

ABOUT THE 2008 LEGISLATIVE REPORT

The Florida Association of Counties is pleased to present the 2008 Legislative Report. This report represents the hard work of many county officials, FAC staff and our team of contract lobbyists who spent numerous hours lobbying on the critical issues important to county government.

Section I summarizes FAC's Legislative Priorities Program for the 2008 Session.

Section II summarizes legislation FAC was successful in passing.

Section III summarizes legislation FAC was successful in defeating.

Section IV consists of the Budget Summary. County by County Allocations for FY 2008-09 are available [here](#).

Section V summarizes additional bills impacting counties approved by the Legislature.

Section VI summarizes bills that would have impacted counties but were not passed by the Legislature.

Section VII includes a listing of task forces, workgroups and councils created by the 2008 Legislature that are of interest to counties.

Section VIII summarizes the proposed constitutional amendments approved by the Taxation and Budget Reform Commission (TBRC). Reports from the TBRC and copies of the proposed constitutional amendments can be accessed [here](#).

We hope that the FAC 2008 Legislative Report is a valuable resource of information for your county. The Florida Senate 2008 Session Summary can be accessed [here](#) and copies of the Senate bills listed in this report are available [here](#). The Florida House of Representatives 2008 Session Summary can be accessed [here](#) and copies of the House bills listed in this report are available [here](#).

FAC MISSION STATEMENT

The mission of the Florida Association of Counties (FAC) is to preserve and promote democratic principles by working to keep appropriate authority at the level of government closest to the people, and to increase the capacity of Florida counties to effectively serve and represent the citizens of the state through legislative action, education of public officials, and enhancement of public awareness about the role and function of county government.

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SECTION I

PRIORITIES PROGRAM

PRIORITIES PROGRAM

FINANCE, TRANSPORTATION & ADMINISTRATION

Mandates

CP 46 by Commissioner Hogan – Taxation and Budget Reform Commission

Working closely with FAC, Commissioner Mike Hogan introduced a proposed constitutional amendment that would have made it more difficult for the Legislature to pass down unfunded mandates. The amendment (CP 46) passed its original committee of reference but later died for lack of action in the second committee.

Mandates, Cost Shifts & Preemptions

Thanks to the help and early commitment by Senate leadership, the 2008 Legislative Session provided very few additional mandates, cost shifts or preemptions on local governments.

Property Tax Reform

Senate leadership agreed with the recommendations of FAC to focus on glitch issues and allow for a grace period to evaluate previous changes to the property tax structure before addressing additional substantive changes. For more specific information, see HB 1283 on page 14, HB 949 and HB 421 on page 15, SB 1588 on page 34 and HB 909 on page 36.

Transportation

CS/CS/SB 682 by Sen. Bullard (HB 899 by Rep. Bullard)

As a part of this year's principal transportation bill, FAC successfully added language that implements two of its adopted policy statements for 2008. First, SB 682 includes language that eliminates the sunset provision for the Small County Road Assistance Program (SCRAP), which was scheduled to terminate in 2010. The bill also mitigates legislation passed in 2007 that made program eligibility more restrictive. FAC not only worked to offset this constraint but, while working with the Small County Coalition, was successful in easing the program's minimum requirements in a way that expands the program to more small counties. Finally, FAC worked with the Florida League of Cities to give local governments a stronger position when the Florida Department of Transportation (DOT) elects to defer or delete a transportation project from the 5-Year Work Program. Currently, DOT only has to notify the local government and the Legislature of its decision to affect work program projects, which must be ultimately approved by the Governor. Under this process, counties never have an opportunity to convey to DOT or the Governor the impact such a decision may have on local transportation concurrency. Under this bill, that process has been changed and local governments now have a comment period they can use to inform both DOT and the Governor whether a pending decision to defer or eliminate a state project will negatively impact a local community. Effective Date: 07/01/08.

GROWTH MANAGEMENT, ENVIRONMENTAL PLANNING & AGRICULTURE

Mining

HB 7155 by the Environment & Natural Resources Council and Rep. Mayfield (CS/SB 774 by Sen. Baker and SB 2406 by Sen. Bennett)

Mining was a contentious issue this legislative session. The Strategic Aggregates Review Task Force issued several consensus recommendations in its report, few of which made it into any of the bills that were filed. This controversy arose when environmental groups challenged the issuance of federal permits in the Miami-Dade Lake Belt area. Although no local government was a party to the litigation, somehow local governments were being charged with disrupting the aggregate supply and the DOT warned that a severe shortage of aggregate would result if a portion of the Lake Belt was shut down. The Lake Belt mines that were subject to the litigation were in fact shut down, but Florida did not realize a shortage of aggregate. Nevertheless, several preemptive bills were filed this session, including HB 7155 by the Environment and Natural Resources Council and Rep. Mayfield, SB 774 by Sen. Baker, and SB 2406 by Sen. Bennett.

Both Senate bills (SB 774 and SB 2406) relating to mining were voted down in the Senate Environmental Preservation and Conservation Committee. Upon their defeat, HB 7155 no longer had a potential companion bill. SB 774 previously contained a supermajority requirement for land use and an appeal to the cabinet for land use decisions relating to aggregate mining. SB 2406 previously contained an environmental preemption relating to limestone mining. HB 7155 contained similar preemptive language. Both Senate bills were amended to strip out those provisions, but the committee, led by Sen. Saunders, still voted the bills down due to concerns that not all of the stakeholders were at the table and in agreement that either bill represented a final compromise. As a result, no attempts at mining preemption were successful this session. However, the task force was extended by one year in the transportation package, SB 682 by Sen. Bullard, which passed.

HEALTH & HUMAN SERVICES

Medicaid Reform Expansion

HB 5085 by the Policy & Budget Council

This bill served as the implementing bill for the health and human services section of the budget. Originally, the bill included plans to expand the Medicaid reform pilot program currently underway in Broward, Duval, Baker, Clay and Nassau to an additional nine counties (Hardee, Highlands, Hillsborough, Manatee, Miami-Dade, Monroe, Pasco, Pinellas and Polk) in 2010. During the budget conferences, the Senate refused to concur with the House and the plans for expansion were removed from the bill.

Another item of interest in the bill is a provision that creates s. 409.91205, F.S., allowing the Governor, the President of the Senate, and the Speaker of the House of Representatives to convene workgroups to propose alternatives for cost-effective health and long-term care reforms, including, but not limited to, reforms for Medicaid.

PUBLIC SAFETY

Florida Public Safety Coordinating Commission

Prior to session, key members were invited to participate in preliminary discussions for the creation of the Florida Public Safety Coordinating Commission. The first formal meeting of the invited stakeholders will take place at FAC's Annual Conference in Miami-Dade County.

SECTION II

**LEGISLATION FAC WAS
SUCCESSFUL IN PASSING**

LEGISLATION FAC WAS SUCCESSFUL IN PASSING

GROWTH MANAGEMENT, ENVIRONMENTAL PLANNING & AGRICULTURE

Onsite Wastewater Treatment

CS/SB 1318 by Sen. Gaetz (CS/HB 567 by Rep. Poppell)

FAC, along with the League of Cities and the Florida Water Environment Association Utility Council, was successful in passing this bill, which adds a local government representative knowledgeable in domestic wastewater treatment to two technical groups within the Department of Health (DOH): the Research Review and Advisory Committee, and the Technical Review and Advisory Panel. Local governments were previously not represented on these groups which make policy recommendations to DOH regarding onsite wastewater treatment. This is an important issue for local governments, due to considerable state and federal water quality mandates. Local governments must consider the cost of implementing these mandates, as well as the wastewater needs of a given community, since central sewer is not always financially feasible. Where onsite wastewater treatment is the only option, water quality considerations must be balanced with the ability of homeowners to pay for wastewater treatment systems. Because local governments must constantly address these difficult issues, they should have a voice on any advisory group that makes policy recommendations regarding onsite wastewater treatment. Effective Date: 07/01/08.

HEALTH & HUMAN SERVICES

Health Insurance Claims Payments

CS/CS/SB 1012 by Sen. Gaetz (CS/CS/HB 405 by Rep. Galvano)

The bill requires insurers who contract with preferred providers to make payments directly to the provider for services rendered, and adds ambulance providers to the group of providers for which an insurance contract may not prohibit direct payment. Patients will be able to assign health care benefits to an ambulance provider, thereby, requiring the health insurance company to reimburse the provider directly.

The bill authorizes the Office of Insurance Regulation (OIR) to waive the requirement that a multiple employer welfare arrangement maintain its principal place of business in this state if the arrangement meets certain specified conditions and has a minimum specified fund balance at the time of licensure.

The bill requires health maintenance organization (HMO) claim forms to allow for the assignment of benefits from the insured to any contracted hospital, ambulance provider, physician or dentist if any benefits are due to the subscriber for covered services under the terms of the agreement between the subscriber and the HMO. With a few exceptions already provided for in law, the bill limits the HMO's payment to the provider to the amount that the insurer would otherwise have paid without the assignment.

The bill provides an exception to the 30-month claim period for insurer and HMO overpayments, applicable to services by physicians, chiropractors, podiatrists and

dentists. All health insurer or HMO contract claims for such overpayments must be submitted within 12 months after payment of the claim, with certain exceptions. The bill requires such providers to submit underpayment claims within 12 months after payment of the claim. The following table is an example of the impact this legislation has on some of the counties surveyed:

Example Impact of Direct Pay Issue on Counties

<u>County</u>	<u>Agency</u>	<u>Annual Impact</u>	<u>% Decrease in \$ Collected</u>
Gilchrist	Gilchrist County EMS	20,000	N/A
Gulf	Gulf County EMS	31,135	40%
Walton	Walton County EMS	44,200	25%
Union	Union County EMS	58,000	38%
Sumter	Lake Sumter EMS	63,250	23%
Columbia	Columbia County EMS	80,000	20%
St. Johns	St. Johns County Fire/Rescue	132,868	25%
Lake	Lake Sumter EMS	211,750	23%
Volusia	EVAC Ambulance	250,000	25%
Citrus	Nature Coast EMS	479,000	36%
Hillsborough	Hillsborough County Fire/Rescue	690,794	47%
Escambia	Escambia County EMS	815,000	18%
Collier	Collier County EMS	878,000	
Marion	EMSA	1,100,000	37%
Pinellas	Pinellas County EMS Authority	1,500,000	16%
Brevard, Broward, Charlotte, Hardee, Hendry, Highlands, Lee, Leon, Miami-Dade, Monroe, Okaloosa, Orange, Osceola, Palm Beach, Polk, Sarasota, and Seminole	Miscellaneous	6,100,000	N/A
Alachua		716,000	18%
Bradford		No real impact	
Gadsden		48,000	
Indian River		208,000	
Putnam		33,000	
Total		13,458,997	27.93%

*These are responses of 37 counties. The impact extends to all 67 Counties.
 **Survey taken and responses compiled by the Florida Ambulance Association.

Effective Date: 11/01/08.

PUBLIC SAFETY

**Suspension vs. Termination of Medicaid Benefits for Incarcerated
SB 1456 by Sen. Wilson (CS/HB 525 Rep. Roberson)**

Federal law permits states to decide whether inmates should have their entitlement benefits suspended or terminated upon incarceration. SB 1456 adopts the policy that inmates remain enrolled in Medicare or Medicaid on a "suspended" status if they are incarcerated for less than a year. The application process to receive entitlement benefits takes a minimum of 90 days to qualify through local, state and federal government efforts. Suspending versus terminating eligibility would eliminate the bureaucracy and duplicative paperwork for those who come into our jails and prisons for a period of less than a year and stop the unnecessary "gap" that currently exists between being released and actually receiving benefits once again. This breakdown in the continuum of care creates a cycle of inefficient government spending. During the minimum 90 day interim, former inmates go off their medication because they cannot afford it and are more likely to reoffend – which is one of the primary reasons we see so many "frequent flyers" in our criminal justice system who have mental health and substance abuse problems. By suspending versus terminating the inmate's eligibility we can ensure that upon release he/she is immediately covered under the same benefits as prior to incarceration. The passage of this legislation was a huge success for FAC, and if the Governor signs the legislation into law, it will promote a continuum of services that statistically has been proven to reduce recidivism, thus reducing the tax dollars needed for corrections at the state and local level. Effective Date: 07/01/08.

SECTION III

**LEGISLATION FAC
WAS SUCCESSFUL
IN DEFEATING**

LEGISLATION FAC WAS SUCCESSFUL IN DEFEATING

FINANCE, TRANSPORTATION & ADMINISTRATION

Clerk of Courts

CS/HB 399 by Rep. Grant (CS/SB 640 by Sen. Oelrich)

Both the House and Senate versions of this highly debated bill died at the end of session. The proposal stems from litigation between the Collier County Clerk of Court and the Collier County Board of County Commissioners (Brock v. Collier), which resulted in a ruling in favor of the County Commission. Specifically, this case clarified that the Clerk of Court has neither the authority nor the duty to prepare and certify the County's financial statements, unless this task is delegated to it by the Board of County Commissioners. As filed, HB 399 would have nullified this ruling and provided additional audit authority to the County Clerk as it relates to financial statements of the County Commission.

FAC opposed HB 399 throughout the legislative session, stressing that it would have overturned extensive case law on the subject. Among the bill's provisions, it would have granted the County Clerk the unusual authority to perform both pre and post-auditing functions. Currently, post-audit functions are performed by the State's Auditor General or by a private independent Certified Public Accountant. It should be noted that the Auditor General's office, who did not take a position on the bill, supported FAC's position that expanding the audit authority of County Clerks to perform both pre- and post-audit functions would be unusual in current local government practices.

