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Legislative Bulletin

April 23, 2010

Legislative Session: Week 8

Video Newsletter

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

Local Savings Act

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

In This Issue

[Call for Interest](#)

[Library Funding](#)

[Appropriations](#)

[Rulemaking](#)

[Criminal Justice Budget](#)

[Fertilizer](#)

[Children's Services Councils](#)

[Recycling](#)

[TABOR](#)

[Working Waterfront](#)

[Senior Services](#)

[Growth Management](#)

[Water Bill](#)

[Transportation Funding](#)

[Transportation](#)

[Blood Establishments](#)

[DOH](#)

[Homelessness](#)

[E-911](#)

Looking for Interested Commissioners!

FDOT Bike and Pedestrian Partnership Council

The Florida Department of Transportation (FDOT) has announced its plan to establish a statewide initiative on bicycle and pedestrian mobility. The Bicycle and Pedestrian Partnership Council, to convene in early June of this year, will make policy recommendations to FDOT and transportation partners throughout Florida on the state's walking, bicycling and trail facilities. Their mission is to assemble the many different partners needed to make statewide improvements in safety and facilities integration.

The advisory council will include three (3) county representatives, including one representing a REDI-eligible county defined to be requested by the FDOT Secretary. If you are interested in serving on this council, please contact Heather DiGiacomo at hdigiaco@fl-counties.com or (850) 922-4300.

Library Funding

The Transportation and Economic Development Appropriations Conferees began a hard battle over library funding earlier this week. The House began negotiations with only \$500,000 for libraries, and the Senate had the line item funded at \$21.2 million. The amount of \$21.2 million is critical for library funding, because it allows the state to draw down \$8 million in funds from the federal government. Through the entire week of negotiations, the Senate remained strong and never wavered on the initial offer and so it became a "bump issue". Thursday, Senator JD Alexander and Representative Rivera met to take hold of all unresolved issues. The Senate's initial offer on libraries was for \$13.2 million. We are now awaiting the House to present the next offer.

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.

The conference committees were scheduled to meet each day of this past week (April 19- 23). On Saturday, April 24, the General Appropriations Act (GAA) will be sent to the Presiding Officers at noon. Conforming Bills will be sent to Presiding Officers at 1 PM on Sunday, April 25. The GAA Conference Reports will be on Member's desks on Tuesday, April 27th, and the Conference Reports for Substantive Bills will be on Member's desks the next day, Wednesday, April 28th. The final vote on the General Appropriations Act will be taken on April 30th.

A calendar summarizing the remaining budget adoption schedule can

[DOT.com](#)

Bills We Mention

[SB 550](#)

[SB 382](#)

[SB 1844](#)

[HB 1445](#)

[HB 1565](#)

[SB 570](#)

[HB 7243](#)

[SB 146](#)

[SB 1216](#)

[HB 1227](#)

[SB 1818](#)

[HB 509](#)

[HB 7183](#)

[HB 923](#)

[HB 5003](#)

[HB 5001](#)

[SB 2702](#)

[SB 2700](#)

[HB 163](#)

[SB 1202](#)

[SB 156](#)

[HB 335](#)

[HB 1241](#)

[SB 2436](#)

[SB 346](#)

[SB 1408](#)

be found [here](#).

Rulemaking

[SB 1844](#) by Senator Bennett passed Governmental Oversight and Accountability this week. FAC supported this bill in committee, as did several other groups. The bill provides that, if a state agency rulemaking triggers increased regulatory costs of \$200,000, the agency must perform an economic analysis, and if the analysis shows increased regulatory costs of \$1,000,000 or more, legislative ratification is required for the rule. FAC supports this bill because it will help prevent unfunded mandates to counties from happening without the knowledge of the Legislature. This is one component of our Local Savings Act proposal. The companion, [HB 1565](#) by Representative Dorworth, is on second reading in the House.

Criminal Justice Budget Items

This week the Senate and the House began to conference on many of the unresolved budget items. Among those most important for the public safety issues was a reduction in the amount counties pay into the detention cost share trust fund. The Senate began negotiations with a \$10 million reduction, meaning the 37 counties that pay into detention cost share would pay \$10 million less. Throughout the week, the Senate and the House met several times and the Senate Criminal Justice Conferees reduced their amount to \$5 million, because the House would not agree to that reduction. This issue was bumped to the next level of leadership, where Senator JD Alexander and Representative David Rivera took all unresolved issues. Thursday, the Senate made their first offer on the detention cost share to reduce the reduction counties would receive to \$2.5 million. We are awaiting the House to present their first offer.

