

# **PALM BEACH COUNTY 2012 LEGISLATIVE SESSION FINAL REPORT**

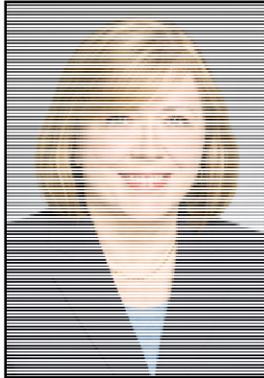


**April 17, 2012**



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## Table of Contents

<b>1.</b>	<b>BUDGET ISSUES.....</b>	<b>4</b>
1.1.	2012 General Appropriations Act.....	4
1.2.	Health and Human Services.....	4
1.3.	Criminal Justice and Corrections.....	5
1.4.	Natural Resources, Environment, Growth Management, and Transportation.....	5
1.5.	General Government.....	5
1.6.	Judicial Branch.....	5
1.7.	Palm Beach County Priority Budget Allocations:.....	6
<b>2.</b>	<b>BUDGET ITEMS OF INTEREST:.....</b>	<b>6</b>
2.1.	EDUCATION.....	6
2.2.	HEALTH.....	7
2.3.	TRANSPORTATION.....	7
2.4.	OTHER.....	8
2.5.	STATEWIDE APPROPRIATIONS OF INTEREST.....	8
<b>3.</b>	<b>LEGISLATION SUPPORTED BY THE COUNTY THAT PASSED.....</b>	<b>8</b>
3.1.	TRANSPORTATION.....	8
3.2.	ECONOMIC DEVELOPMENT.....	9
3.3.	ENERGY.....	9
3.4.	ENVIRONMENT & WATER ISSUES.....	10
3.5.	CRIMINAL & JUVENILE JUSTICE ISSUES.....	11
3.6.	HEALTH ISSUES.....	12
3.7.	REDISTRICTING.....	13
3.8.	LOCAL BILLS.....	13
<b>4.</b>	<b>BILLS OPPOSED BY THE COUNTY THAT FAILED.....</b>	<b>14</b>
4.1.	FINANCE & TAX ISSUES.....	14
4.2.	TRANSPORTATION.....	14
<b>5.</b>	<b>LEGISLATION SUPPORTED BY THE COUNTY THAT FAILED.....</b>	<b>15</b>
5.1.	FINANCE & TAX ISSUES.....	15
5.2.	JUVENILE JUSTICE ISSUES.....	15
<b>6.</b>	<b>BILLS OPPOSED BY THE COUNTY THAT PASSED.....</b>	<b>16</b>
6.1.	HEALTH ISSUES.....	16
6.2.	GROWTH MANAGEMENT ISSUES.....	16
<b>7.</b>	<b>OTHER BILLS OF INTEREST.....</b>	<b>16</b>
7.1.	CRIMINAL & JUVENILE JUSTICE ISSUES.....	16
7.2.	ENVIRONMENTAL ISSUES.....	17
7.3.	FINANCE & TAX ISSUES.....	17
7.4.	GENERAL GOVERNMENT ISSUES.....	18
7.5.	GROWTH MANAGEMENT ISSUES.....	20
<b>8.</b>	<b>CONSTITUTIONAL AMENDMENTS.....</b>	<b>20</b>

## 1. BUDGET ISSUES

### 1.1. 2012 GENERAL APPROPRIATIONS ACT

#### *HB 5001 by the House Budget Committee (SB 2000)*

The General Appropriations Act for State Fiscal Year (SFY) 2013 totals approximately \$70 billion and represents a \$360 million increase from the previous state fiscal year. The chart below summarizes a comparison of expenditures between SFY2013 and SFY 2012 by budget section.

Budget Comparison by Section*	State FY2012	State FY2013	<u>\$ Difference</u> State FY2012 vs. State FY2013	<u>% Difference</u> State FY2012 vs. State FY2013
Section 1. Education	1,376.80	1,491.08	114.28	8.3%
Section 2. Education	18,523.80	18,795.35	271.55	1%
Section 3. Health & Human Services	29,991.30	29,912.77	(78.53)	(0.26%)
Section 4. Criminal Justice & Corrections	4,478.50	4,191.23	(287.27)	(6.41%)
Section 5. Natural Res./Env./Growth/Transportation	10,858.90	11,329.79	470.89	4.34%
Section 6. General Government	3,988.30	3,870.22	(118.08)	(2.96%)
Section 7. Judicial Branch	459.20	446.20	(13)	(2.83%)
<b>TOTAL BUDGET</b>	<b>\$69,676.60</b>	<b>\$70,036.64</b>	<b>360.04</b>	<b>0.52%</b>

*\*Amounts across and down do not equal due to rounding. Amounts include fixed capital outlay amounts, too.*

### 1.2. HEALTH AND HUMAN SERVICES

The Health Care budget represents the largest portion of the state budget. This year, the budget total for HHS is \$29,885,893,801. Fixed capital outlay amounts to \$26,879,165.

The cuts come largely from Medicaid rate cuts to hospitals in the amount of \$300 million. Budget writers also cut into local government programs, such as substance abuse and mental health recovery. Those programs were



largely spared under the original House bill, but were inserted when the Senate demanded some reform. The cuts were nothing close to what the Senate wanted.

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### **1.3. CRIMINAL JUSTICE AND CORRECTIONS**

This area funds state jails, police and other first responders. The total budget for this area is \$4,120,776,098. Fixed capital outlay amounts to \$70,453,087.

One item that we are happy to report on is the new funding measure for the local crime labs. Currently, when a crime lab is used to aid the conviction or plea of a defendant, the statutory fee for such service is discretionary. Senate Conforming Bill 1968 passed both the House and Senate unanimously and the bill would mandate that the court collect a \$100 use fee when the defendant pleads guilty, nolo contendere, or is found guilty.



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### **1.4. NATURAL RESOURCES, ENVIRONMENT, GROWTH MANAGEMENT, AND TRANSPORTATION**

This area revolves around state environmental protection, land buying, and economic development among others. This year's amounts are \$2,902,613,569 and \$8,427,178,896 for fixed capital outlay.

Florida Forever was given \$8.3 million and Everglades Restoration was awarded \$30 million as well as an additional \$5 million for the northern Everglades and estuaries programs. Additionally, the budget includes \$22 million for beach restoration funding.