Collective Bargaining

HB 493 by Rep. Grant (SB 1306 by Sen. Saunders)

This legislation specified that the Board of County Commissioners is the legislative body in impasse proceedings between the sheriff and his/her public employees. This legislation has been filed for the past several years. This year, it was referred to two committees but it was never heard. It has been opposed by the Florida Sheriff's Association as well as FAC.

Household Moving Services

SB 530 by Sen. Saunders (HB 611 by Rep. Nehr)

This bill would have removed provisions requiring movers and moving brokers to obtain a local registration where required. The bill also would have preempted local authority relating to movers.

Property Tax Reform

Presumption of Correctness

CS/HB 1283 by Rep. Cannon (SB 678 by Sen. Fasano)

The bill would have provided that the property appraiser has the burden of proving that the assessment was arrived at by complying with the appraisal criteria in Ch. 194, F.S.

It further would have provided that the taxpayer has the burden of proving by a preponderance of evidence that the assessment exceeds just value.

Property Tax Limitation - 1.35% Plan

HB 949 by Rep. Lopez-Cantera (SB 2190 by Sen. Bennett)

The proposed constitutional amendment would have limited the amount of ad valorem taxes collected by local governments on any parcel of real property. Each entity would have been authorized to continue levying a property tax, but the combined amount of property taxes collected on an individual parcel of property could not exceed 1.35 percent or 13.5 mills.

Super Homestead Exemption

CS/HB 421 by Rep. Simmons

The proposed constitutional amendment would have entitled all homestead properties to an additional homestead exemption equal to 40% of the homestead's just value between \$75,000 and \$500,000.

Public Construction and Transportation

CS/HB 683 by Rep. Weatherford (CS/SB 2148 by Sen. Haridopolos)

This bill would have placed significant limitations on counties who use their own workforce for public construction projects. Specifically, the bill would have required counties and cities that need to conduct repair and maintenance on public buildings in excess of \$280,000 to competitively award such work to a licensed contractor, rather than using in-house personnel. The bill also affected road construction projects in that a county could only use its work force for road projects that (1) did not exceed \$250,000 per project (excluding material costs), and (2) did not exceed one mile in length. Finally, the bill would have precluded local governments from owning and operating an asphalt plant. After intensive lobbying from FAC, its member counties, and the Florida League of Cities, the original bill was stripped of nearly all its provisions, except the limitation on local governments owning asphalt plants; however, even with this provision, a limited grandfathering provision was included that allows one Florida county to operate its new plant.

Public Testimony at Public Meetings "Vox Populi - Voice of the People Act"

CS/HB 991 by Rep. Hukill (SB 2276 by Sen. Lynn)

This proposed legislation passed out of the House but never made it out of the Senate Community Affairs Committee. HB 991 would have created the "Vox Populi - Voice of the People Act." The purpose of the act was to prescribe uniform requirements with respect to opportunities for citizen input and participation at official meetings of governing bodies of local government authorities. "Local government authority" was defined as a regional, county, or municipal governmental entity, special district, community college district, or school district, or any elected or appointed political subdivision. The act would have applied to all meetings of local governing bodies, whether designated as a regular meeting, special meeting, or emergency meeting, not otherwise exempt from public meeting requirements. Prior to the legislation passing out of the House, Rep. Hukill amended the bill to include an optional exemption from

requirements as long as the local government had adopted a written policy relating to the issues addressed in the legislation by Oct. 1, 2008.

Revenue Limitations

HB 715 by Rep. Flores (SB 2412 by Sen. Haridopolos)

The bill would have required local governments to make changes to taxes, special assessments, non-ad valorem assessments or impact fees by a supermajority vote.

Transient Rentals Tax and Tourist Development Tax

HB 7147 by the Government Efficiency & Accountability Council and Rep. Attkisson (CS/SB 2788 by Sen. Haridopolos)

The bill would have exempted timeshares and online travel companies from paying the required sales tax on a portion of all their reservations, costing the state and local governments millions of dollars annually. Despite unrelenting attempts to pass this legislation, it eventually failed.

GROWTH, ENVIRONMENTAL PLANNING & AGRICULTURE

Agriculture

CS/CS/HB 761 by Rep. Pickens (CS/SB 1376 and CS/SB 2060 by Sen. Dean)

HB 761 by Rep. Pickens, and SBs 1376 and 2060 by Sen. Dean each contained preemptions of county environmental regulations, as well as stormwater assessments and fees, relating to certain agricultural parcels. These bills were based on the concept that agricultural operators implementing best management practices (BMPs) should not have to contribute to the local government stormwater system. Typically, where BMPs result in an operator completely or partially containing stormwater runoff, a complete or partial credit is given to the operator. No examples of abuse of assessments or fees were shown. The preemption was presented as a way to reduce duplicative regulation, although local regulations are typically stricter than state standards, and are thus not duplicative. Earlier versions of the bills also contained a prohibition regarding impact fees, but that was removed as the bills progressed. Due to the hard work of FAC, several individual counties, and environmental groups none of these bills passed. While compromise stormwater language was amended onto HB 197 by Rep. Kendrick, that bill did not pass either.

Bert Harris Act

HB 881 by Rep. Precourt (SB 1578 by Sen. Baker)

Originally, the Bert Harris Act was enacted to protect private property rights by granting property owners the right to judicially seek compensation for governmental acts that inordinately burden the expectation-backed value of the property. A property owner could be awarded money damages when an official action was less than a taking, requiring compensation under the constitution, but negatively altered the owner's economic expectations for the property. This bill initially reduced timelines under the Act, lengthened the statute of limitations, provided that a moratorium longer than one year is no longer considered temporary so that it would have been actionable as an inordinate burden, and appeared to narrow the scope of sovereign immunity under the

Act. This bill had the potential to create a significant financial burden for local governments at the worst possible time, and would have encouraged land development regulations to be rushed through in order to avoid legal liability, which would have created an entirely new set of problems. The shortening of timelines under the Act would have made it difficult for local governments to resolve Bert Harris disputes informally, which would easily have resulted in needless and costly litigation.

The House bill was amended to provide that a moratorium longer than one year may not be temporary, although it would still have been a case-by-case judicial determination. Another amendment would have clarified that the length of time since passage of a local government ordinance is a factor in determining inordinate burden. In other words, property owners should not be able to sit on their rights for an extended period of time, only to sue the local government when they are ready to develop. The bill was also amended to clarify the sovereign immunity language so that local governments would not be liable for permitting decisions. Additionally, the statute of limitations was restored to its original two years. However, neither bill passed.

Fertilizer

CS/HB 1267 by Rep. Nelson (CS/SB 2352 by Sen. Aronberg)

These bills were problematic because they did not implement the Consumer Fertilizer Task Force recommendations. Instead, they mandated that all local governments pass a fertilizer ordinance, and then preempted local authority to determine what goes into the ordinance. Local governments would have been required to implement the model ordinance drafted by the task force unless they had a specific water quality problem, such as a total maximum daily load (TMDL) requirement or an impaired water body, to go outside the model. Otherwise, ordinances would have needed approval by the Environmental Regulations Commission (ERC) within the Department of Environmental Protection (DEP).

State agencies and local governments are two distinct entities with different mechanisms for accountability in place. This bill blurred the line between the two. This kind of approach to local regulation could easily have created an unmanageable workload for the ERC, and would have made it difficult for local governments to timely pass ordinances relating to environmental protection. Later versions of the bill removed this requirement, but still required local governments to consult with three state agencies – DEP, the Department of Agriculture and Consumer Services (DACCS), and the University of Florida Institute of Food and Agricultural Sciences (IFAS) – prior to passing an ordinance.

HEALTH & HUMAN SERVICES

Emergency Medical Services

HB 841 by Rep. Weatherford (SB 1272 by Sen. Fasano)

This bill would have provided that paramedics and emergency medical technicians could perform certain activities in emergency departments of licensed hospitals under certain conditions and required verification and documentation of their qualifications to

do so. FAC had concerns with the liability implications for paramedics who are county employees.

Local Government Early Responders

SB 2432 by Sen. Bennett

This bill would have prohibited counties and municipalities from charging fees or seeking reimbursement for any costs or expenses that may be incurred involving the use of police, fire, and other emergency responder services, personnel, supplies, motor vehicles, or equipment in responding to a motor vehicle accident, fire, or other emergency.

PUBLIC SAFETY

Juvenile Justice Reform

CS/CS/HB 273 by Rep. Adams (CS/SB 640 by Sen. Baker)

FAC opposed this controversial bill and was supported in its position by the Children's Campaign, the Public Defender's Association, and several individuals who served on the Blueprint Commission. FAC's concerns with the bill centered primarily on two issues: its reliance on using secure detention facilities and its underutilization of proper juvenile assessments. FAC concluded that this approach would have undesired results. First, as revealed by the Blueprint Commission, increasing the use of secure detention across the board does not lower crime and, in some cases, may have the opposite effect. Second, the Commission also concluded that the key to a successful juvenile justice system is a prompt, accurate assessment of the youth followed by a proper placement of the juvenile based on that assessment. Through multiple assessments, it was determined that secure detention facilities are improperly utilized, since 40% of the juveniles who enter are released back on the streets within 24 hours. HB 273 did not accomplish either of these. Although the bill died in Senate messages, FAC anticipates it will be filed again next year.

SECTION IV

BUDGET SUMMARY

**General Appropriations Act
HB 5001 by the Policy and Budget Council (SB 2900 by the Fiscal Policy &
Calendar Committee)**

The General Appropriations Act for State Fiscal Year (SFY) 08-09 totals \$66.2 billion, a decrease of \$5.7 billion from last year. General Revenue expenditures were \$25.6 billion and Trust Funds totaled \$40.6 billion. Health and Human Services comprised the largest section of the budget at \$23.4 billion, a decrease of almost 4% from last year. Education was the second largest budget expenditure with \$19.5 billion, a decrease of almost 20%. Natural Resources, Growth Management and Transportation were the next largest expenditure areas at \$12.1 billion, a \$1.2 billion decrease from last year's already reduced budget. The remaining budget areas were funded at the following amounts: General Government expenditures at \$4.7 billion, Criminal Justice and Corrections at \$4.5 billion, and the Judicial Branch at \$0.4 billion.

**General Appropriations Act Implementing Bill
HB 5003 by the Policy and Budget Council (SB 2902 by the Fiscal Policy &
Calendar Committee)**

The Appropriations Implementing bill makes certain changes to substantive law in order to implement the General Appropriations Act for SFY 08-09. These provisions only are in effect for SFY 08-09. Specific provisions of the bill that may impact counties include:

Section 3 - Authorizes the Department of Children and Families to allocate funds appropriated for forensic mental health treatment services to the areas of the state with the greatest service demand and capacity.

Section 4 - Requires that the Department of Children and Family Services ensure that all public and private agencies and institutions participating in child welfare cases enter specified information into the Florida Safe Families Network, the department's child-welfare case management system. The department shall coordinate with the courts and guardian ad litem to provide access to the information, and shall submit a report to the Legislature and Governor by February 1, 2009.

Section 6 - Requires the Agency for Health Care Administration to study the effects of the minimum nursing home staffing ratios found in s. 400.23(3), F.S., and the relationship to Medicaid reimbursement and the quality of care provided to residents. The agency shall report its findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives by February 1, 2009. Until July 1, 2009, the agency shall not impose sanctions against a nursing home for failure to meet the staffing ratios in s. 400.23(3), F.S., or failure to impose a moratorium on new admissions pursuant to s. 400.141(15)(d), F.S., as long as the certified nursing assistant ratio is not below 2.6 hours per resident per day and the licensed nurse ratio is not below 1.0 hours per resident per day.

Section 7 - Provides that the Department of Corrections and the Department of Juvenile Justice may expend appropriated funds to assist in defraying the costs of impacts that are incurred by a municipality or county and associated with opening or operating a facility under the authority of the respective department which is located within that municipality or county. The amount that is to be paid under this section for any facility may not exceed 1% of the facility construction cost, less building impact fees imposed by the municipality or by the county if the facility is located in the unincorporated portion of the county.

Section 25 - Provides direction to the Department of Revenue on how to distribute the appropriation to offset the reductions in ad valorem tax revenue experienced by fiscally constrained counties which occur as a direct result of Amendment 1. The appropriated funds shall be distributed in January of 2009 among the fiscally constrained counties based on each county's proportion of the total reduction in ad valorem tax revenue resulting from the implementation of the revision. On or before November 15, 2008, each fiscally constrained county must apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's estimated reduction in ad valorem tax revenue. The documentation must include an estimate of the reduction in taxable value directly attributable to the constitutional revisions for all county taxing jurisdictions within the county and shall be prepared by the property appraiser in each fiscally constrained county. The documentation must also include the county millage rates applicable in all such jurisdictions for both the current year and the prior year; rolled-back rates, determined as provided in s. 200.065, F.S., for each county taxing jurisdiction; and maximum millage rates that could have been levied by majority vote pursuant to s. 200.185, F.S. Each fiscally constrained county's reduction in ad valorem tax revenue shall be calculated as 95% of the estimated reduction in taxable value times the 2007 applicable millage rate.

Section 28 - Authorizes the Department of Financial Services to expend \$998,820 of the funds appropriated by section 4 of chapter 2006-12, Laws of Florida, for salaries and related expenses of the My Florida Safe Home (hurricane mitigation) program.

Section 29 - Specifies how the \$10 million of the Florida Hurricane Catastrophe Fund is to be appropriated. (See endnote 8 at the conclusion of this section.)

Section 31 - Provides that the Department of Transportation shall transfer funds to the Office of Tourism, Trade, and Economic Development in an amount equal to \$36,750,000 for the purpose of funding economic development transportation projects. Requires the department to provide specified funds for certain road and bridge projects specified in the 2008-2009 General Appropriations Act. Provides that the transfer of funds for economic development and the requirement to spend certain funds on specific projects shall not reduce, delete, or defer any existing projects funded, as of July 1, 2008, in the DOT's 5-year work program. Also provides that funding for the specified projects shall not negatively impact safety, preservation, maintenance, or project contingency levels as of July 1, 2008.

