



# **PALM BEACH COUNTY**

## **2011 State Legislative Final Report**

**June 2011**



**Palm Beach County Legislative Affairs**  
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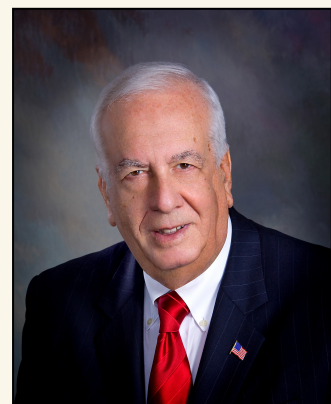
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## BUDGET OVERVIEW

### Budget Issues

#### 2011 General Appropriations Act SB 2000 by the Senate Budget Committee (HB 5001)

The General Appropriations Act for State Fiscal Year (SFY) 2012 totals approximately \$69.7 billion, and represents a \$700 million decrease from the previous state fiscal year. The chart below summarizes a comparison of expenditures between SFY 2012 and SFY 2011 by budget section.

Budget Comparison by Section (In Millions)			\$ Difference	% Difference
(Amounts across and down do not equal due to rounding)	SFY 2011	SFY 2012	SFY 11 vs. SFY 12	SFY 11 vs. SFY 12
Section 1. Education	1,300.60	1,376.80	76.20	5.86%
Section 2. Education	21,214.60	18,523.80	(2,690.80)	(12.68%)
Section 3. Health & Human Services	28,482.30	29,991.30	1,509.00	5.30%
Section 4. Criminal Justice & Corrections	4,650.90	4,478.50	(172.40)	(3.71%)
Section 5. Natural Res./ Env. / Growth / Transportation	9,778.60	10,858.90	1,080.30	11.05%
Section 6. General Government	4,488.10	3,988.30	(499.80)	(11.14%)
Section 7. Judicial Branch	462.40	459.20	(3.20)	(0.69%)
<b>Total Budget</b>	<b>70,377.40</b>	<b>69,676.60</b>	<b>(700.80)</b>	<b>(1.00%)</b>

Health and Human Services received the largest portion of funding in the amount of approximately \$30 billion. This represents a 5.3% increase in appropriations from the previous year. All educational programs and services combined received the second largest amount of total funding equal to approximately \$19.9 billion. This represents approximately a 12% decrease from the previous fiscal year. Finally, natural resources, environmental issues, growth management and transportation expenditures represent the third largest portion of the SFY 2012 with funding equaling \$10.85 billion, which represents an 11% increase from the previous fiscal year. The figure below displays the percentage of SFY 2012 funding dedicated to each constitutionally mandated section of the state budget.

Planned general revenue expenditures for SFY 2011 equal \$23.7 billion and trust fund expenditures total approximately \$46.5 billion.

### **Belle Glade Senior Center**

One of Palm Beach County's top funding priorities this year was to secure funding for a new Senior Center in the Belle Glade community. Thanks to the efforts of **Sen. Joe Negron** and **Sen. Lizbeth Benacquisto**, \$1.4 million for the Center's construction has been included in the FY2012 budget. Constructing a new, larger Senior Center allows the existing center to be converted into the County's second Homeless Resource Center, identified as a top priority of the County's Homeless Advisory Board and the Health Care District of Palm Beach County. *Unfortunately, Governor Scott vetoed this project.*

### **Article V Funding**

Language was included again in section 23 of the implementing budget bill that will repeal the requirement that local governments increase Article V funding by at least 1.5 % a year.

### **Beach Renourishment**

The House and Senate agreed to spend \$16.2 million for beaches. Those funds will cover the first 12 projects on the State's renourishment project prioritization list, an improvement over the Governor's proposal to eliminate funding. Although Palm Beach County's budget requests are not included in the top 12, funding for the City of Delray Beach's request of \$2.28 million in State matching funds for its \$14.5 million Delray Beach renourishment project has been included on the State priority list. Monitoring funds that will come to the County under this allocation are 1) North Boca: \$99,500 and 2) Ocean Ridge: \$49,203. In addition, previous allocations for Palm Beach County's Singer Island project remain allocated in the trust fund.

### **DJJ Proviso**

Thank you to **Rep. Irv Slosberg** for his efforts in conference to secure budget proviso language that will:

- Create a working group of the Department of Juvenile Justice and the Florida Association of Counties to formulate recommendations to fund alternatives for locally funded and operated juvenile detention and to provide these recommendations to the Governor and the Legislature by November 1, 2011; and
- Cap the funding liability of local governments responsible for funding pre adjudication detention. It is expected that some local governments may take on the responsibility of juvenile detention on their own. Other Counties do not want to be responsible for making up the difference in the overall funding pool. The proviso language states counties that opt to remain in the Department's detention centers shall have their billings decreased by the actual reductions in cost, with an exception to fiscally constrained counties.

### **HHS Equity Funding (see page 23 – SB 2146 – for further details on funding allocation)**

Our CBC Lead Agency for Palm Beach County, Children and Family Connections, saw an increase this year of \$1,366,318. The Core funding Gain of \$869,587 was based on a DCF re-calculation of recurring base and Equity Model funding. An additional \$496,731 was gained from Title IVe allocations based on the Fair Share model. The reallocation was made on the basis of the four factors listed below. This affected only the Core Service funding and did not touch funds for independent living, maintenance adoption subsidies, protective investigations training, nonrecurring funds, mental health wrap-around or special projects.

The equity allocation calculated based on the following weights: (1) Children in poverty 30%; (2) Child abuse hotline 30%; (3) Children in care 30%; (4) Reduction in out-of-home care 10%.

Beginning this fiscal year 75% of recurring funding is based on the prior year and 25% on the equity allocation model.



## **Libraries**

Libraries will not see any reduction in state aid this year as \$21.3 million was allocated from general revenue and an additional \$2.79 from the Federal Grants trust Fund. In addition, \$1 million was allocated for library cooperatives.

## **Special Elections Funding**

Statewide, \$1.6 million was allocated for special elections.

## **Transportation Disadvantaged Funding**

Transportation Disadvantaged increased from \$38.4 million in FY11 to \$39.9 million in the FY12 budget. However, Medicaid non-emergency transportation was reduced by \$2,017,665 (4%) to \$63.47 million.

## **School Readiness**

Under the government reorganization legislation that passed the Legislature, the school readiness and voluntary prekindergarten programs have been transferred to the Department of Education under the newly created Office of Early Learning. Approximately \$1.016 billion was allocated to Early Learning this year, representing a 9.7% reduction from the previous year's \$1.040 billion appropriation. The Children's Services Council of Palm Beach is still working out the numbers to see what the cuts equate to for Palm Beach County in terms of childcare spots.

## **Traumatic Brain Injury**

Although legislation relating to traumatic brain injuries did not pass this Session, the budget does contain \$6,808,897 from the Brain & Spinal Cord Injury Rehabilitation Trust Fund to expand the Brain & Spinal Cord Home & Community Based Services Waiver Program. The increase in funding should eliminate the waiting list for families in need of services.

## **Homeless Housing**

Funding for Homeless Housing of \$12 million was included in the budget this year; however, that allocation was vetoed by Governor Rick Scott.

## **Glades Correctional Institute**

Proviso Language included in the budget requires the issuance of a RFP to privatize male correction institutes in counties south of Manatee, Desoto, and St. Lucie Counties which includes Palm Beach. Excluded from the RFP was the Glades Correctional Institute. This exclusion leaves the fate of GCI in limbo as dollars to fully operate the facility have not been allocated in the FY 11/12 budget.