The Legislature appropriated \$200 million from license fees to the State Transportation Fund, and then placed it in General Revenue. This funding will go toward road and transportation projects and is broken down by \$10 million toward seaports, \$35 million to the [Florida Turnpike Enterprise](#), \$10 million to the [Transportation Disadvantaged Fund](#), \$10 million to road projects in smaller counties and the rest to transportation projects throughout the state.

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### **1.5. GENERAL GOVERNMENT**

This area of the budget deals mainly with governmental operations and administration. The total amount in this section is \$3,739,658,715 and \$130,560,815 for the fixed capital outlay.

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### **1.6. JUDICIAL BRANCH**

This area pays for our state courts. The total amount this year is \$445,203,339 with an even \$1,000,000 in fixed capital outlay money.

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## **1.7. PALM BEACH COUNTY PRIORITY BUDGET ALLOCATIONS:**

**Beach Restoration** - The budget includes \$10 million in new General Revenue and \$12 in additional reverted dollars for a total of \$22 million to fund projects.

**Libraries** - The budget includes full funding for \$21.3million with half coming from recurring general revenue and \$1.5 million for Library co-ops.

**Florida Forever & Everglades** - \$8.37 million was eventually included for Florida Forever and \$30 million for Everglades Restoration.

**Petroleum Storage Tank Cleanup** - \$125 million was provided for pre certification and fully funds the program. \$7 million is provided in the local funding portion of the program.

**Torrey Island** - \$50K was provided for master plan development of Torrey Island in the Glades

**Water Utilities Infrastructure Glades Area** - \$1 million was provided for Palm Beach County Water Utility infrastructure replacement in the Glades area.

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## **2. BUDGET ITEMS OF INTEREST:**

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### **2.1. EDUCATION**

#### **Palm Beach County School District**

Palm Beach County Schools K-12 \$1,167,090,448

#### **Florida Atlantic University**

Florida Atlantic University - Autism Centers \$520,579  
Florida Atlantic University - Lottery Funds \$13,896,935  
Florida Atlantic University - Education & General Activities \$89,195,933  
Florida Atlantic University - Student Financial Assistance \$399,658  
Florida Atlantic University - Risk Mgmt. Insurance \$1,915,023  
Florida Atlantic University Medical School - Grants & Aids \$12,778,504

#### **Palm Beach State College**

Palm Beach State College - Lottery Funds \$8,766,622  
Palm Beach State College - Program Funds \$42,230,263  
Palm Beach State College - Education Capital Outlay \$2,136,975  
Palm Beach State College (R.I.S.E.) - College Reach Out Program \$40,115

#### **Public Broadcasting**

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

#### **Workforce Development**

Florida Goodwill Association - Workforce Projects \$500,000  
Public Schools Workforce Education Performance Based Incentives \$162,569

Public Schools Workforce Education Program Funds \$18,633,199

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## 2.2. HEALTH

### Health

Adults with Disabilities Funds - Vocational Rehabilitation \$760,481

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## 2.3. TRANSPORTATION

### Economic Development

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

### Aviation

Palm Beach Intl A/P Golfview Apron, Taxiways and Infrastructure \$3,150,000

PB Lantana Airport Extend Itenerant Apron \$2,300,000

### Port of Palm Beach

Port of Palm Beach Port-Wide Slip Redevelopment \$4,740,091

### Bridges

Clint Moore Road Bridge #930202 Painting of Steel Superstructure \$1,764,717

Jog Road @ SR-80/Southern Blvd. Bridge Widening over C-51 \$1,961,902

PBIA Interchange Ramp Expansion Joints Repair For 8 Bridges \$1,784,366

SR-786/PGA Blvd Bridge Painting Br #930388 \$1,317,605

### Engineering

Palm Beach TMC Staffing \$1,053,262

SR-5/US-1 Fed Hwy Fr. CR-A1A (MP 10.567) to Beach Road (MP 11.127) \$1,300,000

SR-5/US-1 from S. Glades Rd to N. of Yamato Rd(Boca) \$2,800,000

SR-7 from 60th Street to North Lake Blvd. \$16,596,895

SR-7/US-441 from Broward/PB Co/Line to SR-808/Glades Road \$4,448,547

### Resurfacing

Resurface Mainline Glades Rd to So. of Atlantic Ave. MP76.4 - MP 81.1 \$1,167,560

SR-808/Glades Road from SR-7 to SR-5 \$4,000,000

SR-9/I-95 @ PGA Boulevard/Central Boulevard \$1,500,000

Palm Beach UPWP FY 2012/2013 & 2013/2014 \$1,246,191

SR-9/I-95 from North of Glades Road to South of Congress Ave \$5,967,885

Resurface Mainline from MP102.5 to MP103.7 NB & SB In Palm Bch Co. \$1,327,110

CR-812/Lantana Road from Sunset Rd. to Signal E.of SR-9/I-95 \$1,865,345

Resurface Mainline Glades Rd to So. of Atlantic Ave. MP76.4 - MP 81.1 \$9,728,921

SR-704/Okeechobee Bv from East of Military to East of Congress \$2,495,504

SR-808/Glades Rd from SR-7/US-441 to East of Lyons Road \$1,655,205

SR-9/I-95 from The L30 Canal to N. of Gateway Blvd \$7,800,398

### Right-of-Way Land Acquisition

SR-710/Beeline Hwy from W of Australian Ave to Old Dixie Hwy \$1,038,578

### SIS/Intrastate Highways

CR-812/Lantana Road from Sunset Rd. to Signal E.of SR-9/I-95 \$1,559,724

I-95/SR-9/Noise Wall N. of Lake Ida Road to S. of SW 23rd Ave \$1,791,915

Indiantown Rd Ramp Intersection Modification (Tpk MP 116)	\$1,681,271
Federal Highway Beautification	\$1,856,708
Palm Beach County Install Pivotal Hangers On Traffic Signals	\$1,173,277
Palm Beach County Road Ranger Service Patrol	\$1,459,277
SR-9/I-95 from North of Glades Road to South of Congress Ave	\$60,508,698
SR-25/US-27 Asset Management Contract US-27 & Belle Glade Area	\$1,549,778

**Transit**

Palm Beach County Block Grant Operating Assistance	\$4,754,934
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**2.4. OTHER**

<del>Torry Island Master Plan Development</del>	<del>\$50,000</del>
Children's Museum Boardwalk, The Children's Museum, Inc.	\$36,000
<del>Palm Beach County Water Treatment Project - Glades Area</del>	<del>\$1,000,000</del>
<del>Security Services for Presidential Debate - FDLE</del>	<del>\$250,000</del>
Sago Palm Payment in Lieu of Taxes to the City of Pahokee	\$142,900

