postponed. Among other things, the bill mandates that counties create transportation concurrency backlog authorities under certain conditions, where ad valorem tax dollars are diverted from general government purposes and must be used to fix transportation deficiencies. FAC has met with the bill sponsor throughout the legislative session and expressed its firm opposition to this bill. However, two other growth management bills that are not opposed by FAC were heard and approved by their respective committees this week. [SB 274](#) by Senator Bennett clarifies and strengthens 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. That bill was approved by the Senate Community Affairs Committee with no opposition. Finally, the Senate's DCA Sunset Review bill ([SB 282](#) by Senator Bennett) passed the Senate Judiciary Committee unanimously. The House Companion to [SB 282](#) ([HB 7107](#)) has not been heard in any committee.

## Fertilizer

### [SB 382](#)

by Senator Dean passed Senate Agriculture this week. The bill was amended to add fertilizer language. However, the language in the bill does not reflect recent stakeholder discussions, and the bill will be amended at the next stop to revise the fertilizer language further.

[HB 1445](#) passed the House General Government Policy Council today. An attempt was made to preempt fertilizer regulation to the state. FAC opposed this effort, as well as the League of Cities, the Department of Environmental Protection, Audubon of Florida, the Sierra Club, the City of Sanibel, and Hillsborough County. In the end, it was amended to preempt local governments only from regulating the sale of fertilizer. FAC still opposes this change

## Transportation

The Senate Community Affairs Committee approved the Senate's transportation bill ([SB 2362](#)) this week. The bill is sponsored by Senator Andy Gardiner and, during the committee, the bill included two amendments that are supported by FAC. An initial amendment to the bill added language that was amended out of the bill the previous week. The language allows the weight limits for commercial motor

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NACo Annual Conference

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vehicles to be increased from 80,000 pounds to 88,000 pounds. Acknowledging the concerns expressed by local governments that the revised weight limits could increase maintenance costs for roads and bridges, Senator Gardiner offered a substitute amendment that allows local governments to issue permits for such vehicles to operate on specifically designated routes. The bill included an additional amendment that expands the Charter County Transportation Surtax to all non-charter counties that are members of a Regional Transportation Authority. Currently, 20 counties are eligible to levy the tax; as amended, the bill would expand this to ten additional counties.

## Retirement Update

Last week we reported on [HB 5703](#), [HB 5607](#), and [SB 2022](#) relating to retirement. These bills have now become a conference issue, meaning that the House and the Senate will have to agree upon which issues to pass in order for the budget to be balanced. In Tuesday's Senate Session, the Senate substituted [SB 2022](#) for [HB 5607](#) - this was the Senate provision that requires FRS members to contribute .25% into their retirement account. This bill also included the employer contribution rates from the Senate, which required a normal cost the first year and normal cost plus an amount to fund the unfunded actuarial liability the system is experiencing. The House language had delayed the costs to fund the unfunded actuarial liability amount for three years for those plans that were funded at or above the 90% range in 2008. The Senate also picked up [HB 5703](#) and deleted the language, before sending the bills back to the House. Also on the retirement radar was [SB 1902](#) by Senator Bennett that was placed on the Community Affairs agenda for Thursday. The Committee did not hear the bill and Senator Bennett indicated there would be a study of pension issues over the summer. It has not been determined how in depth this study will go or the extent to which it will focus on special risk class of the FRS.

## Medicaid Reform Proposals

The House and Senate have competing Medicaid reform proposals circulating this Session. FAC staff has highlighted some of the major provisions of each. The House Proposed Committee Bills (PCBs) will be in up in the Select Policy Council on Strategic and Economic Planning on Monday and the Senate Health Regulation Committee will consider the House proposals next Wednesday. An overview of the proposed reforms can be found [here](#).

## Impasse/Collective Bargaining

Senator Fasano sponsored [SB 610](#) relating to collective bargaining and resolutions of impasse for constitutional officers. The bill was up on the Senate floor on second reading Tuesday. The bill was amended to include a provision that allows the Sheriff to be the legislative body when he or she contracts with firefighters, emergency medical technicians or paramedics and those entities reach an impasse. The bill will be up for a final vote in the Senate on Thursday. If there are any concerns with the amendment adopted in the Senate relating to the extension of the legislative body to the Sheriff in relation to firefighters, emergency medical technicians or paramedics, please let us know.

The House Bill, [HB 417](#), sponsored by Representative Hays was amended to include language that would permit the Constitutional Officers to be the Legislative body for purposes of resolving impasses, except when the conflict is around issues relating to economic benefits or income, then the Board of County Commissioners will be the legislative body. The amendment goes on to say that the Board of County Commissioners shall provide supplemental funds to the Constitutional officer if the impasse calls for an increase in wages. Representative Hays has assured the Association that the

amendatory language will be removed at the next committee stop.

## Children Services Councils

[HB 1227](#) relating to Children's Services Councils by Representative Mayfield, failed to pass out of the House Military & Local Affairs Policy Committee by a split vote of 7 Yeas, 7 Nays. There was not a motion to reconsider the bill and that was the last meeting of the Committee. The bill would have required the governing body of the county to submit the question of retention or dissolution of children services district to the electorate in the August primary according to a prescribed schedule and every six years thereafter.

To learn more please read this St. Petersburg Times [article](#).

## Petroleum Contamination Site Clean up

[SB 2592](#) by Senator Baker passed Senate Transportation this week. The bill was amended to delete language and would have prevented local governments from denying development orders based on contamination unless institutional controls have been implemented. In its place, language was added to prevent the denial of a building permit for existing facilities that are fully operational and that want to upgrade their tanks. The new language is pared down significantly and much improved. FAC staff worked with the League of Cities, Representative Poppell, Senator Baker, and industry representatives to make this improvement, and we appreciate the efforts of the bill sponsors to work with us in resolving this concern.

## Omnibus Water Bill

[SB 550](#) by Senator Constantine passed Senate Government Oversight and Accountability this week. The bill contains provisions that require counties to create "regional maintenance entities" (RMEs or "septic utilities"). It also contains language that reorganizes Chapter 373 and creates a new Part VII relating to water supply, and also contains language relating to numeric nutrient criteria, springs, and financing for water projects.

## Recycling

[PCB2](#) was not heard in the House General Government Policy Council. It will be up again next week. Most counties have commented that it is much improved from previous versions of the language.

## Energy

[PCB6](#) passed the House Energy and Utilities Policy Committee. This bill, among many other provisions, deletes the requirement for the Public Services Commission to develop a Renewable Portfolio Standard for Florida.

## Rulemaking

[SB 1844](#) by Senator Bennett passed Senate Commerce this week. The bill requires certain rulemakings that increase regulatory costs to be ratified by the legislature. FAC staff have been working with the interested parties to amend the bills to prevent unfunded mandates from being passed down to local governments without legislative ratification.

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