**EDUCATION****Palm Beach County School District**

Palm Beach County Schools K-12 \$1,126,160,980

**Florida Atlantic University**

Autism Centers \$473,254

Universities - Education & General Activities \$124,150,301

Universities - Lottery Funds \$18,199,057

Universities - Student Financial Assistance \$399,658

~~Utilities/Infrastructure/Capital Renewal/Roofs PECO~~ ~~3,251,463~~

**Palm Beach State College**

Community College - Lottery Funds \$6,493,050

Community College Program Funds \$43,847,564

General PECO remodeling funds \$1,198,964

~~Multipurpose Classroom/Admin Bldg/site West Central~~ ~~\$7,300,000~~

**Public Broadcasting**

WXEL-TV, Palm Beach (Barry Telecommunications Inc) \$307,447

WXEL-FM, Palm Beach (Barry Telecommunications Inc) \$61,715

**Workforce Development**

Public Schools Workforce Education Performance Based Incentives \$175,275

Public Schools Workforce Education Program Funds \$17,653,059

Florida Goodwill Association – Workforce Projects \$500,000

**HEALTH & SENIOR SERVICES****Health**

Adults with Disabilities – Vocational Rehabilitation \$894,684

Rape Crisis Center – Palm Beach County \$316,584

Alzheimer's Community Care \$849,730

**Senior Services**

~~Glades Community Senior Center Belle Glade Elder Affairs~~ ~~\$1,400,000~~

**TRANSPORTATION****Economic Development**

City of Boca Raton-Spanish River Boulevard/I-95 Project \$1,000,000

~~City of Riviera Beach 13th Street Improvements~~ ~~\$500,000~~

**Aviation**

Palm Beach Glades Airport Terminal Apron Rehab & Taxilane \$2,310,000

Palm Beach International Airport Baggage System Improvements \$7,786,000

Palm Beach International Airport Miscellaneous Taxiway Rehab & Repair Aviation \$1,025,000

**Port of Palm Beach**

Port of Palm Beach Slip 3 Redevelopment \$3,609,467

**Bridges**

Ramp Bridge Replacement at Jupiter (MP 116) \$6,048,104

Ramp Bridge Replacement at PGA (MP 109) \$8,624,977

Ramp Bridge Replacement at PGA (MP 109) – Const Eng & Insp \$1,033,000

**STRIKETHROUGH  
INDICATES THE  
ITEM WAS  
VETOED BY THE  
GOVERNOR.**

**Resurfacing/Engineering/Right-of-Way Land Acquisition**

SR 15/US 441 from 5 <sup>th</sup> St to Conners Hwy (SR 700) – Resurfacing	\$2,359,568
SR 5/US 1 from Mizner Blvd/SE 5 <sup>th</sup> to Glades Road – Resurfacing	\$1,440,513
SR 5/US 1 from S of 13 <sup>th</sup> Street to Silver Beach Road – Resurfacing	\$6,758,139
SR 5/US 1 from S of Harborside Dr. to Bond Way Delray – Resurfacing	\$5,018,718
SR 717/Canal Street from SR 80/Main Street to SR 715 – Resurfacing	\$1,657,898
SR 80/Main Street from MP 2.620 to MP 4.469 - Resurfacing	\$1,958,480
SR 802/Lake Worth Rd from Congress to W of Lake Osborne – Resurfacing	\$1,349,472
SR 710/Beeline Hwy from W of Congress to W of Australian – Const Eng & Insp.	\$1,660,007
SR 715/SW-NW 16 <sup>th</sup> St from SR 717/W Canal St to SR 15 – Prelim Engineering	\$1,005,000
SR 80 from Seminole Pratt to Crestwood – Prelim Engineering	\$3,100,000
SR 80/Southern Blvd Bridges 930097 & 930098 – Prelim Engineering	\$3,100,000
SR 9/I-95 @ Spanish River – Prelim Engineering	\$4,000,000
Palm Beach TMC Staffing – Traffic Eng & Ops	\$1,529,000
Palm Beach UPWP FY 2010/11 & FY 2011/12 – Planning and Env	\$1,177,449
SR 710/Beeline Hwy from W of Australian to Old Dixie Hwy – ROW Land	\$17,060,079
SR 786/PGA Blvd @ SR 811/FEC RR W of I-95 to Fairchild – ROW Land	\$2,035,354
SR 809/Military Trail @ Community Drive – ROW Land	\$1,809,799
SR 5/US 1 from S of Harborside Dr to Bond Way Delray – Other Arterials	\$2,189,840
SR 710/Beeline Hwy from W of Congress to W of Australian – Other Arterials	\$10,632,625
Palmetto Park from W of Powerline to W of Military	\$4,800,000

**SIS/Intrastate Highways**

I-95/SR-9/HOV/Gu from S of Donald Ross to SR 706/Indiantown	\$1,900,000
I-95/SR-9/HOV/Gu from S of PGA to S of Donald Ross	\$1,239,000
Palm Beach Co ITS Maintenance Traffic Eng & Operations	\$1,100,000
West Palm Beach Service Plaza Modification N (MP 94)	\$5,690,001

**Transit**

Palm Beach County Block Grant Operating Assistance	\$4,455,581
Palm Beach County TD Commission Trip and Equipment Grant	\$2,274,853

**OTHER**

Beach Renourishment Funding – Delray Beach	\$2,279,537
Sago Palm Payment in Lieu of Taxes to the City of Pahokee	\$142,900

**STATEWIDE APPROPRIATIONS OF INTEREST**

Northern Everglades & Estuary Protection (DACS)	\$3,000,000
Northern Everglades Special Projects (DACS)	\$4,000,000
Everglades Restoration (DEP)	\$29,955,500
Mosquito Control	\$1,293,368
Beach Renourishment & Restoration	\$16,251,074
<del>Regional Planning Councils</del>	<del>\$2,500,000</del>
Special Election Funding	\$1,600,000
Libraries	\$24,092,039
Library Cooperatives	\$1,000,000
Transportation Disadvantaged Program	\$39,904,800
Transportation Disadvantaged Program – Medicaid	\$65,486,126 (less 4%)
Drug Courts	\$14,483,000





## **BILLS SUPPORTED BY THE COUNTY THAT PASSED**

### **Pill Mills/Prescription Drug Monitoring Program - HB 7095 by Rep. Schenck/SB 818 by Sen. Fasano**

**HB 7095** was the final version that was passed unanimously by both the House and Senate on the last day of the 2011 Legislative Session. This legislation was a collaborative effort by many including Attorney General Pam Bondi and Governor Rick Scott, both of whom were present for the final vote in the House.

This bill makes comprehensive changes to the way that pill mills are regulated. The major portion of the bill prohibits doctors from dispensing pain meds in their offices, creates new penalties for doctors who overprescribe controlled substances, and requires prescriptions to be filled at pharmacies. The bill also requires the use of the Prescription Drug Monitoring Program (PDMP) Database, which according to the Department of Health will become operational by the end of August 2011. The reporting requirement for the PDMP has been reduced from 15 to 7 days and requires criminal background checks of those who have access to it.

The approved version of HB 7095 now contains an exemption of hospices, nursing homes, and cancer centers from the 5,000-unit cap on Schedule II and III controlled substances and modifies the pharmacy permitting process. It also includes tracking of narcotics sold by wholesalers to pharmacies and doctors, and provides for a buy-back program for doctors who return unused narcotics to distributors. Pharmacies, including those located at pain management clinics, will now operate under stringent regulations. Lastly, it provides for

funding of \$3 million to local law enforcement agencies to enforce the new rules.

The bill has been signed into law by the Governor.

### **CS/CS/HB 39 — Controlled Substances - by Rep. Adkins and others (CS/CS/SB 204 by Senators Wise and Dockery)**

The bill amends ss. 893.02, 893.03, and 893.13, F.S., in order to schedule several synthetic cannabinoids or synthetic cannabinoid-mimicking compounds in Schedule I of Florida's controlled substance schedules. Because of this scheduling, Florida law enforcement officials and prosecutors will be able arrest and prosecute the possession and sale of these substances under Florida law. Possession of 3 grams or less of the scheduled substances, which is not in powdered form, is a first degree misdemeanor.



Thank you to all of the members of the Palm Beach County Legislative Delegation for supporting this important issue. A special thanks to Representative Pat Rooney for sponsoring legislation in the House that allowed these discussions to begin taking place.



## FRS Pensions

The House and Senate made changes to FRS pension plans this session. Thank you to **Sen. Lizbeth Benacquisto** who was one of the lead negotiators in the Senate on the legislation. The table below is a summary of the major components in the bill.

<b>CS/CS/HB 1405 &amp; SB 2100</b>	
<b>EMPLOYEE CONTRIBUTION</b>	
Requires a 3 percent employee contribution for all FRS members. DROP participants are not required to pay employee contributions.	
<b>DROP</b>	
Maintains the Deferred Retirement Option Program to all participants. Changes the interest rate for DROP to 1.3% for members entering on or after 7/1/11.	
<b>RETIREMENT ELIGIBILITY – AGE/YEARS OF SERVICE (CS)</b>	
Increases the normal retirement date for all members initially enrolled on or after July 1, 2011:	
For Special Risk: Increases the age from age 55 to 60 or from 25 to 30 years of service. For all other classes: Increases the age from 62 to 65 or from 30 to 33 years of service.	
<b>COMPENSATION and AVERAGE FINAL COMPENSATION</b>	
For members initially enrolled after 7/1/11, AFC means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, termination of death.	
<b>VESTING</b>	
Employees initially enrolled in the pension plan on or after 7/1/11, such members will vest 100% of employer contributions upon completion of 8 years of creditable service.	
<b>DEFINED BENEFIT PLAN</b>	
Maintains Defined Benefit plan for all employees.	
<b>COLA</b>	
Eliminates cost-of-living adjustments (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the expiration of COLA, the COLA formula will expire effective June 30, 2016, and the 3% cost of living adjustment will be reinstated.	