Section 32 - Requires that the amount transferred from the Operating Trust Fund to the Grants and Donations Trust Fund of the Department of Community Affairs shall be used for the regional planning councils, civil legal assistance, and the Front Porch Florida Initiative.

Section 33 - Authorizes funds in the Department of Transportation's State Transportation Trust Fund to be used to pay administrative expenses incurred in accordance with applicable laws for a multicounty transportation or expressway authority created under Ch. 343 or Ch. 348, F.S., where jurisdiction for the authority includes a portion of the State Highway System and the administrative expenses are in furtherance of the duties and responsibilities of the authority in the development of improvements to the State Highway System.

Sections 34 - Provides that moneys in the Internal Improvement Trust Fund are authorized for grants and aids to local governments for the drinking water facility construction state revolving loan program.

Sections 35-37 - Provides that the total amount of tax credit which may be granted for all Community Contribution Tax Credit programs is \$13 million annually for projects that provide homeownership opportunities for low-income or very low-income households and \$3.5 million annually for all other projects.

Section 38 - Requires the Department of Environmental Protection to award \$9,428,773 of grant funds equally to counties having populations of fewer than 100,000 for waste tire, litter prevention, recycling and education, and general solid waste programs. It also authorizes the sum of \$2,000,781 to be used for the Innovative Grant Program.

Section 41 - Provides that the \$5,000,000 for alternative water supply shall be allocated as shown in the General Appropriations Act.

Section 42 - Provides that moneys in the Water Protection and Sustainability Program Trust Fund shall be transferred to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects as provided in the General Appropriations Act.

Section 43 - Provides that moneys in the Land Acquisition Trust Fund are authorized for transfer to the Ecosystem Management and Restoration Trust Fund for grants and aids to local governments for water projects as provided in the General Appropriations Act.

Section 44 - Extends for another year the authorization that the state may remove and clean the incidental petroleum discovered during routine removal and replacement of underground petroleum tanks at a site that is a low score site on the DEP's petroleum clean-up list and that will become inaccessible for future remediation due to road infrastructure and right-of-way restrictions resulting from a pending Department of Transportation road construction project or for secondary containment upgrading of underground storage tanks required under Ch. 62-761, Florida Administrative Code.

Section 56 – Provides that, except as otherwise expressly provided in this act, this act shall take effect July 1, 2008; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2008.

2008-09 General Appropriations Act

General Government

Department of Agriculture	<u>FY 07-08</u>	<u>FY 08-09</u>
Mosquito Control Program	\$ 2.166M	\$ 2.166 M ¹
Small County Technical Assistance Program	\$ 350,000	\$ 0
Department of Transportation	<u>FY 07-08</u>	<u>FY 08-09</u>
County Incentive Grant Program	\$ 34.9 M	\$ 43.5 M ²
Small County Outreach Program	\$ 47.4 M	\$ 43.1 M
Small County Road Assistance Program	\$ 25.3 M	\$ 25.0 M
Transportation Regional Incentive Program	\$ 230 M	\$ 183 M
Transportation Disadvantaged	\$ 40.4 M	\$ 40.4 M
Transportation Disadvantaged-Medicaid		\$ 72.93 M ³
Department of Management Services	<u>FY 07-08</u>	<u>FY 08-09</u>
Wireless 911 Telephone Systems	\$ 52.7 M	\$ 57.4 M
Department of Revenue	<u>FY 07-08</u>	<u>FY 08-09</u>
Emergency Distribution (Small County Kicker)	\$ 18.1 M	\$ 18.2 M
Supplemental Distribution (Inmate Population)	\$ 592,958	\$ 592,958
Department of State	<u>FY 07-08</u>	<u>FY 08-09</u>
Voter System Assistance - HAVA	\$ 525,000	\$ 525,000
Statewide Voter Registration System-HAVA	\$ 2.5 M	\$ 3.1 M
Special Election Reimbursement	\$ 200,000	\$ 838,085
Poll Worker Recruitment & Training & Voter Education	\$ 2 M	\$ 3 M
Library Grants	\$ 35.6 M	\$ 29.5 M
Library Cooperative Grants	\$ 2.4 M	\$ 1.5 M
Library Construction	\$ 5.0 M	\$ 0
Historic Museum Grants	\$ 1.75 M	\$ 500,000
Historic Preservation Grants	\$ 2.2 M	\$ 685,870
Acquisition & Restoration/Historic Properties	\$ 3.5 M	\$ 0
Cultural Institutions Grant & Aid	\$ 6.5 M	\$ 5.8 M
Cultural Facilities Program	\$ 0	\$ 0
Executive Office of the Governor / OTTED	<u>FY 07-08</u>	<u>FY 08-09</u>
Rural Infrastructure Trust Fund	\$ 2.7 M	\$ 4.7 M ⁴
Rural Community Development	\$ 1.3 M	\$ 1.3 M ⁵
Economic Development Transportation Projects	\$ 31.4 M	\$ 36.75 M

Community & Economic Development

	<u>FY 07-08</u>	<u>FY 08-09</u>
Department of Community Affairs		
Affordable Housing (SHIP)	\$ 167.1 M	\$ 166.1 M
State Apartment Incentive Loan (SAIL)		\$ 72.5 M
Extremely Low Income Housing		\$ 5.0 M
Homeless Programs		\$ 5.9 M
Impact Fee Reduction Incentives		\$ 20 M ⁶
Community Development Block Grants (CDBG)	\$ 35 M	\$ 35 M
Community Services Block Grants	\$ 17.9 M	\$ 17.8
Technical Assistance	\$ 5 M	\$ 1.1 M ⁷
Regional Planning Councils (RPCs)	\$ 3.7 M	\$ 2.4 M
Century Commission		\$ 250,000
Division of Emergency Management	<u>FY 07-08</u>	<u>FY 08-09</u>
Emergency Management Preparedness Assistance (EMPA)	\$ 8.4 M	\$ 7.0 M
Emergency Mgt. Performance Grant		\$ 9.1 M
Statewide Shelter Retrofit Program	\$ 3 M	\$ 0
Hurricane Loss Mitigation Program	\$ 6.9 M	\$ 2.8 M ⁸
Pre Disaster Mitigation Programs		
Repetitive Flood Claims Program		\$ 3 M
Severe Repetitive Loss Pilot Program		\$ 8 M
Pre Disaster Mitigation Planning		\$ 3.9 M
Flood Mitigation Assistance Program (FMAP)		\$ 3.6 M

Natural Resources & Management

	<u>FY 07-08</u>	<u>FY 08-09</u>
Department of Environmental Protection		
Florida Forever	\$ 300 M	\$ 300 M
Payments-in-lieu-of taxes (PILT)	\$ 1.36 M	\$ 1.36 M
Florida Recreation Development Asst (FRDAP)	\$ 33.165 M	\$ 24.474 M
Total Maximum Daily Loads (TMDLs)	\$ 21.429 M	\$ 18.929 M
Wastewater Treatment Facility Revolving Loan	\$ 91 M	\$ 117.77 M
Drinking Water Facility Revolving Loan	\$ 70.145 M	\$ 64.69 M
Non-Point Source Mgmt Planning Grants	\$ 23.5 M	\$ 19.9 M
Beach Renourishment & Restoration	\$ 30.566 M	\$ 21.935 M
Everglades Restoration/Northern Everglades & Estuaries Protection Program	\$ 200 M	\$ 50 M
Statewide Restoration Projects—Water Projects	\$ 153.35 M	\$ 66.5 M ⁹
Small County Wastewater Treatment Grants	\$ 20.3 M	\$ 21 M
Alternative Water Supply	\$ 60 M	\$ 7.7 M

Fish and Wildlife Conservation Commission FY 07-08
Derelict Vessel Removal \$ 1.85 M*

FY 08-09
\$ 1.5 M

* This line item was vetoed by the Governor.

Criminal Justice and State Court System

State Courts	FY 07-08	FY 08-09
Small County Courthouse Facilities	\$ 8.0 M	\$ 0
Supreme Court – Salaries & Benefits	\$ 7.8 M	\$ 7.6 M
Supreme Court - Executive Direction & Support	\$ 21.2 M	\$ 19.3 M
Court Operations – Combined Total	\$ 446.3 M	\$ 408.5 M
	FY 07-08	FY 08-09
Appellate	\$ 52.2 M	\$ 40 M
Circuit	\$ 315.6 M	\$ 293.1 M
County	\$ 78.5	\$ 75.4 M
Justice Administration Commission	\$ 101.5 M	\$ 82.9 M
Statewide Guardian Ad Litem Office	\$ 35.8 M	\$ 33.2 M
Regional Conflict Counsels – for facilities, office space and work area needs		\$ 0
State Attorneys and Public Defenders	<i>See below</i>	<i>See below</i>

Judicial Circuit	Counties within Circuit	State Attorneys' Budgets (In Millions)				Public Defenders' Budgets (In Millions)			
		2007-08	2008-09	Differential	% Change	2007-08	2008-09	Differential	% Change
1.	Escambia, Okaloosa, Santa Rosa, Walton	\$15.0	\$14.7	(\$0.3)	-2.00%	\$8.7	\$7.8	(\$0.9)	-10.34%
2.	Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla	\$8.7	\$8.1	(\$0.6)	-6.90%	\$5.8	\$5.4	(\$0.4)	-6.90%
3.	Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor	\$5.0	\$4.6	(\$0.4)	-8.00%	\$2.7	\$2.5	(\$0.2)	-7.41%
4.	Clay, Duval, Nassau	\$24.6	\$23.5	(\$1.1)	-4.47%	\$11.3	\$10.6	(\$0.7)	-6.19%
5.	Citrus, Hernando, Lake Marion, Sumter	\$15.3	\$14.3	(\$1.0)	-6.54%	\$7.3	\$6.8	(\$0.5)	-6.85%
6.	Pasco, Pinellas	\$31.9	\$31.0	(\$0.9)	-2.82%	\$16.2	\$14.8	(\$1.4)	-8.64%
7.	Flagler, Putnam, St. Johns, Volusia	\$17.1	\$15.9	(\$1.2)	-7.02%	\$8.0	\$7.4	(\$0.6)	-7.50%
8.	Alachua, Baker, Bradford Gilchrist, Levy	\$9.3	\$8.7	(\$0.6)	-6.45%	\$5.4	\$5.0	(\$0.4)	-7.41%
9.	Orange, Osceola	\$22.9	\$21.2	(\$1.7)	-7.42%	\$15.5	\$14.2	(\$1.3)	-8.39%
10.	Hardee, Highland, Polk	\$14.5	\$13.5	(\$1.0)	-6.90%	\$8.4	\$7.5	(\$0.9)	-10.71%
11.	Miami-Dade	\$80.1	\$77.0	(\$3.1)	-3.87%	\$29.2	\$26.2	(\$3.0)	-10.27%

12.	DeSoto, Manatee, Sarasota	\$12.4	\$11.4	(\$1.0)	-8.06%	\$6.8	\$6.1	(\$0.7)	-10.29%
13.	Hillsborough	\$23.3	\$22.0	(\$1.3)	-5.58%	\$14.9	\$15.5	\$0.6	4.03%
14.	Bay, Calhoun, Gulf, Holmes, Jackson, Washington	\$8.5	\$7.8	(\$0.7)	-8.24%	\$4.8	\$4.4	(\$0.4)	-8.33%
15.	Palm Beach	\$23.0	\$21.9	(\$1.1)	-4.78%	\$14.5	\$12.9	(\$1.6)	-11.03%
16.	Monroe	\$4.6	\$4.4	(\$0.2)	-4.35%	\$3.0	\$2.8	(\$0.2)	-6.67%
17.	Broward	\$34.5	\$33.2	(\$1.3)	-3.77%	\$17.2	\$16.9	(\$0.3)	-1.74%
18.	Brevard, Seminole	\$19.4	\$18.0	(\$1.4)	-7.22%	\$9.0	\$8.5	(\$0.5)	-5.56%
19.	Indian River, Martin, Okeechobee, St. Lucie	\$11.2	\$10.8	(\$0.4)	-3.57%	\$6.0	\$5.7	(\$0.3)	-5.00%
20.	Charlotte, Collier, Glades, Hendry, Lee	\$19.8	\$18.5	(\$1.3)	-6.57%	\$9.5	\$9.6	\$0.1	1.05%
	TOTAL	\$401.1	\$380.5	(\$20.6)	-5.14%	\$204.2	\$190.6	(\$13.6)	-6.66%

Department of Juvenile Justice	<u>FY 07-08</u>	<u>FY 08-09</u>
County Predisposition/Detention Costs	\$ 101.6 M	\$ 106.1 M
Small County Grants / Detention Cost Shift	\$ 6.3 M	\$ 6.5 M

Department of Corrections	<u>FY 07-08</u>	<u>FY 08-09</u>
Criminal Justice, Substance Abuse and Mental Health Reinvestment Program	\$ 3.8 M	\$ 4.0 M

Health & Human Services

Health Care Services

Agency for Health Care Administration	<u>FY 07-08</u>	<u>FY08-09</u>
Florida Healthy Kids Corporation	\$ 249.4 M	\$ 274.0 M ¹⁰
Florida Kidcare Program	\$ 418.8 M	\$ 471.95 M
Medicaid Patient Transportation	\$ 123.1 M	\$ 120.5 M