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**2.5. STATEWIDE APPROPRIATIONS OF INTEREST**

Everglades Restoration (DEP)	\$30,000,000
Mosquito Control	\$2,160,000
Petroleum Tanks Cleanup	\$125,000,000
Special Election Funding	\$2,000,000
Libraries	\$23,700,606
Library Cooperatives	\$1,500,000
Transportation Disadvantaged Program	\$43,404,800
Transportation Disadvantaged Program - Medicaid	\$65,486,126
Drug Courts	\$10,685,523
Homeless Housing Assistance Grants	\$3,000,000

*\*strikethrough indicates item was vetoed.*

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**3. LEGISLATION SUPPORTED BY THE COUNTY THAT PASSED**

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**3.1. TRANSPORTATION**

**HB 599 by Rep. Pilon** passed both Chambers and will allow flexibility in the permitting of stormwater treatment facilities for transportation facilities due to their linear nature and allow alternatives to onsite treatment and remove FDOT's responsibility for providing stormwater treatment for adjacent landowners' stormwater permits. Palm Beach County saw three legislative priority issues addressed in this bill.

The bill included provisions relating to the use of **Local Option Fuel Tax (LOFT)** dollars to be used for installation, operation, maintenance and repairs to street lighting, traffic signals, traffic engineering, signalization and pavement markings. It allows local governments to transfer right of way by deed instead of using maps, in order to reduce the cost of the transfer.

The legislation revises the membership of the governing board of the **South Florida Regional Transportation Authority (SFRTA)** to 10 voting members with four being appointed by the Governor or the appropriate FDOT District Secretary. Expansion of the SFRTA system is limited to Monroe County without



FDOT approval. SFRTA's ability to pledge future state funds is reduced and FDOT oversight of the SFRTA budget is enhanced.

In addition, it extends for two years, a **Palm Beach County School Sign Pilot Program** allowing the Palm Beach County School District to recognize its business partners by publicly displaying its business partners' names on district property in unincorporated areas. *The Governor signed this into law on April 27, 2012.*

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### 3.2. ECONOMIC DEVELOPMENT

**HB 7087 by the House Finance & Tax Committee and Rep. Precourt** makes numerous changes to the way taxes are collected, credited or exempted. Most noticeably, the bill raises the corporate income tax exemption from \$25,000 to \$50,000.

#### Film and Television Incentives

HB 7087 expands the ability of entertainment production in the state. The bill removes the prohibition on allowing television pilots into the general production queue if more than 25 percent of credits over the history of the program have been granted to television and changes the threshold to 45 percent. It also creates a requirement that a production wishing to claim credits for expenditures related to principal photography must have at least 50 percent of principal photography shooting days spent within Florida or must have spent at least \$10 million on qualified production expenditures within this state.

It extends the Entertainment Industry Financial Incentive Program for an additional year and authorizes \$42 million in tax credits that may be claimed beginning in fiscal year 2015-2016. The types of projects that qualify are amended, and digital media projects are expanded to include interactive websites, digital animation and visual effects projects. The bill targets other areas as follows:

- 1) Increases tax credits available to the New Markets Development Programs from \$97.5 million to \$163.8 million.
- 2) The bill gives sales tax credits on energy used for packinghouses where fruits and vegetables are packed.
- 3) Lowers to 5% the increase in productive output required for the current sales tax exemption.
- 4) Lowers the weight of airplanes from 15,000 pounds to 2,000 pounds for sales tax exemptions for maintenance and labor.
- 5) Shifts Cigarette Tax money to cancer hospitals.
- 6) Exempts vehicles for hire designed to transport eight or fewer physically-disabled persons, or for the value of a conversion to create such a vehicle, from the sales, rental, use, consumption, distribution and storage tax.
- 7) Appropriates \$226,284 to the Department of Revenue to administer the "Back to School" sales tax holiday.

The bill would have a negative fiscal hit to general revenue. The two biggest hits are the expanding production of maintenance and equipment (\$56.4 million) and the Corporate Income Tax Exemption increase (\$29.4 million). *The bill was approved by the Governor on March 28, 2012.*



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### 3.3. ENERGY

**HB 7117** is an initiative, backed by the Commissioner of Agriculture, which would extend \$16 million dollars of tax credits for renewable energy. The bill also makes a number of changes to energy laws to streamline and help implement a renewable energy plan state-wide. The bill expands the ability for biofuel permits and allows utilities to recover costs from consumers if the PSC makes such a determination after petition.

HB 7117 also authorizes local governments to use discretionary sales surtax proceeds to provide funding to residential property owners who make energy efficiency improvements

to their residential property if done pursuant to referendum. The bill creates a renewable energy production credit against the corporate income tax based on \$0.01 per kilowatt hour of renewable energy produced. The cap is \$1 million per corporation and \$5 million for state fiscal year 2012-2013, which is increased to \$10 million for 2013-2014 through 2016-2017, with provisions for prorating credits if claims exceed the annual cap. ***This bill became law without the Governor's signature on April 13, 2012.***

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### **3.4. ENVIRONMENT & WATER ISSUES**

#### **Permitting**

**HB 503 by Rep. Patronis** prohibits a county or a municipality from conditioning the processing for a development permit on an applicant obtaining a permit or approval from any other state or federal agency and likewise requires the same prohibition for the State, a provision included in the bill at Palm Beach County's request. It reduces the time for agency action or proposed action on a permit from 90 to 60 days. The bill is touted as a measure that will streamline permitting for developments. ***The bill was signed into law by the Governor on May 4, 2012.***

#### **Environmental Resource Permitting**

**HB 7003 by Rep. Crisafulli** directs the Department of Environmental Protection (DEP) to adopt statewide environmental resource permit (ERP) rules. The Water Management Districts (WMDs) and delegated local governments are directed to implement the rules without rulemaking, except to conform to existing rules. Language in this bill further specifies the statewide ERP rules are to be based on existing DEP and WMD rules. Differences are allowed based on geographic differences in physical or natural characteristics.

The passage of these measures will allow WMDs with DEP oversight, to continue to adopt rules governing design and performance standards for storm water quality and quantity. "Grandfather" clauses are included for ongoing activities that will not be subject to the new rules. The bill requires DEP staff oversight and training to ensure statewide consistency in implementing the ERP rules. The legislation requires local governments seeking delegation to implement the ERP program to use statewide ERP rules and gives local governments that have already received delegation, one year from adoption of the rules to conform their ordinances.