**Governor Rick Scott signed SB2100 into law on May 26, 2011. The new changes take effect July 1, 2011. Employees affected by the new changes will begin to see the 3% FRS contribution deduction from their paychecks as of July 1, 2011.**

## Growth Management

A major overhaul of the Growth Management Act was passed this session in HB 7207. Below are some of the main components of that legislation:

- Repeal of 9J-5
  - Minimum Standards Placed in Statute
- Eliminates financial feasibility
- CIE Simplified
  - Review / Updates Required Annually
  - Not Subject to State Review
- Eliminates transportation, school, & parks concurrency as a statewide requirement.
  - Local Option Not Preempted
- Alternative State Review Process is standard review process, with changes.
  - Renamed: “Expedited State Review Process”
  - Does not apply to ACSC, Sector Plans, RLSAs and EARs
  - State Coordinate Review Process
- Dense Urban Land Area (DULA) Eliminated
  - No longer needed for concurrency exemptions
  - Definition retained for DRI exemptions only
- Definition of Urban Service Area Changed
  - Broader / Less Rigid
- Twice / year limit on amendments eliminated
- State agencies can only comment on state resources within their jurisdiction
- State can only challenge amendment based on review agency comments
- Affected persons can challenge within 30 days
- Evaluation and Appraisal Report (EAR)
  - Requires local review once every 7 years.
  - If updates are required, must notify State Land Planning Agency in writing of proposed changes.
  - Updates require plan amendments, which are subject to standard state review process
- Comments on state resources that would be adversely impacted, if not resolved, may result in challenge by State Land Planning Agency (SLPA)
- State can only challenge amendment based on review agency comments
- Affected persons can challenge within 30 days
- Sector Planning
  - Removes Pilot Program & Limitations on Sector Plans
  - Establishes 15,000 Acres as minimum size
  - Does not require demonstration of need
- Permit Extensions
  - Creates an additional 2-year extension for projects previously granted a 2-year extension in 2009 (SB 360)
  - Creates a 4-Year cap for total extensions granted and provides additional extensions above those granted in 2009 and 2010.
  - DRIs – Additional 4 years
    - Local Government Must be Notified by Dec. 31, 2011
- Proportionate Share Mitigation
  - Attempts to clarify how formula is calculated and applied for transportation improvements.
  - Requires FDOT to conduct a study and provide a report to the Legislature by December 1, 2011
- Century Commission Abolished on June 30, 2013



## DCA Reorganization

- Creates the Department of Economic Opportunity
  - Transfers the Divisions of Community Planning and Housing and Community Development to new agency
  - Defines new agency as the State Land Planning Agency
  - State planning review functions to be under new Division of Community Development
- Division of Emergency Management (DEM) is administratively moved the Executive Office of the Governor
- Building Code Compliance transferred to DBPR
- Florida's Community Trust transferred to DEP.



## Enterprise Zones

This legislation provides authority to a governing body of a jurisdiction that nominated an application for an enterprise zone that includes a portion of the state designated as a RACEC to apply to OTTED to expand the boundary of the enterprise zone by up to 3 square miles. The intent of the bill is for the expansion to be applied to the enterprise zone in Belle Glade.

This language was included in **HB 143 relating to Tax Credits**. It was the last bill approved in the waning hours of Session – at 3:35 in morning! Thank you to **Reps. Steve Perman** and **Will Snyder** and **Sen. Joe Negron** for making this happen.



## Inspector General Bill

**SB828** by **Sen. Bogdanoff/HB 667** by **Rep. Clemens** creates an exemption from the public records requirements for information received as part of active investigations of the Inspector General on behalf of a unit of local government.

**HB667** passed the House and was substituted for **SB828** in the Senate, where it passed unanimously. The bill was signed into law on May 31, 2011. Thank you **Sen. Bogdanoff** and **Rep. Clemens**.

## Airport Public Records - HB 913 by Rep. Horner/SB 994 by Sen. Latvala

This bill creates public records exemptions for:

- Proprietary confidential business information held by a public airport. The exemption expires when the confidential and exempt information is otherwise publicly available or is no longer treated by the proprietor as proprietary confidential business information.
- Trade secrets held by a public airport.
- A proposal or counterproposal exchanged between a public airport and a nongovernmental entity relating to the sale, use, development, or lease of airport facilities. The public records exemption expires upon approval by the governing body of a public airport. If a proposal or counterproposal is not submitted to the governing body for approval, then the public records exemption for the proposal or counterproposal expires 90 days after the cessation of negotiations between the public airport and the nongovernmental entity.



## Drug Courts

**SB400** by **Sen.** by Senators Wise, Fasano, Latvala, and Joyner related to drug courts was signed into law by the Governor on May 5, 2011.

This bill provides for additional sentencing options for a statutorily restricted population of defendants and community supervision offenders who might successfully, and safely, be diverted from the prison system into existing postadjudicatory drug court programs. The target population consists of offenders who have a substance abuse or addiction problem that is amenable to treatment and who are currently in the criminal justice system because of a nonviolent felony offense.



## Juvenile Civil Citations

CS/HB 997 by Rep. Pilon and others (CS/SB 1300 by Criminal Justice Committee and Senator Storms)

This bill requires juvenile civil citation programs or other similar diversion programs to be established at the local level. Currently, these local diversion programs are discretionary. The bill specifies that they may be operated by any number of entities, including law enforcement, the Department of Juvenile Justice (DJJ), a juvenile assessment center, the county or city, or an entity selected by the county or city. Unlike current law, only first-time juvenile misdemeanants will be eligible to participate in a civil citation program. (Current law allows second-time juvenile misdemeanants to participate.) The bill also provides that intervention services will be required during the civil citation program if a needs assessment determines such services are necessary.



## School Nutrition Programs

CS/CS/SB 1312 by Senators Siplin and Gaetz

This bill creates the “Healthy Schools for Healthy Lives Act.” It provides for a type two transfer of the administration of school food and nutrition programs from the Department of Education (DOE) to the Department of Agriculture and Consumer Services (DACS).

The DACS may act as an agent of, or contract with, the federal government, another state agency, or any county or municipal government regarding the administration of the school food and nutrition programs, including the distribution of funds provided by the federal government in support of the school food and nutrition programs.

## Household Moving Services

**HB901 by Rep. Horner/SB296 by Sen. Wise** reduces regulatory requirements for intrastate moving services by requiring biennial, rather than annual, licensing registration as well as removes the local licensing registration requirements that some local governments may have. It does, however, grandfather in existing local ordinances that were in place prior to January 1, 2011. It should also be noted that in the Legislature’s larger government reorganization package, a move was made to deregulate moving services. Moving services were removed from that proposed list of industries to deregulate.

HB901 passed the House 114-0. It was then sent to the Senate in Messages. It was later taken up on the Senate floor, where it passed 39-0.





## Local Bills

All of the following local bills were heard in the Senate on Monday, May 2<sup>nd</sup>, and passed unanimously 39-0.

### Lake Worth Drainage District

HB 741 by Rep. Berman

This legislation expands the powers of the Lake Worth Drainage District by granting it the authority to enter into interlocal agreements with local governments and public and private utility providers to develop and operate water supply facilities in Southeast Florida. House Bill 741 passed the full House on Wednesday, April 27th with a unanimous vote of 117-0.

### Loxahatchee Groves Water Control District

HB 1045 by Rep. Clemens

This local bill creates section 8 of the Loxahatchee Groves Water Control District's (District) charter providing for the dedication of width of four roads located within the District. House Bill 1045 passed the full House on Wednesday, April 27th with a unanimous vote of 117-0.



### Palm Beach County South Lake Worth Inlet Advisory Board

HB 4191 by Rep. Hager

House Bill 4191 was heard and passed the full House on Wednesday, April 20th by a unanimous vote of 115-0. This local bill was requested by the Palm Beach County Board of County Commissioners and repeals the South Lake Worth Inlet Advisory Committee. It was determined that the advisory committee was no longer needed, as the dredging of the inlet and subsequent changes to adjacent property that included the development of a county park had been completed.