Alcohol, Drug Abuse & Mental Health

Children & Adolescent Substance Abuse	\$ 74.2 M	\$ 73.67 M
Children's Mental Health Services	\$ 42 M	\$ 43.5 M ¹¹
Adult Community Mental Health Services	\$ 248.4 M	\$ 294.2 M
Baker Act Services	\$ 62.3 M	\$ 62.3 M ¹²
Children's Baker Act Grants	\$ 14.7 M	\$ 14.2 M
Community Substance Abuse Services	\$ 128.8 M	\$ 125.0 M

Economic Self-Sufficiency Services

Department of Children & Families	<u>FY 07-08</u>	<u>FY 08-09</u>
Financial Assistance Payments – Cash	\$ 155.5 M	\$ 170.6 M

Economic / Workforce Development

Agency for Workforce Innovation	<u>FY 07-08</u>	<u>FY 08-09</u>
Regional Workforce Boards	\$ 231.9 M	\$ 233.2 M ¹³
Partnership for School Readiness	\$ 658.2 M	\$ 645.95 M ¹⁴

Elder Affairs

Department of Elder Affairs	<u>FY 07-08</u>	<u>FY 08-09</u>
Community Care for the Elderly	\$ 54.6 M	\$ 54.6 M
Older American Act Program	\$ 97.1 M	\$ 97.1 M
Senior Citizen Centers		\$ 10 M ¹⁵

Statewide Health Program

Department of Health	<u>FY 07-08</u>	<u>FY 08-09</u>
Rural Health Services	\$ 76 M	\$ 82.1 M
Rural Hospital Financial Assistance Program	\$ 12.72 M	\$ 13.0 M
Rural Hospital Capital Improvement Grants	\$ 3 M	\$ 3 M
Primary Care Challenge Grants	\$ 309,300	\$ 2.1 M
Emergency Medical Services County Grants	\$ 6.2 M	\$ 6.2 M
Emergency Medical Services Matching Grants	\$ 4.7 M	\$ 4.7 M
County Health Department	\$ 270.6 M	\$ 288.80 M ¹⁶
Primary Care	\$ 37.1 M	\$ 36.3 M
School Health Services	\$ 22.3 M	\$ 20.6 M

NOTES

¹ From the funds provided for mosquito control, \$250,000 from the General Inspection Trust Fund shall be used for research into practical methods of control to be used by local mosquito control agencies. The research shall be conducted by the Institute of Food and Agricultural Sciences (IFAS)/Florida Medical Entomology Laboratory and the Florida Agriculture and Mechanical University (FAMU)/Mulrennan Research Laboratory.

² From these funds, \$10,000,000 in non-recurring funds from the State Transportation Trust Fund is provided for an infrastructure pilot program to assist counties and school districts with infrastructure issues. Counties that have at least a 3.75 percent average enrollment growth for the last 5 years in school are eligible to participate in this pilot program. Counties that receive funds under this pilot program shall submit a report, by the end of the fiscal year or upon completion of the project, to the Department of Transportation and the Department of Community Affairs describing in detail the infrastructure issues addressed through this pilot program. The departments of Transportation and Community Affairs shall review the reports from the counties and submit their findings and recommendations to the Legislature regarding the effectiveness of this infrastructure pilot program.

³ Authority is given to spend up to \$73 M from the Medicaid Patient Transportation line item, but the actual allocation will be based on contract negotiations with AHCA.

⁴ This increase is consistent with FAC's policy statement to ensure this program is funded for at least \$4 M.

⁵ Up to \$200,000 shall be used by the Rural Economic Development Initiative to assist local governments in rural areas of critical economic concern with planning and technical assistance.

⁶ These funds shall be used for homeownership assistance in counties and municipalities who have reduced impact fees within the 12 months prior to the effective date of SFY 08-09; or who reduce impact fees subsequent to the effective date of this act, by a minimum of 25% for a period not less than 18 months, or who impose no impact fees entirely for homeownership purposes.

⁷ From these funds, the department shall provide technical assistance to the city of North Port in developing a comprehensive plan to address the issues created by the large number of antiquated or platted lots within and adjacent to the city's borders. The plan should address, among other things, ways to implement appropriate growth management strategies in the future development of the lots and methods to alleviate any negative environmental impact potentially caused by lack of sewage lines. (Should this proviso language get vetoed by the Governor, these funds will become available to provide technical assistance elsewhere.)

⁸ For FY 08-09, \$6.4 M from the Hurricane Catastrophe Fund shall be used for the installation of generators at designated special need shelter sites pursuant to Ch. 2006-71, Laws of Florida. Additionally, \$2.8 M from the Hurricane Catastrophe Fund shall be distributed directly to Tallahassee Community College for the use as set forth in section 215.559(3)(a), F.S., and \$700,000 shall be used for Hurricane and Mitigation Research at Florida International University in section 215.559(4), F.S.

⁹ Local governments receiving funds for water projects shall provide matching dollars as follows: a) 25 percent for wastewater projects; b) 50 percent for stormwater and surface water restoration projects; and c) 50 percent for drinking water projects. Financially disadvantaged small local governments, as defined in section 403.885(3), F.S., shall be exempt from the match provision of this section. Local governmental entities that have been declared in a state of financial emergency pursuant to section 218.503, F.S., shall be exempt from the match provision.

¹⁰ This appropriation amount is included in the KidCare Program line item as well. Funds are provided to contract with the Florida Healthy Kids Corporation to provide comprehensive health insurance coverage, including dental services, to Title XXI children eligible under the Florida KidCare Program and pursuant to section 624.91, F.S. The corporation shall use local funds to serve non-Title XXI children that are eligible for the program pursuant to section 624.91(3)(b), F.S. The corporation shall return unspent local funds collected in Fiscal Year 2007-2008 to provide premium assistance for non-Title XXI eligible children based on a formula developed by the corporation.

These grant funds reflect a reduction of \$4,840,546 from the General Revenue Fund and \$10,664,086 from the Medical Care Trust Fund as a result of freezing reimbursement rates to the rates in effect on September 30, 2008 for health plans contracting with the Florida Healthy Kids Corporation serving Title XXI eligible children. The corporation shall amend its contracts, effective October 1, 2008 to achieve the reduction.

¹¹ In addition to existing projects, the following projects are funded from non-recurring general revenue funds: \$200,000 for Manatee Children's Community Action Team (CAT Team) and \$90,000 Emergency 30 Bed Children's Crisis Unit - Indian River, Martin, Okeechobee, St. Lucie counties.

¹² This budget total does not reflect an additional line item of \$550,000 in non-recurring general revenue funds provided for the Outpatient Baker Act Pilot Program to serve Escambia, Santa Rosa, Okaloosa, and Walton counties.

¹³ Funds provided from the Welfare Transition Trust Fund (\$81.0M) shall be allocated for workforce services based on a plan approved by Workforce Florida, Inc. The plan shall identify funds provided for state-level and discretionary initiatives, and shall maximize funds distributed directly to the Regional Workforce Boards. The plan shall provide for equitable distribution of funds to the boards based on anticipated client caseload and the achievement of performance standards. Copies of the proposed allocation shall be provided to the chair of the Senate Fiscal Policy and Calendar Committee and the chairs of the House Policy and Budget Council and House Economic Expansion and Infrastructure Council.

From the Welfare Transition Trust Fund, \$2 M is provided to continue the Passport to Economic Progress programs in Hillsborough, Manatee, and Sarasota counties. Other funds provided to the Regional Workforce Boards may be used for Passport to Economic Progress programs in other counties.

Funds from the Special Employment Security Administration Trust Fund (\$150.9M) shall be used to provide services focused on retention and retraining of skilled talent in the space industry and shall include workforce skills analysis, training, and placement services, and may include communications efforts. Workforce Florida, Inc. shall develop a plan to implement this program. The plan shall be provided to the chair of the Senate Fiscal Policy and Calendar Committee and the chairs of the House Policy and Budget Council and the House Economic Expansion and Infrastructure Council.

¹⁴ These funds require a match from local sources for working poor eligible participants of six percent on child care slots. In-kind match is allowable provided there is not a reduction in the number of slots or level of services from the provision of in-kind match. The Agency for Workforce Innovation may adopt a policy to grant a waiver of the six percent match requirement to a rural county that demonstrates a significant hardship in meeting the match requirement.

From these funds, the Agency for Workforce Innovation shall designate an amount to be used for the Child Care Executive Partnership Program, as defined in section 409.178, F.S., as a match to expand the provision of services to low-income families at or below 200 percent of the federal poverty level. Funds for this program may be used to match funds for statewide contracts.

¹⁵ From these funds, \$500,000 each is allocated to Bradford County Senior Center and to Nassau County Senior Center. The remaining funds are provided for grants to construct, repair and maintain Florida's Senior Centers. The Department of Elder Affairs shall establish criteria for grant awards that shall include a minimum 25 percent local match requirement.

¹⁶ From these funds, \$25,296,600 in non-recurring county health department trust funds is provided for the following projects:

Broward County Health Department.....	\$ 3,630,000
Flagler County Health Department.....	197,900
Hillsborough County Health Department.....	4,462,700
Lee County Health Department.....	3,000,000
Palm Beach County Health Department.....	4,006,000
Pinellas County Health Department.....	10,000,000

Additionally, from these funds, \$31,434,100 in non-recurring tobacco settlement trust funds is provided for the following projects:

Miami-Dade County Health Department.....	6,412,600
Hernando County Health Department.....	14,229,200
Jackson County Health Department.....	10,792,300

SECTION V

**LEGISLATION
THAT PASSED**

FINANCE, TRANSPORTATION & ADMINISTRATION

Tammy Hall, Chair, Lee County
John Cooper, Vice Chair, Bradford County
Doug Smith, Vice Chair, Martin County

Elections Package

CS/CS/SB 866 by Sen. Constantine (CS/HB 1201 by Rep. Patterson)

This omnibus election package originated from the Ethics & Elections Committee chaired by Sen. Constantine. It passed the House without any opposition and only Sen. Justice, Vice Chair of the Ethics and Elections Committee, and Sen. Dawson voted against it in the Senate. The bill allows individuals to pre-register to vote on or after their 16th birthday. Current law allows individuals to pre-register on their 17th birthday or upon obtaining a valid Florida driver's license. The bill shortens the time frame within which supervisors must report voting history information to the department to 45 days (from 75 days) after a general election. Within 45 days (compared to 35 in current law) of an election, the supervisors shall submit to the department precinct-level election results in a uniform electronic format. The bill eliminates a requirement in existing law for such results to be submitted following a municipal election or runoff. The bill provides that a county, district, or municipality does not have to offer early voting for a bond referendum if the election is not held in conjunction with a state or county election. The bill clarifies the charter county and municipal recall provisions of the election code. It provides that each signed and dated petition form must be filed simultaneously and no later than 30 days after the first signature is obtained. Effective July 1, 2008, the bill gives municipalities the ability to change, by ordinance, election dates to correspond to any statewide or countywide election. The bill allows local governments to develop electronic filing requirements for local officers and candidates that do not conflict with the current electronic filing process for candidates who file reports with the Division of Elections. Effective upon becoming law, the bill provides for a shorter sponsorship disclaimer for electioneering communication telephone calls and exempts these calls from obtaining written approval of the candidate the call supports. Furthermore, any electioneering communication phone call paid for with public money must state the name of the government entity paying for the phone call.

If the bill becomes law, individuals would once again be prohibited from qualifying for more than one public office at a time. Last year, legislation moving the presidential primary date also changed the law allowing those seeking federal office to qualify for two offices that have overlapping terms. Effective Date: Upon becoming a law, except as otherwise provided.

Florida Retirement System (FRS)

CS/HB 5063 by the Government Efficiency & Accountability Council and Rep. Grant

The bill revises payroll contribution rates for membership classes of FRS for state fiscal years effective July 1, 2008, & July 1, 2009 as follows:

Membership Class	Effective July 1, 2007	Effective July 1, 2008	Effective July 1, 2009
Regular	8.69%	8.69%	9.60%
Special Risk Class	19.76%	19.76%	22.03%
Special Risk Administrative	11.39%	11.39%	11.98%
Elected State Officers	13.32%	13.32%	14.56%
Elected Justices, Judges	18.40%	18.40%	20.37%
Elected County Officers	15.37%	15.37%	17.06%
Senior Management	11.96%	11.96%	13.36%
DROP	9.80%	9.80%	10.96%

Effective Date: 07/01/08.

Library Grant Equalization Revision

CS/SB 82 by Sen. Fasano (CS/HB 21 by Rep. Davis)

The bill amends the state aid to the libraries grant program by revising eligibility criteria for multicounty and equalization grants. The bill revises the determination for and amount of multicounty base grants and changes the process for calculating equalization grants. The criteria used for awarding multicounty library grants found in s. 257.172, F.S., are amended to:

- Restrict multicounty grants to systems that include at least one county that is eligible for an equalization grant (i.e., a county with limited financial resources). This change has no immediate effect because at present all such systems contain at least one eligible county.
- Establish a multicounty base grant of \$50,000 for systems serving two counties, effective July 1, 2008. No additional funds are requested for this purpose; this base grant would come from the state aid program.
- Increase the multicounty base grant for systems serving three or more counties from \$250,000 to \$350,000. No additional funds are requested for this purpose; this base grant would come from the state aid appropriation.

The criteria used for awarding equalization library grants established by s. 257.18, F.S., are modified to:

- Add requirements that award equalization grants only to counties that received an equalization grant in FY 2007-08 and have been continuously eligible since that period.
- Determine the need for an equalization grant by using the county's operating millage or per capita income rather than by using the county's expenditures for library services.
- Establish a three-year phase out from the equalization grants for counties that become ineligible.
- Limit the amount of equalization that can go to any single county.

- Limit the portion of state aid that goes to equalization grants, with implementing language that protects those counties most dependent on equalization funding.

Effective Date: 07/01/08.