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#### **Water Storage and Water Quality Improvements**

**HB 1389 by Rep. Perman** specifies that the Legislature encourages public-private partnerships to accomplish water storage and water quality improvements on private agricultural land. The bill also provides that when an agreement is entered into between a water management district or the Department of Environmental Protection (DEP) and a private landowner to establish such partnerships, a baseline condition determining the extent of wetlands and other surface waters on the property must be established and documented in the agreement before improvements are constructed. The determination for the baseline condition must be conducted using the methods set forth in the rules adopted pursuant to s. 373.421, F.S. The baseline condition documented in the agreement must be considered the extent of the wetlands and other surface waters on the property for the purpose of regulation under chapter 373, F.S., for the duration of the agreement and after its expiration. The legislation also creates a Study Committee on Investor-Owned Water and Wastewater Utility Systems. The bill has no impact on state or local revenues or on local expenditures. ***The bill signed into law on April 27, 2012.***

### Consumptive Use Permits

**HB 639 by Rep. Young** would essentially reclassify wastewater and remove it from the consumptive use permitting process. This bill was originally supported by water utilities and opposed by environmentalists. However, an accord was reached early and the bill passed both chambers. *The bill was signed into law on April 24, 2012.*

### Beach Management

**HB 691 by Rep. Frishe** implements most of the Beach Management Working Group's recommendations regarding streamlining and transparency. The bill does not reduce environmental protections for beach construction projects, including nourishment and erosion control projects. The bill clarifies guidelines cannot be enforced as rules and clarifies requirements for DEP to make requests for additional information. Finally, the bill exempts certain minimal exploratory activities from permitting. *The Governor signed this legislation into law on April 6, 2012.*

### Numeric Nutrient Criteria

**HB 7051 by Rep. Williams** looked to waive the federal mandate for numeric nutrient requirements in Florida's water bodies. *Governor Scott signed this legislation into law on February 16<sup>th</sup>.* Since this measure was signed into law the U.S. Environmental Protection Agency (EPA) has further agreed to delay implementing the federal pollution limits in Florida. Representatives from the EPA stated that they prefer that Florida create its own numeric nutrient criteria and the federal agency will withdraw its pollution limits if it approves the state rules.

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## **3.5. CRIMINAL & JUVENILE JUSTICE ISSUES**

### Traumatic Brain Injury

Named the *T. Patt Maney Veterans' Treatment Intervention Act*, **SB 922 by Sen. Bennett** passed unanimously in both Chambers. These bills authorize the chief judge of each judicial circuit to establish a Military Veterans and Service Members Court Program. This legislation allows counties to establish such a program to divert a veteran or service member who is charged with a criminal offense into an appropriate treatment program if they suffer from a mental illness, post traumatic stress disorder (PTSD), traumatic brain injury (TBI), substance abuse disorder, or psychological problem as a result of their military service. It also adds both felony and misdemeanor pre-trial intervention programs as eligible treatment programs for veterans and service members. *The bill was signed into law on April 27, 2012.*

### 911 Good Samaritan

**SB 278 by Sen. Sachs** 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. This only applies if the evidence for possession was obtained as a result of the overdose and the need for medical assistance. The bill states that the previously-described protection from prosecution for possession offenses may not be grounds for suppression of evidence in other criminal prosecutions. *The Governor signed this legislation into law on April 6, 2012.*

### Juvenile Justice Domestic Violence Respite Beds

**HB5401 by Rep. Glorioso** contained language that will allow counties to divert juveniles charged with domestic violence from county detention centers to juvenile respite beds, resulting in a substantial reduction in per day charges for these juveniles. The Secretary of the Department of Juvenile Justice will be working to add 43 such respite beds statewide and working with local providers to make sure the respite bed need in each county is met. *The bill was signed into law on April 20, 2012.*

### Controlled Substances

**CS/CS/HB 1175 by Judiciary Committee and Rep. Ingram** lists a number of synthetic cannabinoids and synthetic stimulants (none of which have been previously scheduled) as Schedule I controlled substances.

This bill also amends a reference to synthetic cannabinoids in s. 893.13(6)(b), F.S., to include reference to the synthetic cannabinoids scheduled by the bill. Section 893.13(6)(b), F.S., provides that simple possession of 3 grams or less of a referenced synthetic cannabinoid in a non-powdered form is a first degree



misdeemeanor. *This bill was signed into law by the Governor on March 23, 2012.*

#### **Inmate Re-entry**

**HB 177 by Rep. Porth** passed both Chambers. This legislation would allow nonviolent offenders with a history of substance abuse problems that have served at least half of their sentences to be placed in intensive substance abuse treatment programs upon approval of the sentencing court and the State Attorney. The main purpose of this legislation is to divert certain offenders from long periods of incarceration, thereby reducing costs to the state and improving outcomes for those transitioning out of Florida's correctional facilities into our local communities. *Unfortunately, the Governor vetoed the bill on April 6, 2012.*



#### **Misdemeanor Pretrial Substance Abuse Programs**

**SB 186 by Sen. Ring** expands the pool of people who are eligible for admission into a misdemeanor pretrial substance abuse education and treatment intervention program. Language in this bill removed the requirement that a person not have previously been admitted to a pretrial program in order to participate in a misdemeanor pretrial substance abuse education and treatment intervention program.

The measure also eliminates the current restriction that only a person charged with misdemeanor drug or paraphernalia possession may participate in the program. A person may participate if he or she is charged with a misdemeanor for:

A nonviolent, non-traffic related offense and it is shown that the person has a substance abuse problem, prostitution underage possession of alcohol or possession of certain controlled substances without a valid prescription. *The bill was signed into law by the Governor on April 6, 2012. Many thanks to Rep. Moraitis for his work on this bill.*

#### **Misdemeanor Probation Services/Substance Abuse Education And Intervention Programs**

**HB 233 by Rep. Rouson** authorizes misdemeanor probation services to be provided by both public and private entities under the supervision of the Board of County Commissioners or the court. Private entities who wish to provide misdemeanor probation services must contract with the county where the services will be used. *The bill was signed into law on April 13, 2012.*

#### **Department of Juvenile Justice Mother/Infant Programs & Funeral Costs**

**HB 173 by Rep. Pilon** revises the types of diversified and innovative educational programs offered to juveniles in DJJ's care, including mother-infant programs. The bills also address the payment of funeral costs for certain juveniles that die while in the care of DJJ. *The Governor signed this legislation into law on April 6, 2012.*