### Sebring Airport Authority

HB 1489 by Rep. Albritton



House Bill 1489 by Rep. Albritton creates the powers to establish, operate, and maintain foreign-trade zone (FTZ) status under the alternative site framework (ASF) in DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee Counties and the Cities of Belle Glade, Pahokee, and South Bay. All of the impacted counties and the Cities of Belle Glade and Pahokee have issued letters of support for their inclusion in Sebring Airport Authority's FTZ under the ASF, with the stipulation that the zone will be made available on a uniform basis to companies within the region, in a manner consistent with the legal requirement that each FTZ be operated as a public utility. The purpose of the zones is to attract and promote international trade and commerce. This legislation passed the full House by a unanimous vote of 117-0.



## **BILLS SUPPORTED BY THE COUNTY THAT DID NOT PASS** **TRANSPORTATION**

During the 2011 Legislative Session, many transportation issues came before the House and Senate that would affect Palm Beach County. A few of these issues were included in the Department of Transportation (HB 1363/SB 1180) and Department of Highway Safety and Motor Vehicles (HB 1353/SB 1150) packages. Unfortunately, those bills did not pass and the good issues in them died along with it. These areas include the following:

### **Fuel Tax Fix - HB 1363 by Rep. Brandes/SB 1180 by Sen. Latvala**

On Thursday, April 28<sup>th</sup>, the House heard and passed HB 1363 by Rep. Brandes by a vote of 116-0. The Senate, however, did not bring up HB 1363 or SB 1180 for a vote in the full Senate, and so the Department of Transportation package died. These bills, among other items, would have allowed local governments to use Local Option Fuel Tax dollars on the installation, operation, maintenance, and repair of street lights, traffic signs, traffic engineering and signalization.



### **School Signs – HB 1363 by Rep. Brandes**

Palm Beach County had established a pilot program that would allow for its school district to enter into partnerships with local businesses to display signs relating to those businesses on school district property in the unincorporated areas. The program was only effective through June 30<sup>th</sup> of this year. In HB 1363, the date of the program had been extended through June 30, 2013. However, because HB 1363 died in Messages in the Senate, this program will expire on June 30<sup>th</sup>, 2011.

### **Background Screening – SB 1180 by Sen. Latvala**

Senate Bill 1180 contained legislation that provided for any governmental unit to request a background check or criminal history record information of anyone who is an applicant for licenses and for-hire vehicle driver's licenses of public vehicles. This provision died along with the bill in the Senate.

### **Energy**

#### **Renewable Energy - SB 2078 by Sen. Benacquisto/HB 7217 by Rep. Ford**

This year's renewable energy legislation, SB 2078, died in the Senate Budget Committee. Senate Bill 2078 would have allowed investor-owned utilities to charge customers for renewable energy projects totaling \$375 million over five years. Amendments, offered by Senate Budget Chair Sen. J.D. Alexander, were adopted which removed the cost cap for new renewable projects but restricted utilities to purchasing renewable energy at the average retail electricity rate already charged to customers. Even with his amendments, Sen. Alexander spoke in opposition to the bill.

The House companion bill, HB 7217, died in the House State Affairs Committee.

## **Traumatic Brain Injury (TBI) - HB 17 by Reps. Nelson and Abruzzo/SB 138 by Sen. Bennett – Military Veterans Convicted of Criminal Offenses**

House Bill 17 died in the House Judiciary Committee. The Senate companion bill, SB 138 by Sen. Mike Bennett, passed unanimously out of the Senate but died in Messages in the House.

This legislation would have required a judge to hold a “veteran’s status hearing” before sentencing a defendant found to have committed the offense as a result of post-traumatic stress disorder (PTSD), a traumatic brain injury (TBI), substance abuse disorder, or psychological problems caused by his or her military service in a combat zone. The bill would have authorized the judge to place eligible veterans into a treatment program rather than proceed with criminal prosecution. **Although this legislation did not pass, \$6.8 million was appropriated to reduce the waiting list for the Brain & Spinal Cord Home and Community Based Services Waiver program.**

## **Homelessness - HB131 by Rep. Reed/SB 948 by Sen. Hill**

Legislation that would have created a revenue stream for homelessness services by creating an additional voluntary contribution check off item on vehicle registration forms or drivers license applications died in Committee.

## **911 Good Samaritan - HB 91 by Rep. Bernard/ SB1146 by Sen. Sachs**

The 911 Good Samaritan legislation was a top priority for Palm Beach County, especially the Sheriff’s Department. The bill provides that a person who in good faith seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the person’s seeking medical assistance. The bill also provides that a person who experiences a drug-related overdose and is in need of medical assistance may not be charged, prosecuted, or penalized for possession of a controlled substance if the evidence for possession was obtained as a result of the overdose and the need for medical assistance. The House bill, **HB91**, passed the House but died in Senate Messages. The Senate bill, **SB1146**, died in Committee.

## **Supervised Re-Entry Program for Inmates - SB1334 by Sen. Bogdanoff/HB917 by Rep. Porth and SB1390 by Sen. Dockery**

These bills relate to re-entry initiatives for offenders. The legislation provides legislative intent to encourage the Department of Corrections, to the extent possible, to place inmates in the community to perform paid employment for community work. It provides that an inmate may leave the confinement of prison to participate in a supervised reentry program in which the inmate is housed in the community while working at paid employment or participating in other programs that are approved by the department. It does require the inmate to live at a department-approved residence while participating in the supervised reentry program. Unfortunately, **SB1334** died on Calendar; **HB917** died in Committee; and **SB1390** died in Messages.

## **Numeric Nutrient Water Quality Criteria - HB 239 by Rep. Williams, T./SB 1490 by Sen. Evers**

On Thursday, April 21st, the House passed HB 239 by Rep. Trudi Williams by a vote of 90-27. The Senate companion, SB 1490 by Sen. Evers was never heard in its first committee of reference, the Senate Environmental Preservation and Conservation Committee, and therefore, was never taken up in the Senate for a vote.

This legislation prohibits the implementation of certain nutrient water quality criteria by the Department of Environmental Protection, water management districts, and government entities. It was amended to remove the prohibition against local governments from imposing the federal numeric nutrient criteria standards. The bill also reclassifies the waterways classification system. Most environmental groups are opposed to the new system, but amendments were offered to fix objections over the Everglades.

We understand that Rep. Trudi Williams will hold hearings over the summer on Water Policy Issues, so we will be following the continued discussions regarding Numeric Nutrient Criteria.

# **Bills Supported by the County That Did Not Pass**

## **BILLS *OPPOSED* BY THE COUNTY THAT DID *NOT* PASS**



### **Pre Trial Release - HB 1379 by Rep. Dorworth & SB 372/SB1398 by Sen. Bogdanoff**

Palm Beach County opposed **HB 1379 by Rep. Chris Dorworth** and **SB 372 by Sen. Ellyn Bogdanoff** relating to pretrial programs. This legislation was otherwise known as the “bail bondsmen bill.” In addition to the Florida Association of Counties, law enforcement agencies also vehemently opposed the bill. It would have limited access to many pretrial programs by requiring defendants to pay for bonds when they can readily afford them and not place burdens on programs that are funded by taxpayers. The Counties and law enforcement contend that the bill would lead to increased costs for taxpayers as more people will sit in jail because they cannot afford to pay bonds. The bill was amended to exempt low-income people who cannot afford the bonds, allow pretrial diversion to those who have been incarcerated for 48 hours, and would only apply the provision to those counties with a population of 350,000 or more.

The language from **SB 372 by Sen. Ellyn Bogdanoff** was also amended onto **SB 1398**, also sponsored by **Sen. Ellyn Bogdanoff**, relating to Judiciary. That language was also removed from the bill on the floor of the Senate.

*The following members of the Palm Beach County Delegation voted in favor of the bill: Senator Bogdanoff and Reps. Hager & Synder.*

### **Online Travel Companies - HB 493 by Rep. Brodner and SB 376 by Sen. Gaetz**

This legislation would exempt online travel companies from paying a tax on the retail price that the customer pays to such companies and only require such companies to remit taxes on the wholesale rate it pays the hotels. This bill is opposed by counties because the Tourist Development Tax is negatively affected by the OTCs refusing to submit such taxes on the full price of the rooms. The bill passed the full House on Monday by a vote of 77 to 38. However, the bill was not heard by the full Senate and died in messages.