Fertilizer

[SB 382](#) by Senator Dean was amended in Health Regulation this week to remove the fertilizer language entirely. [HB 1445](#) by Representative Nelson still contains a sales preemption and other language that restricts local governments in adopting and implementing a fertilizer ordinance. This is problematic because local governments bear significant financial responsibilities under the federal Clean Water Act. Additionally, source control is infinitely less expensive than removing pollutants once they have entered a waterbody. It can cost anywhere from \$40,000 to \$200,000 to remove one pound of nitrogen from an impaired waterbody. A fertilizer ordinance is one of the few inexpensive tools that local governments can utilize to control nonpoint source pollution. [SB 382](#) still has one more stop in General Government Appropriations. [HB 1445](#) is headed to second reading in the House.

Children's Services Councils

[SB 1216](#) by Senator Negron passed out of the the Senate Health & Human Services Appropriations committee. Although it's companion, [HB 1227](#) was voted down in the House, the Senate bill is now on the Senate floor. The bill requires that, in each county where a children's services district has been created, the county must submit to the voters the question of whether to retain or dissolve the district every six years in the general election. The bill also provides a schedule for the first implementation of this requirement.

Recycling

[SB 570](#) by Senator Constantine passed General Government Appropriations this week and is now on second reading in the Senate.

[HB 7127](#)[HB 0073](#)[SB 2420](#)[PCB FTC 10-13](#)[HB 7099](#)[SB 360](#)[HB 1271](#)[SB 2362](#)[HB 5503](#)

Calendar of Events

April 30

Last day of the 2010
Legislative Session

June 29 - July 2

FAC Annual Conference

July 16 - July 20

NACo Annual Conference

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Promotion Title



The companion, PCB2, received a bill number, [HB 7243](#), and was placed on second reading in the House. The bills still differ in some respects and there are negotiations underway on counting waste to energy, encouraging construction and demolition debris, and providing receptacles for recycling at newly constructed multi-family and commercial properties.

Revenue and Expenditures Caps

[SB 2420](#) has been filed by Senator Haridopolis. In summary, the bill proposes an amendment to Section 1 and the creation of a new section in Article VII of the State Constitution to limit state and local government revenues and require voter approval of new taxes and fees. FAC OPPOSES this legislation. The bill is now in the Senate Finance and Tax Committee. At this time the committee does not have any scheduled meetings on the Senate calendar, but FAC staff will continue to monitor the legislation. Proposed House committee bill [PCB FTC 10-13](#) was filed in the House by the Finance and Tax Council. The proposal is not identical to [SJR 2420](#) by Sen. Mike Haridopolos. FAC is still analyzing the bill and will forward to you additional information as soon as possible.

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 ([HB 7127](#)). 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 bills specify that the assessed value of such property be based on current use and determines a methodology for calculation purposes. This week, both [SB 346](#) and [SB 1408](#) both were passed out of the Senate Finance and Tax committee. They are both scheduled to be considered in the Senate Ways and Means committee next. The prevailing House version, [HB 7127](#) has passed through all of its committees of reference but was temporarily postponed on its second reading on April 19th. FAC SUPPORTS the concepts contained within the subject legislative proposals.

Senior Services Taxing Districts

[SB 146](#) relating to Senior Services taxing districts (Rich) was temporarily postponed again this week in the Senate Health & Human Services Appropriations committee. The bill would have allowed a county to create an independent special district by ordinance to provide funding for services for seniors. HHS Approps is not slated to meet again this Session; therefore [SB 146](#) is presumably dead for this year.

Growth Management

The Senate amended the House growth management bill ([HB 7099](#)) on Wednesday by (1) adding language that reenacts the Department of Community Affairs and (2) expanding transportation concurrency exemption areas (TCEA) to areas that have "limited urban" designations.

As originally passed by the House last week, [HB 7099](#) by Representative Hukill is the so-called "bridge bill" for [SB 360](#), which was last year's growth management bill that is now being challenged in circuit court by several local governments. This bill is intended to provide some degree of certainty for actions taken under the provisions of the new law, should the court overturn the legislation. These actions are not limited to developers but also any local government defined as

a Dense Urban Land Area (DULA) that may have amended its comprehensive plan to exempt transportation concurrency. Specifically, the bill provides that any properly noticed two year permit extension shall remain in effect; that any amendments legally in effect to a local government's comprehensive plan to authorize and implement a transportation concurrency exception area shall remain in effect; and, that any project or portion of a project in a dense urban area that qualifies for a DRI exemption may proceed without having to undergo full DRI review. With the House showing little interest in reenacting DCA this session, it is unclear what it will do with the respect to this amended language.