**Medical Examiners Eligibility for Special Risk Class
CS/HB 531 by Rep. Weatherford (CS/SB 800 by Sen. King)**

This bill modifies the eligibility criteria for membership in the Special Risk Class by narrowing the positions eligible for membership as forensic scientists. Seventy-five current Florida Department of Law Enforcement (FDLE) officers would no longer be eligible for Special Risk Class. For local government employees, the members must be employed by law enforcement agencies or the medical examiners' offices and must spend at least 65% of their work time conducting certain tasks. The bill authorizes certain members of the Special Risk Class in the FRS to purchase upgraded retirement credit from prior Regular Class service to Special Risk Class service. The bill provides for the calculation of contributions to purchase the service upgrades and authorizes a local government employer to purchase the service credits on behalf of a member.

Local government employers who elect to pay for the service upgrade for the specified employees may eventually pass that cost along to taxpayers. The actual number of affected employees is unknown. The longer members delay before purchasing the upgraded service, the greater the cost to the system. This could result in increased contribution rates for all special risk employers whether or not they have employees who are affected by the upgrade provisions. The fiscal impact to local government based on the actuarial study projection of about 1,200 employees purchasing service credit upgrades was estimated to be: \$287,000 for FY 2008-2009, \$299,000 for FY 2009-2010 and \$311,000 for FY 2010-2011. Effective Date: 07/01/08. (Approved by the Governor on 05/28/08)

**Property Tax Glitch Bill / Implementation of Amendment 1
CS/SB 1588 by Sen. Haridopolos (HB 7131 by the Policy & Budget Council)**

The bill is primarily a glitch bill for the implementation legislation (HB 1B) for the proposed constitutional amendment (Amendment 1) which was approved by the voters January 29, 2008. It corrects a variety of glitches and clarifies numerous provisions of HB 1B approved during 2007 Special Session B. In addition, it imposes an additional limitation on the maximum millage that may be levied by local governments in FY 2008-09.

- The bill provides that beginning in 2009 property appraisers must submit information identified by the Department of Revenue (DOR) to improve the property tax forecasts by the Revenue Estimating Conference and grants the Executive Director authority to prescribe such data and the format.
- The bill clarifies the rules under which a Save Our Homes differential may transfer to a new homestead (residential) property. The clarification primarily addresses divorces and living quarters for parents or grandparents. The DOR is required to provide the necessary procedures and forms to be used by property appraisers.

- The bill eliminates the annual application process for the Save Our Homes differential.
- The bill provides for the order or priority of exemptions (homestead exemptions and Save Our Homes differential) to give the maximum benefit of each exemption to the taxpayer.
- The bill clarifies the application of the tangible personal property exemption for each taxing authority and provides a definition for the "site where the owner of tangible personal property transacts business".
- The bill requires tax collectors to provide information regarding non-ad valorem assessments to the DOR.
- The bill clarifies that the maximum millage rate is adjusted for "change" in per capita Florida personal income instead of "growth".
- The bill clarifies that supermajority votes are based on the membership of the governing body and provides for administrative adjustments to millage rates when the tax roll changes after the millage rate is calculated.
- The bill clarifies the provision for calculating the millage for a county authorized to levy a public hospital surtax.
- The bill clarifies that the governing body of the municipality shall be the governing body for certain downtown development authorities.
- The bill amends the calculation of the maximum millage rate that local governments may levy by a majority vote. Specifically, it provides that the rollback rate used for determining the millage rate that can be levied by a majority vote must be calculated as if the tax base had not been reduced by Amendment 1.
- The bill clarifies the process and information necessary to provide fiscal assistance to fiscally constrained counties.

Effective date: Upon becoming a law, except as otherwise provided and shall apply to the 2008 tax rolls.

Transportation

CS/CS/SB 682 by Sen. Bullard (HB 899 by Rep. Bullard)

The Legislature's original transportation package for 2008 became one of the more divisive issues of this year's session. Originally filed under HB 1399 and SB 1978, the transportation package was eventually dominated by a single issue: giving the DOT the authority to complete the acquisition and operation of the Central Florida Rail Corridor. However, controversy and opposition seemed to follow the bill until the final days of session, where it eventually died. In a last minute effort to salvage minor components of both bills, SB 682 became the unlikely vehicle that eventually passed as this year's primary transportation package.

Originally filed as a bill directing DOT to study transportation alternatives to I-95, SB 682 quickly grew to include a number of disparate transportation and highway safety issues. This bill includes four issues of significance to counties. First, it eliminates the sunset provision for SCRAP, which was scheduled to terminate in 2010. While the bill expands eligibility for the program by eliminating its millage requirements, it does not include funding for two fiscal years (FY 2010-11 and FY 2011-12). Also of importance to

counties, the bill gives local governments the opportunity to notify DOT and the Governor's office whether any project that is either deferred or eliminated from the 5-Year Work Program will negatively impact local transportation concurrency. It requires local governments to consider land use compatibility issues for lands located near or adjacent to airports and specifically prohibits counties from owning and / or operating an asphalt plant as April of 15, 2008. Finally, the bill extends by one year the existence of the Strategic Aggregates Review Task Force, which will be dissolved on June 30, 2009. Effective Date: 07/01/08.

Value Adjustment Boards

CS/HB 909 by Rep. Nehr (CS/CS/SB 2080 by Sen. Haridopolos)

The bill codifies many recommendations made by the Auditor General's Report regarding value adjustment boards (VABs).

- The bill requires the DOR to develop a uniform policies and procedures manual to be used by VABs, special magistrates and taxpayers in VAB proceedings.
- The bill amends the membership of VABs to include 2 county commissioners, 1 school board member and 2 citizens (taxpayers).
- The bill eliminates the authority for county attorneys to be counsel to the VAB and requires the use of private counsel.
- The bill requires DOR to provide training for special magistrates.
- The bill requires members of the VAB to receive DOR training in counties that do not use special magistrates as part of VAB proceedings. In small counties, the training requirement may be met by the private counsel receiving such training.
- The bill clarifies that in determining the highest and best use criteria of a property, the property appraiser must factor the legally permissible use of the property, including zoning, concurrency, or necessary permits required before actually being used for its highest and best use.
- The bill clarifies that a minimum acreage factor cannot be required for an agricultural assessment.
- The bill provides language expressing that the Legislature expressly intends that taxpayers never have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment.

Effective date: 09/01/08.

GROWTH, ENVIRONMENTAL PLANNING & AGRICULTURE

Ronnie Duncan, Chair, Pinellas County
Buddy Lamb, Vice Chair, Dixie County
Stacy Ritter, Vice Chair, Broward County

Artificial Reefs

SB 432 by Sen. Bennett (HB 179 by Rep. Holder)

This bill authorizes the Florida Fish and Wildlife Conservation Commission (FWC) to plan and develop a statewide matching grant program to secure and place U.S. Maritime Administration and U.S. Navy decommissioned vessels in state or federal waters as artificial reefs. The bill does not provide an appropriation to support the matching grant program. FAC monitored this bill as a potential vehicle for an airboat amendment that would have required local governments to pass airboat ordinances unanimously. However, this bill was not amended and passed as it was filed. Effective Date: Upon becoming a law.

Beach Management

CS/HB 1427 by Rep. Mayfield (CS/CS/SB 1672 by Sen. Jones)

This bill requires the state's beach management efforts to address erosion caused by inlets. The bill also requires that beach quality sand associated with inlet construction and maintenance dredging be placed on adjacent beaches, and directs DEP to take all reasonable action to reinstate the natural flow of sand in disputes between beneficiaries of the inlet, local governments, or adjacent inlet property owners. Effective Date: 07/01/08.

Brownfields

CS/HB 527 by Rep. Williams (CS/CS/SB 2018 by Sen. Posey)

This bill provides a one-time, 25 percent tax credit of up to \$500,000 for the construction and operation of new health care facilities or health care providers on brownfield sites, and allows both the existing affordable housing and the proposed health care tax credit certificates to be awarded for sites where the work is substantially complete. The bill revises the provisions required for applicants to claim the solid waste removal tax credit, as well as the criteria and requirements for the DEP review of tax credit applications and the issuance of tax credit certificates. The bill clarifies what types of costs cannot be claimed. The total amount of the annual credit remains \$2 million. The bill revises the brownfields program administration process and the local government resolution and site redevelopment agreement requirements, and removes certain brownfield contractor certification requirements and the professional liability insurance requirement. The bill provides limited application of Brownfield Areas Loan Guarantee Program grants to the construction and operation of new health care facilities and health care providers, and adds the state surgeon general or designee to the Brownfield Areas Loan Guarantee Council. Effective Date: Upon becoming a law and shall operate retroactively to 01/01/08.

Building Codes

CS/HB 697 by Rep. Aubuchon (CS/CS/CS/CS/SB 560 by Sen. Constantine)

In many ways, this bill compliments the Senate's energy bill, SB 1544, by focusing on building code revisions recommended by the Florida Energy Commission. The bill requires that the Florida Building Commission select the most current version of the International Energy Conservation Code (IECC) as a foundation code, so long as the IECC is modified by the commission to maintain the efficiencies of the Florida Energy Efficiency Code for Building Construction. The commission is authorized to implement recommendations on an energy efficiency standard to be adopted by the commission for the construction of all new residential, commercial, and government buildings. The bill creates a schedule of increases in the energy performance of buildings subject to the Florida Energy Efficiency Code.

With respect to local comprehensive plans, the bill requires the future land use element of the plan to discourage urban sprawl by encouraging energy-efficient land use patterns that account for existing and future electric power generation and transmission systems, and greenhouse gas reduction strategies. The future land use map must identify and depict energy conservation, while the traffic circulation element must incorporate transportation strategies that reduce greenhouse gas emissions. From a compliance standpoint, it is unclear what standards the state's land planning agency will use in its review of local comprehensive plans. Effective Date: 07/01/08.

Cemetery Lands

CS/HB 853 by Rep. Troutman (CS/SB 1308 by Sen. Bennett)

The bill provides that, except for road system, transportation corridor, or rights-of-way purposes, property dedicated for cemetery purposes and licensed under Ch. 497, part II, F.S., may not be taken by eminent domain if the area of property to be taken is one contiguous acre or greater in size, unless the taking entity determines in a public hearing that there are no reasonable alternatives except to use cemetery property for the project. It also prohibits a governmental entity from requiring the transfer of property dedicated for cemetery purposes and licensed under Ch. 497, part II, F.S., as a condition of obtaining regulatory approval under the chapter. Effective Date: 07/01/08. (Approved by the Governor on 05/28/08)

Clean Ocean Act

CS/CS/SB 1094 by Sen. Haridopolos and Sen. Constantine (CS/HB 897 by Rep. Mayfield)

This bill requires owners or operators of gambling vessels operated in coastal waters to register vessels with DEP. The owner of each waterfront-landing facility that is registered as a gambling vessel's berth location must establish procedures for the release of waste from gambling vessels at the facility and make available a waste management service to handle and dispose of the facility's waste. The bill provides that, if a gambling vessel releases any waste into coastal waters, the owner or operator shall immediately (no later than 24 hours after the release), notify DEP of the release and provide certain specified information. DEP is required to establish and collect fees that are adequate to cover the entire cost of developing and implementing its

responsibilities, including registration of gambling vessels, tracking of releases, compliance, and enforcement. The bill does not apply to any gambling vessel that annually verifies to DEP that it operates a marine waste treatment system that produces sterile, clear, and odorless reuse water without generating solid waste and that eliminates the need to pump out or dump wastewater. Effective Date: 07/01/08.

Developments of Regional Impact (DRIs)

CS/SB 1706 by Sen. Margolis (CS/HB 911 by Rep. Grimsley)

This bill expands legislation that passed in 2007, which extended the build-out dates for DRIs by three years, with 2007 as the base year. Supplemental language provided under SB 1706 applies this extension date to all associated local government approvals, including agreements, certificates, and permits related to the project. According to advocates for the legislation, while local governments were complying with the extension directive passed in 2007, few were extending this provision to any of the developments' associated permits, particularly those relating to transportation concurrency. Effective Date: 07/01/08.

Energy

HB 7135 by the Environment and Natural Resources Council, Rep. Mayfield and Rep. Kreegel (CS/CS/CS/SB 1544 by Sen. Saunders)

The Legislature passed an expansive energy bill this year in response to the Governor's veto last year. HB 7135 creates a substantial new energy policy for Florida. Unfortunately, it also includes many county preemptions and unfunded mandates. The bill will no longer require power companies to submit a statement of consistency regarding transmission lines, power lines, and substations – preventing local governments from commenting as to where they can go. The bill requires a 75% reduction of solid waste, yet preempts local governments from regulating the sale, use, or disposition of plastic bags, containers, and wrappings, virtually ensuring that local governments will not be able to meet the state's goals. The bill also mandates that local governments conduct composting activities, setting a minimum statutory requirement, and provides a property tax exemption to citizens who install renewable energy sources even if their assessments do not increase.

Local governments will also be required to use a nationally recognized green building program in constructing new buildings, and building code provisions in the bill are designed to make codes more "green." However, local governments will have the flexibility to do as much or as little as they can in the way of green construction. The lowest standard raises the cost of construction by approximately 1 percent. Many counties have already chosen to go well above and beyond this. The bill also requires local governments that purchase vehicles under a state purchasing plan to maintain vehicles according to minimum standards and to follow certain procedures when procuring new vehicles.