*The following members of the Palm Beach County Delegation voted in favor of the legislation: Reps. Abruzzo, Berman, Bernard, Hager & Snyder. Those opposing the bill include: Reps. Clemens, Moraitis, Pafford, Perman, Rooney and Slosberg.*

### **Red Light Cameras - HB 4087 by Reps. Corcoran and Trujillo/SB 672 by Sen. Garcia**

The Florida House of Representatives passed HB 4087 on Monday, May 2<sup>nd</sup> by a slim margin of 59-57; however, it was not heard in the Senate. The Senate companion, SB 672 by Sen. Garcia, was never heard in its last two committees. This legislation would have repealed the bill that passed last year that enacted the express authority for local governments to use red light cameras at traffic light intersections. This bill would prohibit the use of red light cameras across the state. Rep. Corcoran has stated that red light cameras do not save lives, rather they cause more rear end crashes due to the cameras. An amendment by Rep. Corcoran was adopted and added to the Department of Highway Safety and Motor Vehicles package, SB 1150. Senate Bill 1150 died in returning House Messages in the Senate.

Rep. Corcoran's amendment included the following:

- Prior to installing a red-light camera at an intersection, a county or municipality must request that the Department of Transportation perform a safety hazard study for that intersection, and the county or municipality shall be responsible for the cost of the study.
- The red-light camera may not be installed until the FDOT has performed the study and determined that the intersection warrants a red-light camera.
- Citations from a red-light camera may not be enforced when a driver is making a right turn on red or when a driver is making a left turn on red from a one-way street onto a one-way street.

*On a House floor vote, the following members of the Palm Beach County Delegation voted in favor of the legislation: Reps. Bernard, Hager, Snyder & Rooney. Those opposing the legislation include: Reps. Berman, Clemens, Moraitis, Pafford, Perman & Slosberg. Rep. Abruzzo did not vote on the measure.*

# **Bills Opposed by the County that Did Not Pass**



## **OTHER LEGISLATION THAT PASSED IN 2011**

### **ECONOMIC DEVELOPMENT**

**CS/HB 143 — Economic Development** by Rep. Workman



#### **Entertainment Industry Financial Incentive Program**

The bill increases the credit limit from \$38 million to \$42 million per year for fiscal years 2012-13, 2013-14, 2014-15.

The bill grants three types of credit bonuses: productions that use “underutilized” areas of the state receive an additional 5 percent credit; productions receive an additional 15 percent credit for payroll expenses paid to full-time Florida film school students or recent Florida film school graduates; and productions receive an additional 5 percent credit for conducting at least 50 percent of their photography or digital media production in Florida.

The bill removes television series and television pilots from the general production queue if more than 25 percent of credits for the life of the program have been issued to television series. The bill moves digital media production to the first queue slot if less than 20 percent of credits have been awarded to digital media production.

The bill limits high-impact television series to applying for a maximum of two initial seasons, and then the series may only add an additional season as it finishes each season.

The bill limits total combined credits for a project to 30 percent of production expenses.

#### **Enterprise Zone Provisions**

The bill provides local governments the ability to apply to the Office of Tourism, Trade, and Economic Development for expansion of rural enterprise zones by up to 3 square miles.

#### **Research and Development Credits**

The bill provides an annual corporate income tax credit for expenses related to research and development in Florida. The taxpayer must have also received the related federal credit for research and development on the same expenses. The Florida credit is equal to 10 percent of the excess of the current year’s expenses over the corporation’s average research and development expenses for the prior 4 years. The total annual amount of credit authorized is \$9 million.

#### **Sales Tax Holiday**

The bill provides that no sales and use tax will be collected on the sale of books, clothing, wallets, or certain bags having a selling price of \$75 or less during the 3-day period beginning 12:01 a.m., Friday, August 12, 2011, through 11:59 p.m., Sunday, August 14, 2011. The bill also provides that no sales and use tax shall be collected on sales of certain school supplies having a selling price of \$15 or less per item during that same period of time. The temporary exemption does not apply to sales within theme parks, public lodgings or airports, as defined by statute.

#### **Appropriations**

The bill contains four appropriations of nonrecurring General Revenue to the Office of Tourism, Trade and Economic Development for the following purposes:

- \$5 million for the Florida Defense Support Task Force;
- \$15 million for the Innovation Incentive Fund program;
- \$42 million for the Quick Action Closing Fund program; and
- \$10 million for the Institute for the Commercialization of Public Research.

## **Other Legislation That Passed in 2011**



## WATER AND ENVIRONMENT

### **SB 2142 — Water Management Districts** - by Budget Committee

Requires the Legislature to annually review the preliminary budget for each water management district and set the maximum amount of revenue a district may raise in the next fiscal year through its ad valorem tax. For the 2011-2012 fiscal year, the bill limits the total ad valorem taxes that may be levied by the South Florida Water Management District to \$284,901,967.

### **Fertilizers – HB 457 by Reps. Ingram and Nelson/HB 7215 by Rep. Crisafulli**

House Bill 457, otherwise known as the fertilizer bill, passed the House 113-0 but was not taken up by the Senate. However, the language from HB 457 was included in HB 7215, a Florida Department of Agriculture and Consumer Services bill. House Bill 7215 provides for a single, uniform state standard while allowing existing local ordinances in place before July 1, 2011 to remain in effect.

In 2009, the Legislature passed SB 494, relating to water conservation. Among its many provisions, SB 494 directed the Department of Environmental Protection (DEP) to adopt and enforce a Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes by January 15, 2010.



That law encouraged adoption and enforcement of the model ordinance by local governments that are located in areas where water is impaired by certain nutrients. It also allowed local governments to adopt more stringent standards if specified criteria were met. Current law dictates that local governments that had adopted their own ordinance prior to January 1, 2009 are exempted from the provisions of SB 494, as are farm operations.

House Bill 7215 provides criteria for the future adoption of additional and more stringent local standards, including that these be part of an overall program for the control of multiple sources, science based, and that the DACS be notified of the adoption of the more stringent standards.

The revised legislation passed the House 117-0 on Monday, May 2<sup>nd</sup> and then passed the Senate 37-1 on Thursday, May 5<sup>th</sup>.



## COMMUNITY AFFAIRS

### **CS/CS/CS/HB 1195, 1st Eng. — Condominium, Cooperative, and Homeowners' Associations** - By Reps. Moraitis and Grant (CS/CS/CS/SB 530 by Senators Fasano and Sachs)

The bill clarifies existing law relating to the installation of manual fire alarm systems for condominiums, cooperatives, or multifamily residential buildings that are less than four stories.

It revises laws related to condominium, homeowner, and cooperative associations (community associations). The bill amends provisions that are applicable to each type of community association.

The bill makes the following changes for all community associations:

- Provides for the suspension of use rights and election rights of unit or parcel owners who are more than 90 days delinquent in the payment of a monetary obligation and for failure to comply with the association's governing documents;
- Provides for the suspension of use rights and election rights of unit or parcel owners who are more than 90 days delinquent in the payment of a monetary obligation; and
- In regards to the association's collection of unpaid monetary obligations from a unit or parcel owner's tenant, the bill specifies the statutory form for the written notice that the association must provide to the tenant if the association demands that the tenant make rental payments to the community association rather than to the unit or parcel owner.

Regarding homeowners' associations, the bill:

- Clarifies the definition of "declaration of covenants";
- Permits parcel owners to consent to the disclosure of protected information, e.g., names and telephone numbers for a membership directory;
- Permits unit owners to have access to written employment agreements or budgetary or financial records that indicate the compensation paid to an association employee;
- Provides limitations on who may serve on the board of directors of a homeowners' association;
- Authorizes and provides procedures for homeowners' associations to contract for communications, information, or Internet services on a bulk rate basis.

## HEALTH CARE

### CS/SB 2144 — Medicaid - by Budget Committee

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Modifies the nursing home staffing requirements to allow for a combined direct care staffing requirement of 3.6 hours per resident per day and modifies the formula for calculating the direct care subcomponent of the nursing home reimbursement.
- Modifies the requirements for the Agency for Health Care Administration to deny licensure and renewal requests.
- Repeals the sunset of the Medically Needy for adults program and the Medicaid Aged and Disabled (MEDS-AD) waiver, which will sunset June 30, 2011.
- Eliminates a requirement for a hospitalist program in nonteaching hospitals.
- Modifies the formula used for calculating reimbursements to providers of prescribed drugs.
- Repeals the sunset date for the freeze on Medicaid institutional unit cost; and deletes obsolete workgroups and reporting requirements.
- Provides for the allowed aggregated amount of assessments for all nursing home facilities to increase to conform to federal regulations and revises the criteria for exempting qualified public, nonstate-owned or operated nursing home facilities from quality assessments.
- Repeals the sunset of the quality assessment on privately operated intermediate care facilities for the developmentally disabled.
- Revises the years of audited data used in determining Medicaid and charity care days for hospitals in the Disproportionate Share Hospital (DSH) Program; and changes the distribution criteria for Medicaid DSH payments to implement funding decisions for the DSH program.
- Eliminates the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; and allowing electronic access to certain pharmacology drug information.
- Authorizes the implementation of a home delivery of pharmacy products program; establishes the requirements for the procurement and the program; and eliminates the requirement for the expansion of the mail-order-pharmacy diabetes-supply program.
- Eliminates certain specific components of the prescription drug management system program.