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### **3.6. HEALTH ISSUES**

#### **Department of Health Reorganization**

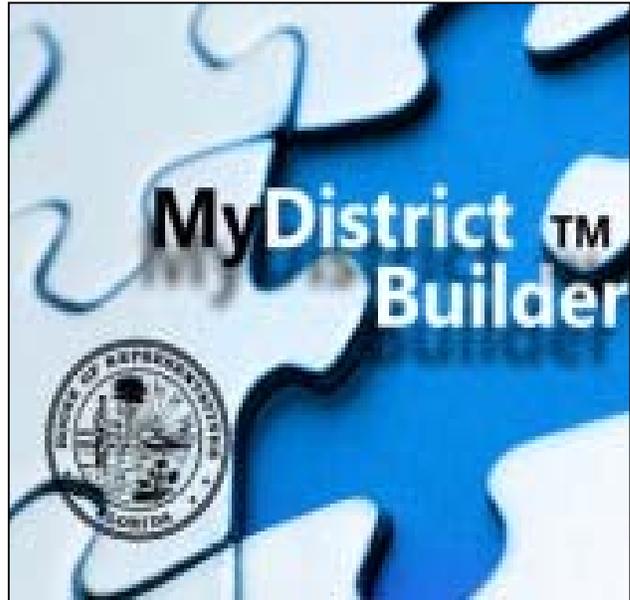
**HB 1263 by Rep. Hudson** significantly changed from its original form. Counties were successful in killing the provision that would have separated the relationship between county health departments and the State. It does, however, require the Department of Health to develop and implement a transition plan for the closure of the A.G. Holley Tuberculosis Hospital in Lantana. The transition plan must be submitted to the Governor, Speaker of the House and Senate President by May 31, 2012. The transition would occur by January 1, 2013. *The bill was signed into law on April 27, 2012.*

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### 3.7. REDISTRICTING

During the opening weeks of Session both the Florida House and Senate released their redistricting maps. Both chambers detailed their maps information along with their reasoning and methods behind its structure. Members of the Senate Reapportionment Committees acknowledged that they received 157 maps by their November 1st deadline. They continued by stating that the data gathered from the maps and voter registration demographics calculations showed that each Senate district should account for 696,345 registered voters. With each district they strived for zero deviation from this number. However, since Florida's overall population is not an exact multiple of 696,345, some districts will not have the same number of registered voters.



The House redistricting maps were less criticized by the public than the Senate maps as the Senate maps seemed to gerrymander the current district outline. The House Redistricting staff created five different maps for the Florida House of Representatives, each designed to keep county and city boundaries intact. Each district was drawn based on the voter registration figures.

In each of the redistricting maps, 49 districts were primarily Republican, 33 were designated as Democratic districts with 21 districts considered swing districts. However, according to analysis by staff members, based on the 2008 and 2010 elections, only 15 counties would be reliable swing seats.

The five maps released appear to adhere to the Fair Districts amendments approved in 2010 as 34 created seats currently have no incumbent. Additionally, at least 24 incumbents are now pitted against each other in the maps.

Over the course of the final weeks of Session, the Supreme Court thoroughly reviewed the House and Senate maps. The House maps were questioned for a few hours by the Justices; however, proponents and opponents of the maps testified that the House maps were actually fair based on the Fair District amendments.

However, on the last day of Session, the Senate maps were rejected by the Supreme Court as they did not believe the Senate honestly took the Fair District Amendments into account when constructing these maps. Governor Scott called for a Special Session from March 14<sup>th</sup>- March 28<sup>th</sup> to address Redistricting and getting the Senate maps in a better working order. The Special Session has since concluded and the new maps are under review by the Florida Supreme Court. If the Courts do not accept the newer maps, then the Supreme Court could possibly draw the maps for the Senate. *All maps have been approved.*

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### 3.8. LOCAL BILLS

**HB 1255 by Rep. Abruzzo** provides for the transfer of the "Wellington Medical Arts District" from LWDD to Acme. The Medical Arts District property consists of nine major properties totaling approximately 212 acres. The goal of the Medical Arts District is to create an integrated campus that will provide sustainable professional and technical employment opportunities for citizens of Wellington. *The Governor signed this bill into law on April 6, 2012.*

**HB 1301 by Rep. Abruzzo** amends the Police Pension Fund of the City of West Palm Beach. It allows the City of West Palm Beach to use collective bargaining to implement pension reform for its police. *The bill was signed into law on May 4, 2012.*

**HB 1325 by Rep. Abruzzo** amends the Special Act Pension Plan for the West Palm Beach Firefighters Pension Fund. These changes cannot be accomplished locally as the Pension Plan is a creation of the Florida Legislature. An

amendment to the Plan is necessary because the City of West Palm Beach and the Association of Firefighters Local 727 have agreed in collective bargaining to certain benefit and funding changes. ***The bill was signed into law on May 4, 2012.***

**HB 1481 by Rep. Abruzzo** revises the procedures for the election of the board members, pursuant to a voter referendum held in June 2011, to provide that one seat will be a popularly-elected, nonpartisan office. It specifies such seat will be elected by qualified electors on the day of the annual landowners' meeting in 2012, and that such election will be administered by the district. The bill extends the term of one board member by one year and updates a provision specifying the number of board members. This bill was amended on the floor of the House to correct an inadvertent deletion of the election runoff procedure from the Act. ***The bill was signed into law by the Governor on April 6, 2012.***

**HB 4175 by Rep. Pat Rooney** repeals a 1969 Palm Beach County Special Act relating to rabies vaccination and licensing and regulation of animals. Repeal of this Special Act will allow Palm Beach County to regulate rabies vaccination and handle licensing and regulation of animals through provisions found in general law and in the 1998 Palm Beach County Animal Care and Control Ordinance. ***The bill was signed into law on April 27, 2012.***

**HB 1381 by Rep. Clemens** removes a parcel of land known as One Watermark Condominium from the boundaries of the DDA. ***The bill was signed into law by the Governor on April 6, 2012.***

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## **4. BILLS OPPOSED BY THE COUNTY THAT FAILED**

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### **4.1. FINANCE & TAX ISSUES**

#### **Online Travel Companies**

**HB 1393** by Rep. Brodeur was temporarily postponed in House Finance & Tax Committee three times this session and the Senate bill was not heard in a committee this session. The legislation would have defined terms for transient rentals for taxing purposes.