The bill does include several positive provisions. It authorizes the DEP to require utility companies to pay for the waste they create by offsetting pollution with the purchase of carbon credits. The bill also allows DEP to set strong pollution limits on new cars sold

in the state of Florida, subject to legislative approval, and requires private electrical utilities to generate a certain amount of the power they sell from renewable sources. The bill also contains provisions for net metering. Additionally, the bill expands the air quality, energy, and land use goals of the State Comprehensive Plan to include the development and siting of low carbon-emitting electric power plants, including nuclear plants, the reduction of atmospheric carbon dioxide, and promotion of the development and use of renewable energy sources. The bill also requires metropolitan planning organizations to develop a long-range transportation plan and an annual project list that, among other considerations, provides for sustainable growth and the reduction of greenhouse gas emissions. Effective Date: 07/01/08, except as otherwise provided.

Florida Forever

CS/CS/SB 542 by Sen. Saunders

This bill authorizes the continuation of the popular Florida Forever land acquisition program. In addition to continuing the program, the bill requires the Division of State Lands to determine the value of carbon capture and carbon sequestration with respect to state lands and to provide an inventory to the board of trustees. It also requires the priority purchase of conservation and recreational lands that have high concentrations of population and certain agricultural lands. The bill increases appraisal thresholds, requires bond moneys to be spent for capital improvements under certain conditions, and authorizes alternatives to fee simple purchases. It also adds the restoration and preservation of working waterfronts to the Florida Forever program. Notably, the bill does not transfer Florida Communities Trust to DEP or any other state agency. The program will remain within the Department of Community Affairs (DCA). Effective Date: 07/01/08.

Ocean Outfalls

CS/CS/SB 1302 by Sen. Saunders (HB 7139 by the Environment & Natural Resources Council)

This bill prohibits the construction or expansion of wastewater ocean outfalls and limits the discharge of wastewater through ocean outfalls to the permitted capacity in effect on July 1, 2008. It requires that discharge of domestic wastewater through ocean outfalls must meet advanced wastewater treatment and management requirements. It provides an exemption to treatment standards for those facilities who meet 100% reuse of domestic wastewater discharge by the same date. The bill requires all facilities that discharge domestic wastewater through ocean outfalls to achieve, at a minimum, 60% reuse of actual annual flow by December 31, 2025, and prohibits discharge through ocean outfalls beyond that date, unless as a backup to the functioning reuse system. It also provides that water resource and water supply development projects that promote the elimination of wastewater ocean outfalls should be given first consideration for state or water management district funding assistance. Effective Date: 07/01/08.

Petroleum Cleanup

HB 961 by Rep. Machek (SB 1982 by Sen. Baker)

This bill increases the restoration cap amount for the Petroleum Cleanup Participation Program from \$300,000 to \$400,000. For the Florida Petroleum Liability and

Restoration Insurance Program, the \$1 million cap is increased to \$1.2 million, the \$300,000 cap is increased to \$400,000, and the \$150,000 cap is increased to \$300,000. The cap increases apply only to sites eligible for the Petroleum Cleanup Participation Program and the Florida Petroleum Liability and Restoration Insurance Program where DEP has not issued a site rehabilitation completion order prior to June 1, 2008, indicating that the discharge has been remediated. The cap increases also apply to sites that have reached the current statutory caps and have transitioned to the party responsible for the contamination for completion of the cleanup. By raising the state funding assistance caps, the bill may extend the Petroleum Cleanup Program by five years and may increase expenditures by \$234.7 million for petroleum contamination cleanup. Effective Date: 07/01/08.

**Phosphate Severance Tax and Hearing Procedures
CS/CS/SB 1294 by Sen. Saunders**

This began as a simple bill that amended provisions relating to the registration of dry cleaners, as well as the definition of the term "regulated air pollutant" to conform to changes made in the federal Clean Air Act. It was amended during the committee process to create a severance tax relating to phosphate, and to provide for its distribution. However, the bill was sent to conference committee, and was amended late in session to provide that administrative challenges to proposed state agency actions regarding phosphate mines and reclamation are subject to summary hearing provisions, except that the summary proceeding must be conducted within 90 days after a party files a motion for summary hearing, regardless of whether the parties agree to the summary proceeding and that the administrative law judge's order is a recommended order and not a final order.

The bill was also amended with more detailed severance tax provisions. The final version of the bill provides for a new severance tax of \$1.38 per ton in addition to the excise tax currently levied. This tax is to be levied until it raises \$60 million. The funds will be deposited into the Nonmandatory Land Reclamation Trust Fund, and at least 75% of the funds must be used for the rehabilitation, management, and closure of the Piney Point and Mulberry sites. Once \$60 million is raised, the severance tax will be increased to \$1.51 per ton and then 25.5% is to be distributed to the Conservation and Recreation Lands Trust Fund, 37% to general revenue, 13.6% as payment to counties in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 10.7% to counties that have been designated as a rural area of critical economic concern in proportion to the number of tons of phosphate rock produced from a phosphate rock matrix located within such political boundary, 6.6 percent to the Nonmandatory Land Reclamation Trust Fund, and 6.6 to the Phosphate Research Trust Fund. The 13.6% for payment to counties must be used only for phosphate-related expenses, which includes the provision of infrastructure or services in support of the phosphate industry, reclamation or restoration of phosphate lands, community infrastructure on reclaimed lands, and similar expenses directly related to support of the industry. Effective Date: Upon becoming a law.

Protection of Wild and Aquatic Life

CS/HB 7059 by the Environment & Natural Resources Council, Rep. Kendrick and Rep. Mayfield (CS/SB 1300 by Sen. Saunders)

This bill adds the preservation and regeneration of seagrass to the Board of Trustees of the Internal Improvement Trust Fund's duty to conserve and improve state lands, and provides for the collection of fines for careless seagrass scarring. Additionally, the bill transfers the Bureau of Invasive Plant Management from DEP to FWC. It also provides for the confiscation of illegally taken wildlife, freshwater fish, and saltwater fish. Effective Date: 07/01/08.

Secondary Metals Recyclers

CS/CS/HB 105 by Rep. Troutman (CS/CS/SB 556 by Sen. Constantine)

This bill was passed due to an increase in reports of metal theft, specifically copper, from construction sites, citrus groves, air conditioner units, cell phone towers, and even a report of copper theft from an Amtrak locomotive. Thieves take the stolen metal to a secondary metals recycler and sell the metal for cash. In response to this, the bill eliminates the requirement that transactions must be greater than \$10 in value to be regulated under Ch. 539, Part II, F. S., and expands the definition of regulated metals to include stainless steel beer kegs. It requires secondary metals recyclers to gather more in depth information about sellers of regulated metals and allows that information to be stored in an electronic database. It enhances the penalty faced by secondary metals recyclers for repeated noncompliance with statutory requirements from a first degree misdemeanor to a third degree felony, and enhances the penalty faced by sellers of regulated metals for giving false information to a second or third degree penalty, depending on the dollar amount involved. The bill requires DOR to release the names of any registered secondary metals recyclers to a law enforcement official upon request, requires that all regulated metals be transported to a secondary metals recycler in a motor vehicle, and requires payments for all transactions in excess of \$1,000 to be made by check. Effective Date: 10/01/08. (Approved by the Governor on 05/28/08)

Underground Utilities

CS/SB 794 by Sen. Bennett (HB 573 by Rep. Murzin)

The bill prohibits counties and cities from charging fees associated with marking underground facilities associated with compliance with the Florida One-Call notice requirements. Effective Date: Upon becoming a law.

Water Pollution Control

CS/HB 547 by Rep. Kreegel (CS/CS/SB 1208 by Sen. Gaetz)

This bill authorizes DEP to adopt rules to implement a water quality credit trading program. Water quality credit trading allows a point or non-point source that will achieve greater pollutant reductions than required by a TMDL or wasteload allocation to generate, register, and trade water quality credits for the excess reductions. This enables other sources to achieve their allocation. The bill requires DEP to incorporate trades into permits, basin management action plans (BMAPs), certifications, or other binding mechanisms that assure enforceability, and authorizes DEP to establish, by rule, trading mechanisms and procedures, including a registry to track trades. Water

quality credit trading is limited to the Lower St. Johns River Basin as a pilot project. The scope of this bill falls within FAC's policy statement on water quality credit trading.
Effective Date: 07/01/08.

HEALTH & HUMAN SERVICES

Bill Williams, Chair, Gulf County
Bob Janes, Vice Chair, Lee County
Vicki Phillips, Vice Chair, Citrus County

Alzheimer's Disease / Medicaid Waiver Program

SB 1092 by the Health Policy Committee (HB 7047 by the Healthcare Council and Rep. Gibson)

The bill extends the repeal date for the Alzheimer's disease Medicaid home and community based-services waiver program so that the program is automatically eliminated at the close of the 2010 Legislative Session, rather than the 2008 Legislative Session.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct an evaluation of comparable Medicaid home and community-based services waiver programs to determine their comparative cost effectiveness and ability to delay or prevent institutionalization of Medicaid recipients. The bill requires OPPAGA to coordinate with relevant experts to determine which waiver programs should be included in the evaluation in order to make reasonable comparisons. The evaluation must also include a review of the flexibility provided to states by the federal Deficit Reduction Act (DRA) of 2005, in regard to Medicaid home and community-based services. The findings and recommendations of the evaluation shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2010. Effective Date: Upon becoming a law. (Approved by the Governor on 05/28/08)

Autism Spectrum Disorder

CS/CS/CS/SB 2654 by Sen. Geller

SB 2654 increases health insurance benefits for autism and developmental disability therapies and enhances consumer awareness of the benefits. Statistics show that one in every 150 children develops an autism spectrum disorder, jumping to one in every 94 for boys.

The legislation, known as the "Window of Opportunity Act," authorizes the OIR to convene a workgroup that includes health insurance carriers, self-insured employers, two designees of the Governor, one designee of the President of the Senate, and one designee of the Speaker of the House of Representatives. The workgroup will negotiate an agreement between insurers and carriers (HMOs) that will include increased coverage for therapies and behavior analysis, improved information to consumers regarding covered therapies, and protection for consumers denied claims due to developmental disabilities. Additionally, consumer advisors will have the opportunity to review the agreement before it is finalized.

The legislation also creates, under the "Steven A. Geller Autism Coverage Act," a mandated benefit for autism coverage which will apply to any carrier that does not

comply with the compact by April 1, 2010. The mandated benefit includes a \$36,000 annual maximum and \$200,000 lifetime maximum for screening and therapy for autism. To be eligible for benefits and coverage, an individual must be diagnosed with an autism spectrum disorder at 8 years of age or younger. Effective Date: 01/01/09. (Approved by the Governor on May 20, 2008)

Automated External Defibrillators (AED)

CS/CS/SB 564 by Sen. Constantine (CS/HB 243 by Rep. Anderson)

The bill revises the requirements for the use of an AED in cases of cardiac arrest. Under the bill, any person who uses an AED is encouraged, rather than required, to obtain appropriate training. Also, the bill encourages persons or entities that possess an AED to notify, rather than register with, the local emergency medical services director of the location of the device. Effective Date: 07/01/08.

Certificates of Need / General Hospitals

CS/SB 2326 by Sen. Peaden, Jr.

The bill amends the process hospitals use to apply for and obtain a certificate of need (CON) from the Agency for Health Care Administration (AHCA). It also limits the criteria that AHCA uses to review CON applications as opposed to all other health care facilities that are subject to the CON process.

Eligibility requirements are provided as are procedures for existing hospitals to challenge a decision by AHCA regarding a hospital CON application. The legislation defines a process by which the applicant may respond to another hospital's challenge of its CON application. Effective Date: Upon becoming a law. (Approved by the Governor on May 19, 2008)

Children's Zones

CS/HB 3 by Rep. Bendross-Mindingall (CS/SB 500 by Sen. Bullard)

This legislation provides for cities and counties to designate certain areas as children's zones to focus on services and programs for children including facilitating enrollment in Kidcare. The bill provides for the creation of a not for profit corporation to implement and govern a designated children's zone. Effective Date: 07/01/08.

Health Insurance

CS/CS/SB 2534 by Sen. Peaden, Jr. (CS/HB 7081 by the Healthcare Council and Rep. Bean)

The bill makes several provisions aimed at improving access to health care:

Cover Florida Health Care Access Program

The Cover Florida Health Access Program (Cover Florida) is designed to provide an affordable health care option for uninsured individuals in Florida between the ages of 19 and 64 who meet certain other criteria. A Cover Florida plan must provide non-catastrophic coverage and may provide catastrophic coverage, supplemental insurance, prepaid health clinic, and discount medical plan product options to enrollees. AHCA and OIR are responsible for jointly establishing and administering Cover Florida. Cover

Florida plans are not subject to licensure under the Florida Health Insurance Code. The agency and the office are required to approve at least one Cover Florida plan entity having an existing statewide provider network and may approve at least one regional network plan in each Medicaid area. Cover Florida plans are considered health insurance for the purposes of the state employee retiree health insurance subsidy.

Florida Health Choices Program

The Florida Health Choices Program is created as a single, centralized market for the sale of products that enable individuals to pay for health care. These products include but are not limited to insurance plans, HMO plans, limited benefit plans, prepaid services, service contracts, and flexible spending accounts.

Participation is voluntary. Eligible employers include those with 50 or fewer employees as well as certain public employers. Participating employers will receive assistance to qualify under federal tax regulations in order to offer a cafeteria of health benefits to their workers. Eligible vendors include licensed insurers and licensed HMOs which may sell risk-bearing products and other arrangements for services. Prepaid clinics, health care providers, provider organizations, and other corporate entities are eligible to sell service contracts and other arrangements for a specified amount and type of health services or treatments. Eligible individuals are workers of participating employers. Health insurance agents may also participate in order to assist individuals to choose the coverage or services they want from the program.

Products sold through the program are not subject to the mandated coverages established in state law or certain other regulations normally applied to health insurance. However, all insurers and HMOs offering risk-bearing products must be licensed to do so in the State of Florida.