Water Bill

[SB 550](#) by Senator Constantine passed Ways and Means is on the special order calendar for Friday. There is no clear companion in the House, although there are several water bills that could potentially be used. Most comments on the current version of [SB 550](#) are that it is much improved and no longer has a negative impact on counties. Most other stakeholders have agreed to this version of the language, and several groups supported the bill in committee.

Transportation Funding

The Transportation and Economic Development Conference Committee concluded its budget negotiations this week. The following is a summary of some of the more important issues for counties:

- Trust Fund Sweep - House and Senate agree to \$160 million sweep.
- SCRAP - \$10 million (technically program is on a 2 year hiatus but legislature may elect to fund.)
- SCOP - \$21 million.
- CIGP - \$52 million.
- Service Charge to STTF (would result in a recurring diversion of approx. \$150 mill.) - Off the table.

One issue that is of particular concern is one of the House conforming bills ([HB 5503](#)) that would require FDOT to offset any reductions in the 5-Year Work Program by taking money from reserve categories, which include SCOP, SCRAP, and CIGP. While the House conceded this issue on Tuesday, on Wednesday it proposed a revised conforming bill that would allow FDOT to use a reduced level of "reserve" funds for work program rebalancing, but SCOP would be protected. However, it appears that CIGP (and possibly SCRAP) and certain transit programs could still be impacted. No language has been provided and this is one of the issues that has been bumped to the appropriations chairs. If your county benefits from either of these programs, we encourage you to contact your legislative delegation and the House and Senate appropriations chairs about the potential impact of this language.

Transportation

The House amended its transportation bill ([HB 1271](#) by Rep. Horner) on Friday, allowing non-charter counties that are members of a Regional Transportation Authority (RTA) to levy the Charter County Transportation Surtax by voter referendum. Currently 20 counties are eligible to levy this funding source; the amendment would make it available to 10 additional counties. The Senate transportation bill [SB 2362](#) by Sen. Gardiner has similar language and it is anticipated that the House will pass its bill next week and send it to the Senate.

Blood Establishments

[SB 1818](#) relating to Blood Establishments passed out of the Senate Health & Human Services Appropriations committee and is now on the Senate floor. The bill prohibits local governments from restricting access to public facilities or infrastructure for volunteer blood drives based on the operating status of the blood bank (for-profit organization vs. not-for-profit organization). The bill further prohibits a blood establishment from considering the tax status of certain customers when determining the price at which to sell blood or a blood component and requires a blood establishment to disclose certain information on its website. The House companion, [HB 509](#), has passed out of the House and is now in Senate Messages.

Reorganization of the Department of Health

[HB 7183](#) relating to Reorganization of the Department of Health (DOH) passed out of the House this week and is now in the Senate. The bill amends section 20.43, F.S., to modify the current responsibilities of DOH and reduce its responsibilities by combining some functions and deleting others. The bill requires DOH to submit a proposal to the appropriate substantive legislative committees by November 1, 2010, for a new department structure based upon the eight revised responsibilities. The proposal must include reductions in the number of departmental bureaus and divisions and a limit on the number of executive positions pursuant to the new responsibilities assigned to DOH. DOH must identify existing functions and activities that are inconsistent with its responsibilities and provide a job description of all bureau chief or division director positions proposed for retention. There is no Senate companion for the bill.

Homelessness

[HB 923](#) relating to Homelessness passed unanimously out of the House this week and is now in Senate messages. The bill creates and revises multiple sections of the Florida Statutes relating to homelessness including the collection of voluntary \$1 contributions to be added to motor vehicle registration and drivers license fees to aid the homeless. It replaces the existing Emergency Financial Assistance for Housing program with a homeless prevention grant program to be administered by local homeless continuums of care to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises. The bill limits the amount a lead agency may spend on administrative costs under a Challenge Grant and directs funding for homeless housing assistance grants to be appropriated as a fixed capital outlay item.

E-911 Fees for Prepaid Wireless Calling Cards

[SB 1202](#) has been filed by Senator Bennett and [HB 163](#) has been filed by Representative Gibbons. The legislation has been amended to delay the implementation of a collection method of the fees until 2013. [SB 1202](#) was passed favorably by the General Government Appropriations committee. It is currently on its second reading on the Senate floor. [HB 163](#) was passed favorably by the General Government Policy Council and has been placed on 2nd reading, but has yet to be scheduled on the special order calendar. **FAC has CHANGED its position from SUPPORT to NEUTRAL regarding this legislation.**

Tourist Development Tax

[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. The Senate version appears to have stalled out in the Commerce committee, while the House bill (1241) is scheduled on the special order calendar for Friday April 23, 2010.

850.922.4300 | P.O. Box 549 | Tallahassee, FL 32302
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