#### **Local Business Tax**

**HB 1063 by Rep. O'Toole and SB 760 by Sen. Hays** looked to repeal the local business taxes and would have had a fiscally negative impact on local governments, as they would no longer be able to collect this tax and use it for economic development projects. ***Both bills died in Committee.***

#### **Additional Homestead Exemption**

**HB 1289 by Rep. Brodeur and SB 312 by Sen. Simmons** would have provided an additional homestead exemption for property taxes. Language in this measure proposed a Constitutional Amendment that would create a new tax exemption for the first \$400,000 in property value of homestead property, and give lawmakers the authority to adjust the exemptions. The Florida Association of Counties openly opposed the bill stating that local governments could lose an excess of \$570 million a year statewide. ***Both bills died in Committee.***

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### **4.2. TRANSPORTATION**

#### **Red Light Cameras**

**HB 4177** by Rep. Plakon and **SB 1542** by Sen. Evers regarding the repeal of the Red Light Camera legislation that passed two years ago did not pass this session.



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## 5. LEGISLATION SUPPORTED BY THE COUNTY THAT FAILED

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### 5.1. FINANCE & TAX ISSUES

#### Internet Sales Tax

**SB 1514 by Sen. Detert and HB 1085 by Rep. Steube** would have required out-of-state retailers who have Florida affiliates with at least \$10,000 in sales, must collect and remit sales tax. SB 1514 passed the Senate Commerce and Tourism Committee along with the Senate Banking and Insurance Committee. ***Both bills died in Committee.***

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### 5.2. JUVENILE JUSTICE ISSUES

#### Juvenile Justice Education & Workforce Plans

**SB 834 by Sen. Wise** would have required DJJ to create transitional plans for youth exiting juvenile residential treatment facilities. The plans would be required to contain an educational component as well as provide information regarding local delinquency treatment and intervention services that would be available upon release. Furthermore, DJJ would work with the Department of Education to ensure that educational needs of juveniles are being met. SB 834 was eventually laid on the table and substituted for HB 949. ***The bill died in Messages.***

#### Juvenile Records Expungement

**HB 497 by Rep. Porth and SB 940 by Sen. Wise** would have allowed juveniles with certain felony arrests to request to the Florida Department of Law Enforcement expunge their nonjudicial arrest records upon successful completion of pre-arrest and post arrest diversion programs. Juveniles would have up to 12 months after successful completion to request the expungement. ***HB 497 passed the House; however, it died in Committee in the Senate. SB 940 died on Calendar.***

#### School-Related Civil Citation Expansion

**HB 1445 by Rep. Davis and SB 1886 by Sen. Wise** would have required school districts to write a zero tolerance policy that would be used throughout a County's school district, and the policy would be reviewed annually by the Department of Education. It would define what disruptive behavior would be handled by a school's disciplinary process and administration and what behaviors would be referred to law enforcement (misdemeanors). In an effort to reduce the number of referrals made by schools to law enforcement, the main purpose of the legislation was to keep most petty acts of misconduct within the context of the school building and to keep law enforcement out of it in an effort to keep a child from obtaining a juvenile record. The Palm Beach County School District also pledged to implement a community panel to work on drafting a zero tolerance policy. ***SB 1886 passed the Senate yet died in House Messages. HB 1445 was never heard in a committee; therefore, it died. Despite the fact that SB 1886 failed, our thanks goes out to the 15th Judicial Circuit Juvenile Justice Advisory Board for supporting this issue.***



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## 6. BILLS OPPOSED BY THE COUNTY THAT PASSED

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### 6.1. HEALTH ISSUES

#### Medicaid

**HB 5301**, one of the biggest items of the year, was the Medicaid plan that allows the Agency for Health Care Administration (AHCA) to charge counties both up front for current billings and to collect 85% of past due billing amounts. This conforming bill includes the method of deducting county revenues to collect unpaid bills, totaling over \$78 million. The State estimates there is a total backlog of \$325 million in Medicaid billings that have not been paid by the counties, all of which are disputed billing charges. Palm Beach County's share is approximately \$7.9 million. If counties prefer not to challenge bills, then they get a 15% discount on reimbursements.

Opponents point to the flawed billing system employed by AHCA in that most bills are probably not owed by the counties. High population counties point to rejection rates of over 40%, much beyond the scope of a 15% discount. Toward the end of the budget writing process, the bill was amended to allow for children of state employees to be eligible for KidCare. The bill passed the Senate 23-17 and the House 73-36. *Unfortunately, the Governor signed this legislation into law on March 29, 2012 with the promise that he would ensure counties are billed properly.*

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### 6.2. GROWTH MANAGEMENT ISSUES

#### Municipal Conversion of Independent Special 179 Districts Upon Elector-Initiated and Approved Referendum

**SB 692 by Bennett** was amended during the last week of session to include language that would allow for the municipal conversion of independent special 179 districts upon elector-initiated and approved referendum. The legislation creates new policy on how special districts can become a municipality. The language allows between 6-10 districts throughout the state to convert under this new process. Most notably it would pertain to the Seminole Improvement District in Palm Beach County which encompasses Callery Judge Groves. *This bill was signed into law on April 20, 2012.*

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## 7. OTHER BILLS OF INTEREST

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### 7.1. CRIMINAL & JUVENILE JUSTICE ISSUES

#### Privatization of Correctional Facilities

**SB 2038 by Sen. Thrasher and HB 7083 by Rep. Glorioso** would have directed the Department of Management Services to work with the Department of Corrections (DOC) to competitively procure the services of contractors for the management and operation of correctional facilities and satellite facilities currently operated by the DOC. This measure would have affectively privatized prisons in Manatee, Hardee, Indian River, Okeechobee, Highlands, St. Lucie, Desoto, Sarasota, Charlotte, Glades, Martin, Palm Beach, Hendry, Lee, Collier, Broward, Miami-Dade, and Monroe counties. This was a major priority for Senate President Mike Haridopolos as he saw this move saving the state \$16.5 million for the 2012-13 Fiscal Year. However, not all members of the Florida Senate, and majority party, agreed with the idea to privatize prisons throughout those counties and *members killed the bill on the Senate floor with a 19-21 vote.*

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## 7.2. ENVIRONMENTAL ISSUES