The bill establishes a corporation, Florida Health Choices, Inc., to be responsible for implementation of the program. The governing board of the corporation will be appointed by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The corporation will be subject to the Sunshine Law, and the Florida Code of Ethics.

Dependent Coverage

The bill requires group health insurers to offer policyholders the option to continue coverage of their children on their family policy until age 30, if the child is: (1) unmarried with no dependents; (2) a resident of Florida or a full-time or part-time student; and (3) does not have insurance coverage under any private or public plan.

Health Flex Plans

The Health Flex Plan Program was established to offer basic affordable health care services to low-income, uninsured residents. The bill expands eligibility for Health Flex plans by: raising the family income limit from 200% to 300% of the federal poverty level (FPL); allowing persons who lose eligibility for Medicaid or KidCare due to income limits to apply without a lapse in coverage; allowing individuals covered by an HMO that have

a Health Flex plan to enroll in the HMO's Health Flex plan without a lapse in coverage; and allowing individuals in an employer group to access Health Flex plans if they were not covered by private insurance for the last 6 months, and at least 75% of the employees have an income at or below 300% FPL (the Health Flex plan is offered by an insurer or HMO to only 50% of the employees). The bill also extends the expiration date of the program from July 1, 2008 to July 1, 2013.

KidCare

The bill expands eligibility by eliminating the 10 percent cap on full-pay enrollees in MediKids (ages 1-5) and Healthy Kids (ages 6-19) with a family income greater than 200% of the FPL. Healthy Kids Corporation is required to submit a report to the Legislature and Governor, by February 1, 2009, on the premium impact to the subsidized portion of KidCare from the increase of full-pay enrollees, and make recommendations on how to eliminate or mitigate any premium impact.

Insurance Code Exemption for Certain Religious Organizations

The bill creates an exemption from the Florida Insurance Code for nonprofit religious organizations that qualify under Title 26, s. 501 of the Internal Revenue Service (IRS) Code which meet the following criteria: limit membership to members of the same religion; act as an organizational clearinghouse for information between participants who have financial, physical, or medical needs and those with the ability to pay for the benefit of those members in need; provide for medical or financial needs of participants through payments directly from one participant to another; suggest amounts that participants may voluntarily give with no assumption of risk or promise to pay either among the participants or between the participants. Effective Date: Upon becoming a law. (Approved by the Governor on May 21, 2008)

Health Flex Plans

HB 461 by Rep. Patronis (SB 1022 by Sen. Peaden, Jr.)

The Health Flex Plan Program was established in 2002 by the Florida Legislature as a pilot program in an effort to expand the availability of basic health and preventive care services for low-income uninsured state residents by permitting health insurers, HMOs, and health-care-provider-sponsored organizations to develop plans emphasizing such services. In 2004, the Legislature expanded Health Flex plans to all 67 counties. The program is scheduled to sunset July 1, 2008. HB 461 expands health flex plan eligibility from 200% to 300% of the FPL and extends the program to July 1, 2013. Effective Date: 07/01/08.

Mental Health and Substance Abuse Services

CS/HB 1429 by Rep. Gardiner (CS/CS/CS/SB 2626 by Sen. Storms)

This bill provides authority and direction to the Department of Children and Families (DCF) to implement Behavioral Health Managing Entities. A managing entity is a Florida corporation that is exempt from taxation under s. 501(c)(3), of the IRS Code and is under contract to the department to manage the day-to-day operational delivery of behavioral health services through the establishment of an organized system of care.

The bill provides DCF the option of contracting with a managing entity for behavioral health services and allows currently operating managing entities that provide mental health, substance abuse, Medicaid and child welfare services to continue operating with this structure.

The bill provides legislative intent that reductions in state cost for contract management and administrative duties be proportionately reduced and the savings used to fund the administrative functions of the managing entity. Effective Date: 07/01/08.

Relating to Dentistry

CS/CS/SB 2760 by Sen. Peaden, Jr.

The bill creates examination requirements, an application process, license renewal requirements, and license revocation requirements for a community-service dental license. The bill requires the Board of Dentistry to grant a community-service dental license to practice dentistry in community-service settings if an applicant meets certain educational and practice standards, files appropriate application, and pays appropriate fees. The bill provides an individual with a community-service dental license the ability to take the Florida dental license examination if these conditions are met. The bill specifies that the failure of an individual with a community-service dental license to limit the practice of dentistry to community service settings is the unlicensed practice of dentistry. Effective Date: 01/01/09. (Approved by the Governor on 05/28/08)

Transportation Disadvantaged Services

CS/CS/HB 1175 by Rep. Robaina

This legislation ensures the coordinated planning of transportation disadvantaged services by all human service agencies; strengthens the alternative provider procedure process for purchasing agencies to ensure all agencies follow the exact same process; requires all agencies to identify dollars spent on non-emergency transportation services to transportation disadvantaged clients; and requires all agencies to pay the approved transportation rates. Effective Date: 07/01/08.

Workforce Innovation

CS/CS/SB 428 by Sen. Bennett (CS/CS/HB 959 by Rep. Chestnut)

This bill allows Regional Workforce Boards to be direct providers of intake, assessment, eligibility determinations, or other direct provider services, except training services, subject to agreement between the designated chief elected official and the Governor. Effective Date: 07/01/08.

PUBLIC SAFETY

Joe Eggleston, Chair, Broward County
Sam Johnson, Vice Chair, Polk County
Brad Purcell, Vice Chair, Putnam County

Citizens' Right to Know Act / Pretrial Release

CS/CS/SB 2676 by Sen. Crist (CS/HB 1441 by Rep. Needelman)

This bill mandates reporting requirements for pretrial release programs (public or privately operated) and also amends several sections related to the posting of bail. The bill requires pretrial release programs to maintain a register with the Clerk of the Court that includes detailed information about defendants interviewed and released through the program. The specific information that must be submitted is outlined in the legislation; however, a county may also ask for additional information to be provided if they believe it will lead to improving the system and making it more cost efficient. The bill further requires pretrial release programs to provide an annual report to the county, or other appropriate local governing board, summarizing defendants released through the program and budgetary matters by March 31st of each year. The bill requires cash bond forms to display a notice that any and all parts of a cash bond may be subject to withholding by the Clerk of the Court to pay court costs, fees, and fines, regardless of who posts the cash bond. OPPAGA is directed to conduct an annual study for the presiding officers of the Legislature evaluating the effectiveness and cost-efficiency of pretrial release programs by January 1st of each year. Effective Date: 07/01/08.

Criminal History Information

CS/SB 1792 by Sen. Crist

This bill increases fees for criminal history background checks by the FDLE by amending s. 943.053, F.S. The current fee is \$23 for each records check with the exception of background checks for vendors of DCF, Department of Elder Affairs (DEA), Department of Juvenile Justice (DJJ), specific checks for DACS, and summer camps. The new fee structure will increase the fee by \$1 for the dissemination of criminal justice information and is estimated to generate an additional \$1,750,000 in fee revenues. This bill will also allow the department to apply the revenue generated from this fee to any legislatively approved department purpose rather than strictly toward the cost of providing the service. Effective Date: 07/01/08.

Department of Corrections (DOC)

HB 7137 by the Safety & Security Council and Rep. Adams (CS/CS/CS/CS/SB 1614 by the Criminal Justice Committee)

This bill was DOC's legislative package, which addresses a number of issues within the department's jurisdiction. More specifically, the bill:

- Provides that an administrative law judge may appoint a private pro bono attorney in a continued placement proceeding to represent an inmate who is receiving treatment in a correctional mental health facility.
- Adds cellular phones and other portable communication devices to the list of articles declared to be contraband within a state prison and makes it a

third-degree felony to introduce or possess a cellular phone or portable communication device with intent to provide the device to an inmate.

- Revises the Corrections Mental Health Act to allow, among other changes, a court to waive the presence of an inmate at the mental health hearing, the inmate's counsel to have access to the inmate and records that are relevant to representation of the inmate, and an administrative law judge to waive the inmate's presence at a continued placement hearing.
- Requires DOC to house certain young adult offenders, who currently must be housed separately, at youthful offender facilities. This section does not affect DJJ nor a county's financial responsibility for predisposition costs (For more information relating to this change, please see pages 8-10 of HB 7137 or pages 6-7 of the final Senate staff analysis on SB 1614).
- Authorizes a court to place on community control an offender who has been convicted of a forcible felony and who has a prior forcible felony conviction.

Effective Date: 10/01/08.

Emergency 911

CS/SB 1694 by Sen. Aronberg (CS/HB 997 by Rep. Domino)

The bill creates a voluntary certification program for 911 emergency dispatchers. It requires DOH to establish, by rule, educational and training criteria for certification and requirements for certificate renewal. The DOH is authorized to suspend or revoke a certificate at any time if it is determined that the certificate holder does not meet the qualifications. The department must also establish, by rule, a procedure for the initial certification of 911 emergency dispatchers who have documentation of at least 5 years of supervised full-time employment as a 911 emergency dispatcher since January 1, 2002. Effective Date: 10/01/08. (Approved by the Governor on 05/28/08)

Exploited Children

CS/CS/CS/SB 1442 by Sen. Dockery (CS/CS/HB 605 by Rep. Rivera)

This bill is patterned after "Masha's Law" within the federal Adam Walsh Child Protection and Safety Act of 2006, which allows child pornography victims to seek a civil remedy from persons who download their pornographic images. Prior to enactment of Masha's Law, federal law provided a civil cause of action for minors who were victims of certain sexual abuse-related crimes and who suffered personal injury as a result of such abuse. Those minors were deemed to have sustained damages of no less than \$50,000. Masha's Law raised the civil penalties from a minimum of \$50,000 to \$150,000 and changed the law to allow persons 18 years of age or older to also recover damages from those who downloaded images of them while they were minors.

If enacted into law, the bill will allow Florida citizens, who have been identified by law enforcement as victims of child pornography, and who have suffered personal or psychological injury as a result of the possession and distribution of their pornographic images, to seek civil redress under Florida law. Effective Date: 10/01/08.

Firesafety / Structure Markings

CS/HB 727 by Rep. Gibson (SB 1554 by Sen. Wise)

The bill requires that structures using light-frame truss-type construction must be marked to warn persons conducting fire control and other emergency operations of the existence of such construction, due to danger of collapse. The State Fire Marshal is provided with rulemaking authority, and local fire officials and the State Fire Marshal are authorized to enforce the signage provision.

The bill further provides that notwithstanding other provisions of law to the contrary, nursing homes licensed under Ch. 400, F.S., must be protected by approved automatic sprinkler systems by December 31, 2010. The bill eliminates the requirements that an approved system be installed in each hazardous area of a nursing home by December 31, 2008. Effective Date: 07/01/08.

Judicial System

CS/SB 1790 by Sen. Crist

This legislation increases certain service charges, court costs, and fees that aid in the reduction of services in this year's proposed criminal justice budget. If the Governor signs this legislation into law, then the responsibility for funding court juror payments will be shifted from current state responsibility to the Clerk of Courts. The bill also allows part-time attorneys in the office of the criminal conflict and civil regional counsel to take private-pay criminal cases for two years, unless the case presents a conflict of interest for the office. The bill also requires a person seeking indigent status to pay a \$50 application fee to receive court-appointed counsel in a dependency proceeding. It also creates an administrative fee of \$12.50 to be paid for all noncriminal moving and nonmoving traffic violations under Ch. 316, F.S., and mandates fees and costs related to receiving state-funded legal representation in a criminal, violation-of-probation, or community-control case convictions. SB 1790 clarifies that a person is liable for the application fee for a determination of indigent status in a criminal case and that the fee may be collected through the use of a lien. It also creates a new filing fee for certain counterclaim suits or cross appeals in county, circuit, and appellate courts. The bill creates a fee for the issuance of summons and removes outdated language authorizing counties to recover attorney fees and costs for legal representation provided in certain proceedings involving children and families in need of services under Ch. 984, F.S. Lastly, SB 1790 directs the Clerk of Court Operations Corporation to not consider the increased revenue from the bill in setting the individual Clerk of Court budgets; and allows the Clerk of Court Operations Corporation to increase the clerk budgets to pay for juror payments. On an annual basis, clerks can increase their budgets by \$4.7 million in the aggregate. Effective Date: 07/01/08.

Juvenile Offenders / Residential Facilities

SB 2820 by Sen. Crist

This legislation limits the number of beds a juvenile residential facility may operate to 165, unless the facility has a specified campus style program that includes more than one level of restrictiveness, in which case the facility shall be exempt from such limit. Effective Date: 07/01/08. (Approved by the Governor on 05/28/08)

SECTION VI

**LEGISLATION
THAT FAILED**

LEGISLATION THAT FAILED

FINANCE, TRANSPORTATION & ADMINISTRATION

Campaign Finance of Ballot Issues

SB 532 by Sen. Justice (HB 195 by Rep. Long)

This proposed legislation would have prohibited the use of public funds to "expressly advocate for or against candidate or support or oppose ballot issue." FAC worked closely with Sen. Justice on this legislation in an attempt to find compromise language, which eventually resulted in language that was amended on to SB 866 on the floor of the Senate, that if signed into law by the Governor would require, "any electioneering communication paid for with public funds must include a disclaimer containing the words "paid for by (Name of the government entity paying for the communication)". Electioneering communication is defined in s. 106.011(18)(a), F.S.

Campaign Finance

SB 2356 by Sen. Fasano

This proposed legislation would have prohibited public funds to be used to fund organizations that take positions on issues. There was no companion and the bill was withdrawn in early March by Sen. Fasano.

Mail Ballot Elections

HB 429 by Rep. Fitzgerald (CS/SB 880 by Sen. Rich)

This bill would have allowed BOCCs to decide to conduct any election by mail ballot. The BOCC could choose to conduct countywide, statewide or federal elections occurring within the county by mail ballot as long as its intentions to hold a mail ballot election were declared no later than 120 days before the date of the scheduled election. HB 429 and its companion, SB 880, died in their first committees of reference respectively.