# Other Legislation That Passed in 2011

- **Authorizes an additional Program of All-inclusive Care for the Elderly (PACE) site in Palm Beach County and approves up to 150 initial enrollees, subject to a specific appropriation.**
- Authorizes the agency in conjunction with the specialty behavioral health plan to develop a clinically effective, evidence-based alternatives as downward substitution for the statewide inpatient psychiatric program and similar residential care and institutional services
- Deletes a provision that sunsets the ability of tobacco companies to deposit a limited amount of security with the Florida Supreme Court.
- Authorizes the use of a managing entity in the Medipass program in certain counties to implement program initiatives to improve care coordination, patient outcomes, and reduce costs.
- **Assigns Medicaid program recipients diagnosed with HIV/AIDS residing in Broward, Miami-Dade, or Palm Beach counties to an HIV/AIDS specialty plan.**

## **SB 2146 — Allocation of Funds for Community-Based Care Lead Agencies** - by Budget Committee

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill:

- Creates s. 409.16713, F.S.
- Requires the Department of Children and Family Services to allocate funds for community-based care lead agencies according to a specified equity allocation model.
- Specifies that included in the equity model is core services funding for foster care and in-home care.
- Specifies that excluded from the equity model is funding for independent living, maintenance adoption subsidies, mental health wrap-around services, non-recurring funds, special project funds, and training funds.
- Specifies the factors used in the equity model for each lead agency are as follows:
  - The proportion of children in poverty,
  - The proportion of child abuse hotline workload,
  - The proportion of children in care (in-home and out-of-home), and
  - The proportion of contribution in the reduction of out-of-home care.
- Specifies the weighting for these factors to calculate the equity allocation for core service fund:
  - Proportion of children in poverty – 30 percent of the total,
  - Proportion of child abuse hotline workload – 30 percent of the total,
  - Proportion of children in care – 30 percent of the total, and
  - Proportion of contribution to the reduction in out-of-home care – 10% of the total.
- Requires that, beginning in the 2011-2012 fiscal year, 75 percent of recurring core services funding for each lead agency be based on the prior year recurring base, and 25 percent be based on the equity allocation model.
- Specifies that any new funds for FY 2011-2012 be allocated based on the equity allocation model and only to those lead agencies where the current funding proportion is less than the proportion of funding based on the equity model.

## **HB 5303 — Biomedical Research** - by Health Care Appropriations Subcommittee; Rep. Hudson

The bill provides statutory changes to conform to the FY 2011-2012 General Appropriations Act. Specifically, the bill revises provisions of s. 216.5602 (12), F.S., as follows:

Modifies the amount of revenue from the cigarette surcharge deposited in the Health Care Trust Fund to be reserved and subsequently transferred to the Biomedical Research Trust Fund within the Department of Health from \$50 million to \$25 million beginning in the 2011-2012 fiscal year. Allocation of the funds is subject to an annual appropriation in the General Appropriations Act.

# Other Legislation That Passed in 2011



## FINANCE AND TAX

### **CS/SJR 958 — State Revenue Limitation** - by Senators Bogdanoff, Alexander, Gaetz, Negron, Hays, Evers, Bennett, and Richter

This joint resolution amends s. 1, Art. VII and creates s.19, Art. VII and s. 32, Art. XII, State Constitution. The joint resolution:

- Replaces the existing state revenue limitation based on Florida personal income growth with a new state revenue limitation based on changes in population and inflation.
- Requires excess revenues to be deposited into the Budget Stabilization Fund, used to support public schools by reducing property taxes used to fund education, or returned to the taxpayers.
- Adds fines and revenues used to pay debt service on bonds issued after July 1, 2012 to the state revenues subject to the limitation.
- Authorizes the Legislature to increase the revenue limitation by a supermajority vote.
- Authorizes the Legislature to place a proposed increase of the revenue limitation before the voters, requiring approval by 60 percent of the voters.

The proposed amendment will be submitted to the electors at the general election in 2012.

### **SB 2156 — Governmental Reorganization** - by Budget Committee

REORGANIZATION - Creates the Department of Economic Opportunity (DEO):

- Agency head, known as the “executive director,” appointed by the Governor and confirmed by the Senate.
- Transfers the Office of Tourism, Trade and Economic Development (OTTED), portions of the Department of Community Affairs (DCA), and portions of the Agency for Workforce Innovation (AWI) workforce functions to the new agency, effective October 1, 2011.

The Ready to Work program is transferred from the Department of Education (DOE) to the Department of Economic Opportunity.

## TELECOMMUNICATIONS

### **CS/CS/CS/HB 887 — Communications Services Tax** - By Rep. Dorworth (CS/CS/SB 1198 by Senator Bogdanoff)

The bill requires that each provider of communications services compute the tax due on the sale using a rounding algorithm that carries to the third decimal place and rounds up to a whole cent whenever the third decimal place is greater than four.

## LOCAL GOVERNMENT AFFAIRS

### **HB 19 — Compensation of County Officials** - by Rep. Mayfield

This bill allows certain county officials to reduce their salary on a voluntary basis. The county officers include each: member of a board of county commissioners, clerk of the circuit court, county comptroller, sheriff, supervisor of elections, property appraiser, and tax collector.

### **CS/CS/CS/SB 88 — Public Employee Compensation** - by Senators Gaetz and Storms

This bill prohibits bonuses paid to public employees unless the bonus is awarded to the employee of a public hospital from private

# Other Legislation That Passed in 2011



funds or is awarded to government employees based on statutorily specified bonus criteria. Specifically, under the bill, any policy, ordinance, rule, or resolution designed to implement a bonus scheme must:

- Base the award of a bonus on work performance;
- Describe the performance standards and evaluation process by which a bonus will be awarded;
- Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and
- Consider all employees for the bonus.

This bill prohibits severance pay unless the severance pay is:

- Paid to the employee of a public hospital from private funds;
- Paid in an amount not greater than 20 weeks of compensation; or
- Paid as the result of a settlement agreement in an amount not to exceed 6 weeks of compensation.

Contracts for severance pay must include a provision stating that severance pay is not paid in cases of employee misconduct. The bill defines severance pay as actual or constructive compensation including salary, benefits, or perquisites for employment services yet to be rendered which is provided to an employee who has recently been or is about to be terminated. The term does not include compensation for leave time, early retirement, or insurance subsidies.

### **CS/SB 224 — Local Government Accountability** - by Senators Dean and Lynn

This bill provides minimum budgeting standards for counties, county officers, municipalities, and special districts. The bill requires the budget of each county, municipality, special district, water management district, school district, and certain county officers to be posted on the government entity's website. The bill requires certain counties, municipalities, and special districts to file their annual financial report and annual financial audit report with the Department of Financial Services and the annual financial audit report with the Office of the Auditor General within nine months of the end of the fiscal year. This bill also amends the reporting process used by the Legislative Auditing Committee and the Department of Community Affairs to compel special districts to file certain required financial reports.

The bill further allows certain municipalities to levy and collect special assessments in order to fund certain special security and crime prevention services and facilities.

### **CS/CS/CS HB 281 — Value Adjustment Boards** - by Rep. Logan and others

This bill requires a value adjustment board petitioner that is challenging an assessment to pay all non-ad valorem assessments and make a partial payment of at least 75 percent of taxes due before the taxes become delinquent on April 1.

Taxpayers that challenge the denial of a classification or exemption, or argue that the property was not substantially complete on the date of assessment must pay the non-ad valorem assessments and must make a "good faith" payment of the tax. If the value adjustment board determines that the payment was grossly disproportionate to what was owed and was not made in good faith, the tax collector is to collect a 10 percent penalty. The bill requires the value adjustment board to deny the petition by April 20, if the required payment is not timely made.

### **CS/CS/HB 287 — Economic Development** - by Rep. Eisnaugle (CS/SB 506 by Senator Bogdanoff)

Article VII, section 3(c) of the Florida Constitution, allows counties and municipalities to grant economic development ad valorem tax exemptions to new businesses and expansions of existing businesses as defined by general law. Under current law, the economic development exemption may only be granted through a county or municipal ordinance that is previously approved by the electors of the participating county or municipality.

## **Other Legislation That Passed in 2011**

This bill provides greater flexibility for counties and municipalities and may promote job creation by revising the definitions of “new business” and “expansion of an existing business” to include qualifying organizations and by requiring eligible businesses and organizations to pay a wage above the average wage of the locality.