### Septic Tank Inspection

The bill repeals the mandatory septic tank inspection provisions that passed in 2010 and was placed on the DOH bill, **HB 1263**, which passed on the final day of session. It provides that a permit issued by the DOH for the installation, modification, or repair of a septic system transfers with title to the property so that title is not encumbered when transferred if new permit requirements are in place at the time of transfer. *The bill was signed into law on April 27, 2012.*

### Special Observances

CS/SB 924 by Environmental Preservation and Senators Simmons, Bogdanoff, and Rep. Perman designates April 7th of each year as “Everglades Day.” *This bill was signed into law on April 6, 2012.*

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## 7.3. FINANCE & TAX ISSUES

### Tourist Development Tax



**HB 1015 by Rep. Hooper** permits counties to use the tax revenues from the tourist development tax for purposes related to publicly owned and operated aquariums, including the acquisition, construction, maintenance, or promotion of such aquariums. *This bill was signed into law on April 27, 2012.*

### Local Business Taxes

**HB 7125 by Rep. Roberson** specifies that an individual licensed and operating as a broker associate or sales associate is not required to apply for an exemption from a local business tax or take certain actions relating to a local business tax. The bill prohibits a local governing authority from holding such exempt individual liable for the failure of a principal or employer to comply with certain obligations related to a local business tax. It also prohibits a local governing authority from requiring a principal or employer to provide personal or contact information for such exempt individuals in order to obtain a local business tax receipt. *This bill was signed into law by the Governor on April 6, 2012.*

### OGSR/Economic Development Agencies

**CS/HB 7115 by State Affairs Committee; Government Operations Subcommittee and Rep. Patronis** prevents this exemption from sunset. Currently, certain business records are confidential and exempt from Florida’s public records requirements when held by an economic development agency and requested to be exempt by the affected business. Examples of economic development agencies include the Department of Economic Opportunity (DEO), Enterprise Florida, Inc., (EFI), and public economic development agencies of local governments.

The following information is confidential and exempt from public records requirements:

- Upon written request, information relating to a business’s plans, intentions, and interests to locate, relocate, or expand its business activities in Florida.
- Trade secrets.
- Proprietary confidential business information.
- A federal employer identification number, unemployment compensation account number, or Florida sales tax registration number.
- Certain information pertaining to economic incentive programs.

This bill reenacts the public records exemptions and *was approved by the Governor on March 23, 2012.*

### Communications Services Taxes

**HB 809 by Rep. Grant** updates and modernizes a number of definitions related to the communications services tax: The term “cable service” is replaced with “video service.” The term “internet access” is defined through reference to federal statute. Definitions for the terms “digital good” and “digital service” are provided and both terms are exempted from the communications services tax. The definition of “sales price” is revised to allow additional nontaxable items to be billed together in a single line item on a customer’s invoice without the entire amount of the line item being taxable. The provisions that govern the assignment of customers to local taxing jurisdictions for the purpose of imposing the applicable local communications services tax are revised to modify the liability of a communications services tax dealer in the event of underpayment of the tax resulting from the dealer assigning a service address to the incorrect local taxing jurisdiction. ***The Governor signed this legislation into law on April 6, 2012.***

### Administration of Property Taxes

**HB 7097 by Rep. Caldwell** clarifies ambiguous language and deletes obsolete statutory provisions in the property tax statutes. It also amends statutory requirements for scheduling value adjustment board hearings, and reduces the number of reports that must be submitted to the Department of Revenue. This bill also updates the list of military operations that qualify for the deployed service-member exemption. This bill creates a property tax exemption for certain property that is owned by a municipality. It revises statutes relating to the rental of homestead property. The bill provides that tax collectors may collect costs associated with processing tax deed applications electronically. Finally, the bill allows certain disabled veterans and other disabled persons to apply for property tax exemptions before they have received required documentation from certain agencies of the federal government. ***The bill was signed into law on April 27, 2012.***

### Gaming

**HB 487 by Fresen/SB 710 by Bogdanoff, HB 883 by Trujillo/SB 986 by Altman, & HB 3 by Plakon/SB 428 by Oelrich** – these were the numerous bills filed that related to gaming. Some pushed towards destination gaming resorts, another allowed for slots at pari-mutuel facilities, and one promoted a prohibition of Internet Cafés. ***All of these gaming-related bills died.***



HB 487 by Rep. Erik Fresen was temporarily postponed by the sponsor in the House Business and Consumer Affairs Subcommittee. In the Senate, SB 710 by Sen. Ellyn Bogdanoff was passed out of the Regulated Industries Committee by a vote of 7-3 on January 9th. This legislation didn’t move any further and died.

In the same manner, the slot machine authorization at pari-mutuel facilities, HB 883, was also temporarily postponed in the Business and Consumer Affairs Subcommittee. SB 986 failed to pass the Regulated Industries Committee being voted down 3-7.

Rep. Scott Plakon sponsored HB 3, legislation that would prohibit Internet Cafés, also known as electronic sweepstakes. This bill passed the full House by a vote of 72-43. In the Senate, however, SB 428 was temporarily postponed by Regulated Industries in late January and the legislation died.

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## **7.4. GENERAL GOVERNMENT ISSUES**

### Wage Protection for Employees - SB 862 and HB 609

This bill prohibiting local governments from enacting laws relating to wage theft ***died in the Senate Judiciary Committee this session.***

### Term Limits/ County Officers - HB 785

HJR 785 proposed an amendment to the Florida Constitution to authorize the imposition of term limits on county commissioners when provided for by county charter. ***While the bill passed the full House unanimously, the Senate companion, SB 1070, died in the Judiciary Committee.***

### Legal Notices

**HB 937** by Rep. Workman requires newspapers that publish legal notices in print to also publish those notices on the newspapers' websites at no additional charge; place those notices on [www.floridapublicnotices.com](http://www.floridapublicnotices.com) (a website maintained by the Florida Press Association as a repository for legal notices); and provide e-mail notification of new legal notices when they are printed and added to the newspaper's website. The notification service must be provided free of charge to persons upon request. *The bill was signed into law on May 4, 2012.*

### Public Retirement Plans

**HB 365** by Rep. Costello and **SB 910** by Sen. Hays sought to implement additional changes to FRS. Throughout the 2012 Legislative Session, the pension measure was stalled heavily in the Senate even though the House continued to push this measure until the very last day of Session. HB 365 and SB 910 sponsored by Representative Costello and Senator Hays would return the retirement age for police and firefighters to 55, or 25 years of service. This change would undue a controversial change lawmakers made during the 2011 session in regards to pension reform. Inevitably, *SB 910 died in the Senate Governmental Oversight and Accountability, while HB 365 died in the House State Affairs Committee.*



### Regional Workforce Boards

**CS/HB 7023** by Economic Affairs Committee; Business and Consumer Affairs Subcommittee amends statutes related to Florida's workforce system, and includes measures designed to increase the accountability of the workforce system.