The bill expands eligibility for the economic development exemption to include target industry businesses and allows the board of county commissioners of a charter county to hold a referendum to grant such exemption upon receiving a petition in a charter county signed by the requisite number of electors prescribed in the county charter, including charters that require the signatures of less than 10 percent of the electors.

**CS/CS/CS/CS/CS/HJR 381 — Property Assessment/Homestead Exemption** - by Reps. Dorworth, Costello and others (CS/CS/SJR 658 by Senators Fasano and Gaetz)

This joint resolution proposes amendments to Article VII, section 4, of the Florida Constitution, to permit the Legislature to prohibit increases in the assessed value of homestead property and certain non-homestead property if the just value of the property decreases, with exceptions for changes, additions, reductions or improvements to property. The joint resolution also seeks to reduce the limitation on annual assessment increases applicable to certain non-homestead property from 10 percent to 5 percent.

The joint resolution proposes an amendment to Article VII, section 6, of the Florida Constitution, to allow individuals that are entitled to a homestead exemption under s. 6(a), Art. VII of the Florida Constitution that have not previously received a homestead exemption in the past three calendar years to receive an additional homestead exemption equal to 50 percent of the just value of the homestead property not to exceed the median just value of all homestead property within the county. The additional exemption applies for a period of five years or until the property is sold and shall be reduced by 20 percent of the initial exemption on January 1 of each succeeding year until it is no longer available in the sixth and subsequent years. The exemption does not apply to school levies.

**HB 407 — Residential Building Permits** - by Rep. Perry and others (CS/SB 580 by Community Affairs Committee and Senator Oelrich)

This bill prohibits a local enforcement agency, and any local building code administrator, inspector, or other official or entity from requiring the inspection of any portion of a building, structure, or real property that is not directly related to the activity for which a permit is sought as a condition for issuance of a one- or two-family residential building permit.

The provisions of this bill do not apply to a building permit that is sought for: substantial improvements, a change in occupancy, conversions from residential with nonresidential or mixed use, and historic buildings.

**SB 410 — Impact Fees** - by Senator Bennett

In response to ongoing litigation, this bill reenacts the section of law created by Chapter 2009- 49, Laws of Florida, (HB 227 (2009 Regular Session)) that created the “preponderance of the evidence” standard of review for the government in cases challenging the imposition or amount of an impact fee.

**HB 639 — Affordable Housing** - by Rep. Aubuchon and others (SB 912 by Senators Bennett and Smith)

This bill removes the statutory limitation on documentary stamp tax revenues that go into the State and Local Government Housing Trust Funds and prohibits the use of affordable housing funds for new construction activities until July 1, 2012. The bill also provides targeted assistance for persons with special needs.

## Other Legislation That Passed in 2011

**CS/CS/HB 701 — Property Rights** - by Rep. Eisnagle and others (CS/SB 998 by Senators Simmons, Hays, Thrasher, Wise, Bennett, Alexander, Dean, Gaetz, Evers, Haridopolos, and Siplin)

The bill amends the Bert Harris Act to make the following changes to Florida’s statutory protections on real property rights. The bill:

- Specifies that a temporary impact on development that is in effect for longer than one year may, depending upon the circumstances, constitute an “inordinate burden;”
- Clarifies that circumstances leading to the time elapsed between enactment of the law or regulation and its first application to the property are relevant to determining whether the investment-backed expectations were inordinately burdened;
- Changes the required notification periods from 180 days to 150 days.
- Changes the term “ripeness decision” to “statement of allowable uses” and revises language specifying when the prerequisites for judicial review are met for property owners;
- Clarifies that the one-year statute of limitations begins to run when:
  1. a law or regulation is first applied upon enactment and notice mailed to the property owner, or
  2. there is a formal denial of a written request for development or variance; and
- Specifies that sovereign immunity is waived for purposes of the Bert Harris Act.

**HB 767 — Local Government** - by Rep. Rooney (SB 1144 by Senator Margolis)

This bill authorizes the board of county commissioners to negotiate the lease of real property for a term not to exceed five years rather than go through the competitive bidding process. The bill also allows government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located.

**CS/CS/CS/HB 849 — Building Construction and Inspection** - by Rep. Davis and others (CS/CS/SB 396 by Senator Bennett)

This bill exempts the Florida Building Code (Code) and the Florida Fire Prevention Code from being required to provide a statement of estimated regulatory costs and requires that proposed amendments to the foundation of the Code demonstrate a need for incorporation. Code amendments or modifications relating to the wind-resistance design of buildings and structures in the high-velocity hurricane zone of Miami-Dade and Broward Counties shall not expire and shall be carried forward to the next edition of the Code.

The bill redefines the term “sustainable building rating or national model building code” to include the International Green Construction Code and amends the membership composition requirements for the Florida Building Commission (Commission). The bill also expands the categories of persons who may be certified as qualified for licensure by endorsement as a home inspector and requires at least 2 hours of hurricane mitigation training to be included as part of a home inspector’s continuing education requirements.

The bill repeals the exemption that permits Division I contractors to perform both the inspection and repairs on a home and authorizes individuals who are licensed as a landscape architect to submit landscape design plans to government agencies for approval.

This bill replaces one of the public lodging industry seats on the Department of Health advisory review board with a county or local building official and clarifies that the Habitat for Humanity exemption also applies to the rehabilitation of certain family residences.

**HB 7001 — Growth Management** - By Rep. Workman (SB 174 by Senators Bennett and Gaetz)

In response to ongoing litigation, this bill (Chapter 2011-14, L.O.F.) reenacts sections of law amended by the parts of Ch. 2009-96, Laws of Florida, (SB 360 from 2009) most closely related to the subject of growth management to eliminate any possible question that any of these provisions could be subjected to a single subject challenge. Additionally, since the bill passed by a 2/3 majority of each house, it could remove the argument that these provisions violate the mandates provision of the Florida Constitution. The bill does not change the law but reaffirms the changes to the law made in 2009 related to growth management.

## Other Legislation That Passed in 2011



## CRIMINAL JUSTICE

### CS/CS/CS/HB 45 — Regulation of Firearms and Ammunition - by Rep. Gaetz (Senator Negron)

This bill expands and clarifies state preemption of the regulation of firearms and ammunition. It prohibits local governments from enacting ordinances regulating firearms or ammunition. Any such violation would be subject to a \$5,000 fine.

### SB 2112 — Juvenile Detention Facilities - by Budget Committee

This bill amends ss. 985.686 and 985.688, F.S., allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from the provisions of these sections of Florida Statutes if they are in compliance with specific provisions. They consist of the following:

- Counties must fund the entire cost for pre-adjudication detention for juveniles.
- Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility.
- County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association.
- Detention facilities must be inspected annually and meet the Florida Model Jail Standards.
- Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section.
- County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates.
- If counties or county sheriffs comply with the provisions of this new subsection, they will not be subject to any additional training, procedures, or inspections required in Ch. 985, F.S.



### Open Carry Gun Law - HB 517 by Rep. Dorworth/SB 234 by Sen. Evers

On Thursday, April 28<sup>th</sup>, SB 234 by Rep. Greg Evers was amended and passed the Senate 26-11. Sen. Ellyn Bogdanoff sponsored an amendment that now allows for accidental exposure of a gun to be legal as long as it is not in a threatening or intimidating manner. This legislation would no longer make it a third degree misdemeanor for those who have unintentionally exposed a concealed weapon in public. Senate Bill 234 has been drastically changed from its original version that would have made it legal to openly carry weapons.

On Wednesday, May 4<sup>th</sup>, SB 234 passed the full House by a vote of 99-17. This new, revised legislation makes it more palatable to those who were originally in opposition to the bill. Law enforcement and the Florida Retail Federation (FRF) have opposed the open carry law due to concerns relating to public safety and as a possible tourism deterrent.

## ELECTIONS

### **CS/CS/HB 1355 — Elections** - by Rep. Baxley and others

CS/CS/HB 1355 is an omnibus elections bill consisting primarily of the Secretary of State's election administration and campaign finance packages, along with numerous other significant changes to the Florida Election Code that include:

**Joint Resolutions:** providing for alternative ballot summaries and/or the full text of a constitutional amendment proposed by joint resolution to be placed on the ballot; providing lead-time until the end of 2013 for voting systems to be modified to accommodate the full text of an amendment; creating a presumption that placing the full text on the ballot provides electors adequate notice of what they're voting on; containing procedures for curing defective ballot summaries; making the provisions of this section retroactive to joint resolutions passed during the 2011 legislative session.

**Early Voting:** providing for a more compressed, 8-day early voting period that's closer to election day — from the 10<sup>th</sup> to the 3<sup>rd</sup> day before the election — while maintaining the current 96 total hours of early voting should supervisors deem it necessary in their counties; requiring early voting at each site to be open for a minimum of 6 hours and a maximum of 12 hours per day.

**Third-Party Voter Registration Organizations:** requiring such groups to submit voter registration applications within 48 hours of receipt instead of 10 days, identify registration agents collecting applications, and act as a fiduciary to voters whose applications have been collected; requiring registration forms to contain certain identifying information; mandating that the Florida Division of Elections maintain a database of forms issued to third-party voter registration groups; applying the provisions of this section retroactively to existing third-party voter registration groups.

**Address Changes at the Polls:** allowing voters to change their addresses on Election Day and still vote a regular ballot, provided the elector is: 1) voting in the same county in which they originally registered to vote; or, 2) an active military member or in the same family with an active military member. Other electors making inter-county address changes at the polls would be required to vote a provisional ballot.

**Citizen Initiative Petitions:** reducing the shelf-life of initiative petition signatures proposing constitutional amendments from 4 years to 2 years.

**Reporting Election Results:** requiring county canvassing boards to report all early voting and tabulated absentee ballots to the Department of State within 30 minutes after the polls close, and to subsequently report all results (other than provisional ballots) every 45 minutes until complete.

**Presidential Preference Primary (PPP) Date:** eliminating the current date for the Presidential Preference Primary (last Tuesday in January) and creating a 10-member PPP Date Selection Committee, which will establish the PPP date every four years to fall between the beginning of January and the beginning of March; the date must be selected by October 1 of the year preceding the presidential election.

**State Primary Date:** moving the State's primary election from 10 weeks to 12 weeks before the general election (i.e., August 14, 2012).

**Party Switching:** prohibiting would-be candidates from seeking a party's nomination to an office if the person was a member of any other political party for a year preceding qualifying.

**Binding Directives:** empowering the Secretary of State to provide written direction to supervisors of elections on matters relating to their official duties under the Florida Election Code or department rule.

**Absentee Ballots:** standardizing the time frames during which absentee ballots are mailed to military, overseas, and other voters; allowing county canvassing boards to begin canvassing absentee ballots at 7 a.m. on the 15<sup>th</sup> day before an election instead of the 6<sup>th</sup> day.

**Election Law Violations:** correcting an oversight in current law by providing that an administrative law judge in the Division of Administrative Hearings has the same authority as the Florida Elections Commission to impose civil penalties for election law violations.

**Voter Information Cards:** adding the polling place address to voter information cards, and requiring supervisors of elections to comply with this requirement with respect to all voter information cards issued after August 1, 2012.

**Poll Watchers:** bringing greater transparency and flexibility to poll watcher procedures by providing for "at-large" poll watchers.

## Other Legislation That Passed in 2011

**Random Audits:** specifying that if a manual recount was conducted, a post-election, random audit of the voting system is not required.

**Campaign Finance Automatic Fines:** increasing the penalty for committees of continuous existence that late-file their final campaign finance report due before a primary or general election for the first three days the report is late, from \$50 per day to \$500 per day (to conform to current law regarding political committee and candidate filings).

**County Candidates/Reapportionment:** allowing county candidates who are seeking to qualify by petition in an apportionment year to obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries.

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## TRANSPORTATION

### HB 501 — Choose Life License Plates - by Rep. Baxley

- HB501 directs the distribution of funds from the sale of "Choose Life" license plates to Choose Life, Inc.
- Choose Life, Inc., will distribute funds to participating nongovernmental, not-for-profit agencies within the State of Florida that assist pregnant women who are making an adoption plan for their children. Funds will be distributed based on an annual Department of Highway Safety and Motor Vehicle (DHSMV) sales per county report.
- The bill allows Choose Life, Inc. to use a maximum of 15 percent of funds collected annually for administration and promotion of "Choose Life" specialty license plates.
- If no qualified agency applies to receive funds in a county in any year, that county's Choose Life funds shall be distributed pro-rata to any qualified agencies that apply provided such agencies maintain a place of business within a one hundred mile radius of the county seat of such county.

By October 1, 2011, all funds collected by DHSMV from the sale of "Choose Life" license plates shall be transferred to Choose Life, Inc. This change will allow the department to distribute the \$557,451.63 in funds held due to lack of participating counties.

# Other Legislation That Passed in 2011



## REAPPORTIONMENT AND REDISTRICTING

Redistricting Public Hearings will begin on June 20<sup>th</sup> in Tallahassee. Meetings in Southeast Florida will tentatively be held between August 15<sup>th</sup> and August 18<sup>th</sup>. For any additional information, you may go to [www.floridaredistricting.org](http://www.floridaredistricting.org) or [www.flsenate.gov/Committees/RE](http://www.flsenate.gov/Committees/RE).

The 2012 Legislative Session will start in January to begin the method of revising the Florida House and Senate State and Congressional district lines based upon the 2010 US Census results. In preparation of the reapportionment process, the House and Senate Redistricting Committees and Subcommittees began meeting to listen to presentations relating to the redistricting procedure and a background on Florida Demographics and its correlation with the US Census. A tutorial was provided to members on the Redistricting Committee and respective Subcommittees on how to utilize the My District Builder website and create legislative House, Senate and Congressional districts. You can access that site by visiting the Florida Redistricting website provided above. Sens. Benacquisto, Bullard, Negron and Sachs will sit on the Senate Reapportionment Committee. Two House members from Palm Beach County will be represented on the Committees. Rep. Mack Bernard will serve on both the Redistricting and House Redistricting Committees. Rep. Joseph Abruzzo will serve on the Congressional Redistricting Committee.



## CONSTITUTIONAL AMENDMENTS

Seven Constitutional Amendments passed this session that will be on the ballot in 2012:

**Smart cap:** If approved by voters, Senate Joint Resolution 958 will limit future growth in state revenues to a formula based on population growth and inflation. If the state collects money in excess of the cap, that money will go first to the budget stabilization fund and then to school property tax reductions. This cap includes state spending only and does not apply to local governments.

**Property taxes:** Would give first-time homebuyers a property-tax discount and lower the cap on the annual rise in assessments for non-homestead property from 10 percent to 5 percent.

**Property taxes:** Would expand a property-tax discount for veterans injured in combat.

**Abortion:** Bans the use of public dollars to pay for abortions

**Faith-based groups:** Repeals a Reconstruction-era constitutional amendment that bans using state dollars for religious purposes. Sponsor Sen. Thad Altman said it would allow the state to partner with successful church-affiliated social programs such as substance-abuse treatment. Critics say it could pave the way for use of public dollars for school vouchers.

**Health care:** Would ban mandated health care, an attempt to block President Obama's reforms.

**Courts:** Would require Senate confirmation of Supreme Court justices and give the Legislature greater power to review court rules.

## Other Legislation of Interest

## **LEGISLATION MONITORED BY THE COUNTY THAT DID NOT PASS**

### **Environmental Permitting** – HB 991 by Rep. Patronis,

This legislation was passed by the House but died without any action by the Senate, either on the Senate floor or in committees. The bill contained language supported by Palm Beach County that would have prohibited a state agency to require as a condition of approval for a permit or pending application, a permit or approval from any other local, state or federal agency if it has explicit statutory authority, and it requires expedited review of biomass plants if a local comprehensive plan does not include such. The bill required many environmental permits to be issued within 60 days as opposed to 90 days.

### **Wage Theft** – HB 241 by Rep. Goodson and SB 982 by Sen. Norman

These bills, also known as the "Florida Wage Protection Act," prohibit a county, municipality, or political subdivision of the state from adopting a wage theft ordinance or regulation that exceeds certain state and federal laws. The Senate bill died on Calendar and the House bill passed on the House floor; however, the bill died in Messages.

### **Traffic Control Signals** - HB 149 by Rep. Ahern/SB 1180 by Sen. Latvala

House Bill 149 by Rep. Ahern passed the full House on Monday, May 2<sup>nd</sup> by a unanimous vote of 118-0. However, neither it nor its Senate companion, SB 1180, the Department of Transportation package, was heard by the full Senate. Therefore, it died on the last day of Session.

These bills contained provisions that would have required certain time thresholds for yellow light timing. The requirements are 3 seconds for 25 mph or less and shall increase one-half second for each increase of 5 miles per hour plus 10%. The maximum time for a yellow light is 6 seconds. The bill further rendered that any red-light camera ticket be unenforceable if the light is improperly programmed and does not consist of the required time interval pursuant to the lawful speed limit.



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