Specifically the bill:

- Limits the total membership of each local regional workforce board to the minimum membership required under federal law. However, upon approval by the Governor the local elected official may appoint additional members;
- Requires each member and the executive director or person responsible for the operational and administrative functions of a regional workforce board to file a disclosure of financial interest pursuant to s. 112.3145, F.S.,
- Provides authority for the Governor to remove any member of a regional workforce board or the executive director or person responsible for the operational and administrative functions of a regional workforce board for cause.

*This legislation was signed into law by the Governor on March 28, 2012.*

### Intergovernmental Cooperation

**HB 231** by Rep. Harrell authorizes a separate legal entity that administers or executes an interlocal agreement, with member public agencies located in at least 5 counties, of which at least three are non-contiguous, to conduct public meetings and workshops by means of communications media technology. It provides that participation by an officer, board member, or other representative of a member public agency in a meeting or workshop conducted through communications media technology constitutes that individual's presence at such meeting or workshop.

Currently, state agencies are authorized to conduct public meetings, hearings and workshops by means of "communicative technology." No such authorization exists for local governmental entities, including separate legal entities created by local government interlocal agreements. *The bill was signed into law on April 27, 2012.*

### Electronic Filing of Construction Plans

**CS/HB 387** by Economic Affairs Committee and Rep. Ahern authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes. *This bill was signed by the Governor on April 6, 2012.*

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## 7.5. GROWTH MANAGEMENT ISSUES

### Growth Management

**HB 7081 by Rep. Workman** is a “glitch” bill to last year’s main growth management package. The bill makes a number of modifications and clarifications to the Community Planning Act that were compiled through various discussions and feedback received by the Senate Committee on Community Affairs from stakeholders, including the state land planning agency and local governments. Modifications include fixing cross-references, updating outdated language, and removing provisions throughout the statutes that the act made obsolete such as references to the twice-a-year limitation on adopting plan amendments that no longer exists and references to the evaluation and appraisal report that no longer is required. The bill also allows for any initiative or referendum of a development order to be retained and implemented so long as it was done before June 1, 2011. *The bill was signed into law by the Governor on April 6, 2012.*

### Developments of Regional Impact (DRI)

**HB 979 by Rep. Diaz** is a bill that makes changes to provisions of law relating to developments of regional impact. Among other things, this bill exempts from the DRI review process any proposed development, in local government jurisdictions that are not designated as dense urban land areas, which is approved as a comprehensive plan amendment adopted pursuant to the state coordinated review process and which is the subject of a qualified target industry business tax refund agreement pursuant to state statute. The exemption does not apply to areas within the boundary of any area of critical state concern or within two miles of the boundary of the Everglades Protection Area.

The bill creates a section of law which provides for application and approval of an amendment to the local comprehensive plan by the owner of land that meets certain criteria as an agricultural enclave. *The bill was signed into law by the Governor on April 6, 2012.*

### Agriculture

**HB 1197 by Rep. Horner** provides the department with the exclusive authority to regulate beekeeping, apiaries, and apiary locations and provides that an apiary may be located on land classified as agricultural under statute or on land that is integral to a beekeeping operation. This bill also provides that the department must consult with local governments and other affected stakeholders prior to adopting rules relating to beekeeping. This bill exempts farm signs from the Florida Building Code and any county or municipal code or fee. The bill also prohibits local governments from charging stormwater assessment fees on agricultural land. *The bill was signed into law by the Governor on April 6, 2012.*

### Building Construction and Inspection

**SB 704 by Senator Bennett** amends a number of provisions related to building construction and inspection in Florida. The bill modifies how local government code enforcement boards serve notices on property owners; requires public bodies to open sealed bids for construction and repairs to public buildings at a public meeting; when denying a building permit, requires local enforcing agencies and local building code administrators and inspectors to provide denied applicants with the specific building codes or sections that were out-of-compliance. *This legislation was signed into law by the Governor on March 23, 2012.*

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## 8. CONSTITUTIONAL AMENDMENTS

### Tangible Personal Property Tax Exemptions

**House Joint Resolution 1003 by Rep. Eisnagle** proposes an amendment to the Florida Constitution, which would grant an additional exemption for tangible personal property when property is assessed at more than \$25,000, but less than \$50,000. Additionally, the joint resolution would allow the Legislature to provide by general law that counties and municipalities may grant additional exemptions for tangible personal property by adopting an ordinance. Lastly, the joint resolution creates Article XII, section 32 of the Florida Constitution, which provides that the additional exemption for tangible personal property when property is assessed at more than \$25,000, but less than \$50,000

applies to assessments for tax years beginning January 1, 2013. *The bill passed both Chambers and was sent to the Secretary of State for inclusion on the next general election ballot as a proposed Constitutional Amendment.*

**Additional Homestead Tax Exemptions for Seniors**

**HB 169 by Rep. Oliva** amends parts of the Florida Constitution, to authorize the Legislature, to allow counties and municipalities to grant an additional homestead tax exemption not exceeding the assessed value of the property to an owner who has maintained permanent residency on the property for not less than 20 years, who has attained age 65, and whose household income does not exceed \$15,000. The general law must allow counties and municipalities to grant this additional exemption by ordinance and must provide for periodic adjustment of the household income limitation of \$15,000 for changes in the cost of living. *The bill passed both Chambers and was sent to the Secretary of State for inclusion on the next general election ballot as a proposed Constitutional Amendment.*

**Homestead Property Tax Exemptions for Surviving Spouses of Military Veterans or First Responders**

**HB 93 by Rep. Harrison**, and its implementing language in HB 95, proposes an amendment to the Florida Constitution that would allow the Legislature to provide ad valorem tax relief to the surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces and to the surviving spouse of a first responder who died in the line of duty. The amount of tax relief, to be defined by general law, can equal the total amount or a portion of the ad valorem tax otherwise owed on homestead property. The proposed amendment defines "first responder" to mean a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, or a paramedic. "In the line of duty" is defined to mean arising out of and in the actual performance of duty required by employment as a first responder. *The bill passed both Chambers and was sent to the Secretary of State for inclusion on the next general election ballot as a proposed Constitutional Amendment.*