Sheriff's Service of Process Fees

CS/HB 209 by Rep. Seiler (CS/SB 300 by Sen. Crist)

This legislation, supported by FAC, died in returning messages in the House. The bill would have increased fees charged by a sheriff in connection with docketing and service of process for the first time since 1994 from \$20 to \$40 in civil cases. The State of Florida or its agencies were exempted from the increase in fees. The bill also deleted the provision of law that prohibits additional fees to be charged by the sheriff for successive attempts at service.

Transparency

CS/HB 7123 by the Government Efficiency & Accountability Council and Rep. Grant (SB 2648 by Sen. Dean)

The bill would have provided new requirements in the budget process for local governments.

CS/CS/CS/SB 392 by Sen. Storms

The bill would have provided new requirements to electronically post specific information regarding government contracts.

Transportation

CS/CS/HB 1399 by Rep. Aubuchon (CS/CS/CS/SB 1978 by Sen. Baker)

As noted under the bill summary for SB 682, HB 1399 and SB 1978 represented the session's principal transportation package, but were essentially dominated by a single issue -- that is, giving DOT the authority to complete the acquisition and operation of the Central Florida Rail Corridor. This initiative, which included both funding and broad-based policy issues, became a focal point for legislative debate until the final days of session. However, beyond this divisive part of the bill, HB 1399 also included issues that were directed at complying with new federal transportation requirements, including authorizing low-emission and other hybrid vehicles to use high occupancy vehicle (HOV) lanes. The bill also attempted to implement certain recommendations of the Strategic Aggregates Task Force, including directing DOT to work with local governments to prepare a Strategic Aggregate Resource Assessment (SARA) that would have, among other issues, required a comprehensive mapping of the state's aggregate resource deposits and an assessment of identifying how local zoning requirements would impact this resource. Finally, the bill would have increased the funding thresholds for local-state agreements that advance projects in DOT's 5-Year Work Program from \$100 million to \$500 million.

Transportation Revenue Study Commission

SB 1688 by Sen. Baker

The bill would have created the Florida Transportation Revenue Study Commission to examine state, regional, and local transportation needs and to develop recommendations for funding those needs. As proposed, the commission was directed to report its findings to the Legislature by January 1, 2010. At a minimum, the report would have addressed: (1) The effect of emerging technology, alternative fuels, and fuel efficiency on the stability of existing transportation revenue sources; (2) The ability to fund state, regional, and local transportation needs in light of the state's investment policy supporting the Strategic Intermodal System (SIS); and (3) Suggested changes in the funding of existing state and local transportation programs.

GROWTH, ENVIRONMENTAL PLANNING & AGRICULTURE

Affordable Housing

CS/CS/HB 699 by Rep. Aubuchon (CS/CS/SB 482 by Sen. Garcia)

HB 699 represented the Legislature's principal housing package for 2008. Although the bill did not include any new programs, it did contain some significant policy changes for the Florida Housing Finance Corporation and for local governments who receive funds from the State Housing Initiatives Partnership (SHIP) program. Specifically, the bill expanded the definition of eligible housing to include manufactured housing constructed after June 1994. The bill also considered the aging stock of rental housing by placing an increased emphasis on funding for older rental properties that receive subsidies. It

increased the minimum SHIP allocation to counties to \$500,000 per year and, in an effort to create an alternative incentive for affordable housing, the bill appropriated \$75 million to be used in the existing Homeownership Assistance Program. The funds were targeted to counties and cities that do not impose impact fees or waive impact fees for affordable housing and intended to serve as subordinate mortgage funding for homebuyers.

Affordable Housing Funding

SB 74 by Sen. Geller (HB 5 by Rep. Saunders)

This bill proposed removing the cap on the amount of documentary stamp tax revenues that are distributed into the State and Local Housing Trust Fund, which is currently capped at \$243 million per year.

Agricultural Enclaves

CS/HB 1173 by Rep. Mayfield (CS/CS/SB 2246 by Sen. Baker)

This would have created a new agricultural enclave provision in statute by adding "agricultural industrial centers" as a land use category under Ch. 163, F.S. The bill would have required local governments to identify existing centers by July 1, 2009, and to amend their comp plans by July 1, 2010, to establish agricultural industrial center economic overlay planning districts. It also created special provisions for Agricultural Industrial Center property owners by allowing them to apply for land use amendments that expanded the size of their operations by 200%, or 640 acres, whichever is less. Finally, the bill would have created an alternative application process that included a provision for the property owner to submit a land use amendment directly to DCA and precluded the department from using sprawl as a criterion to object to these types of amendments.

Alternative Water Resource Projects

SB 2602 by Sen. Bennett (HB 7151 by the Environment & Natural Resources Council and Rep. Mayfield)

These bills would have authorized the transfer of rural land use credits for certain alternative water resource projects if a local government has established a rural land stewardship area. The bills also provided economic and other incentives for certain alternative water supply projects incorporated into the rural land stewardship area. The bills authorized water management districts to enter into agreements with private entities, regional water supply authorities, or water utilities to provide long-term consumptive use rights in exchange for contributions to alternative water resource development projects.

Class I Landfills

CS/SB 730 by Sen. Crist

This bill initially prohibited the construction or expansion of a Class I landfill within one mile of Class III surface waters. Class III surface waters are designated as "fishable/swimmable." The vast majority of Florida's surface waters are classified as Class III. The bill was targeted toward preventing the expansion of one landfill, but the initial bill language would have prevented landfills in almost 20 counties from ever

expanding, which would have made it much more difficult for those counties to manage solid waste. The bill was amended in committee to delete that language and instead provide for a study regarding the appropriate distance a Class I landfill should be located from Class III surface waters. There was also a provision in both versions of the bill that would have prevented DEP from approving an application for a Class I landfill or expansion if the applicant had, within the last three years, violated certain state laws or rules regarding hazardous or biomedical wastes. However, the bill did not have a companion, and it died in committee.

Environmental Permitting
CS/CS/SB 1242 by Sen. Jones

This bill would have required DEP to conduct a study to develop a plan to implement parity in salaries for environmental permitting staff, and would have required DEP to develop a project management plan to implement the remaining phases of an e-permitting program. This bill would have prohibited local governments from specifying the format for a determination made by DEP or a water management district that a project meets certain requirements, and provided that a local government may not require further verification from DEP for certain activities that are exempt from permitting. The bill authorized DEP and local governments to maintain a list of projects or activities that applicants may consider for certain mitigation purposes, and provided that the repair or replacement of docks or piers are exempt from permitting requirements if the dock or pier being repaired or replaced is in the same location and the size does not exceed the dock or pier being replaced.

SB 1242 did not have a companion, and died in committee. HB 7155 by the Environment and Natural Resources Council and Rep. Mayfield was amended midway through session to contain the provisions of SB 1242. The companion to HB 7155, SB 2406 by Sen. Bennett, was also amended to contain these provisions. Both bills contained a drastic mining preemption, although SB 1242 never contained any mining language. SB 2406 was voted down in committee, and HB 7155 did not move without a companion bill.

Expedited Permitting
CS/HB 147 by Rep. Schenck (CS/SB 402 by Sen. Fasano)

These bills would have required DEP and the water management districts to adopt programs that created a 45-day expedited permitting process for businesses that have been identified by a municipality or county as a target industry business. This expedited permitting would have applied to wetland resource and environmental resource permits. The bills required a mandatory pre-application review process to reduce permitting conflicts by providing guidance to applicants regarding the permits needed from each agency and governmental entity, site planning and development, site suitability and limitations, facility design, and steps the applicant could take to ensure expeditious permit application review.

Florida Recreation Development Assistance Program

SB 84 by Sen. Saunders

This bill would have increased the number of grant applications that a local government may submit to DEP under the Florida Recreation Development Assistance Program (FRDAP) to three. It also would have increased the number of active projects expending grant funds during any fiscal year to four. Finally, it would have increased the maximum amount of a project grant that may be awarded to a local government under the program to \$500,000. This bill did not have a companion and did not get a committee hearing this session.

Florida Fish and Wildlife Conservation Commission Rule Challenge Procedures

HB 433 by Rep. Needelman

This bill would have addressed the lack of procedural due process that exists when FWC is exercising its constitutional authority. This constitutional amendment would have provided counties and other stakeholders the ability to challenge FWC rulemaking through the Ch. 120, F.S., administrative process. Unfortunately, it did not have a companion, and it did not get a committee hearing this session.

Growth Management

CS/CS/SB 474 by Sen. Garcia (CS/HB 7129 by the Economic Expansion & Infrastructure Council and Rep. Cannon)

At the beginning of 2008, there was considerable optimism that a growth management bill would pass this year's Legislature. DCA, under the direction of Secretary Tom Pelham, held stakeholder meetings throughout 2007 in an effort to garner support for the department's legislative package. In brief, DCA had promoted initiatives that would boost urban development, curb sprawl, promote citizen participation, and place higher development standards for developing in coastal high hazard areas. The department's package was originally filed in the Senate, while the House elected to take a different approach. By mid session, however, the Senate's bill, filed as SB 474 by Sen. Garcia, Chairman of the Community Affairs Committee, included a broader range of issues, most of which were opposed by FAC. More specifically, the bill included the following provisions: blanket concurrency exemptions for all urban infill and redevelopment areas; mandatory density bonuses for affordable housing projects; a mandate that portable school facilities be calculated for concurrency purposes; a new agricultural enclave provision for rural industrial centers; revised development standards for coastal high hazard areas; a citizens planning bill of rights; and, in effort to consider alternatives to current transportation concurrency practices, a mobility fee study.

As the legislative session began its final two weeks, SB 474 had been heard in only two committees and with limited public testimony. Meanwhile, the House established a process where separate committees worked to develop a single growth management proposal, focusing on rural economic development and urban concurrency. While that bill (HB 7129) contained similar provisions as SB 474 including concurrency exemptions in urban areas and a modified version of the Senate's citizens planning bill of rights, its impacts were viewed as being somewhat less problematic for counties. That said, FAC continued to oppose both bills, while working to add mitigating language to each in case

the bills passed. Specifically, in HB 7129, FAC had language inserted that clarified how impact fee credits should be applied when the proportionate share process is used and ensured that multi-modal districts were eligible under the state's alternative review process. Ultimately, due to the legislative calendar and significant discrepancies between both bills, neither passed their respective chamber.

Onsite Wastewater Treatment

CS/CS/HB 975 by Rep. Nelson (SB 570 by Sen. Constantine and SB 1482 by Sen. Geller)

HB 975 by Rep. Nelson and SB 1482 by Sen. Geller initially financed a study relating to onsite wastewater treatment in the Wekiva area. This was controversial, as the money for the study came from the Water Protection and Sustainability Trust Fund. Projects had not previously been funded out of that money by bills or line items in the budget. Rather, all projects are subject to being prioritized by DEP according to a list of criteria. SB 1482 did not move, and HB 975 was eventually stripped down to contain only a grant program for onsite systems, making it more similar to SB 570 by Sen. Constantine, which was not objectionable. None of these bills passed, but a line item was included in the budget for the proposed study.

Reclaimed Water Development

SB 2764 by Sen. Dockery

This bill would have provided that reclaimed water is available to a consumptive use permit applicant, and would have required water management districts to require the use of reclaimed water under certain circumstances. The bill provided that the use of reclaimed water is economically feasible if provided for a charge less than or equal to the charge for potable water provided by a water utility located in the permit applicant's service area. The bill authorized a local government or water management district to designate mandatory reclaimed water zones under certain circumstances. It also authorized water management districts to approve a permit application without requiring use of reclaimed water, and prohibited a water management district, DEP, or other state agency from basing its approval of a permit, grant, loan, or agreement on the designation of a mandatory reclaimed water zone. It also required water management districts to adopt rules to provide an offset to a reclaimed water provider where there exists a substitution of reclaimed water for existing water withdrawals. This bill did not have a companion and did not get a committee hearing this session.

Recycling

CS/HB 301 by Rep. Long (CS/SB 692 by Sen. Jones)

These bills would have required each state agency, the judicial branch, and the state university system to collect and sell, to the greatest extent practicable, aluminum, glass, and plastic beverage containers, as well as other recyclable materials. Additionally, the same requirement would have been imposed upon organizations, associations, businesses or institutions operating in the state and receiving state funds, as well as public airports. There was an attempt to amend HB 301 with preemptive language that would have prohibited local governments from regulating certain plastic materials.

Neither of these bills passed, but the proposed amendment containing the preemptive language was eventually included in the energy bill, HB 7135, which passed.

Seagrass

CS/SB 660 by Sen. Bennett

This bill would have created a pilot program to provide for the immediate stabilization and restoration of damaged seagrass beds in Brevard, Lee, Manatee, Monroe, and Pinellas counties, and to remediate the injury to or destruction of natural resources that depend on healthy and productive seagrass beds. The bill increased the number of members on the Florida Boating Advisory Council and created a non-criminal violation for careless operation of a vessel outside a marked channel in an aquatic preserve. OPPAGA would have been directed to evaluate the recreational marine industry and report back to the Legislature. FAC also monitored this bill as a potential vehicle for an airboat amendment that would have required local governments to pass airboat ordinances unanimously. However, no such amendment was ever filed to this bill, and the bill itself did not pass.

Springs

HB 31 by Rep. Boyd (SB 2078 by Sen. Oelrich and CS/SB 2394 by Sen. Saunders)

There were varying approaches to springs legislation this session. HB 31 by Rep. Boyd and SB 2078 by Sen. Oelrich were identical bills that proposed to create the Florida Springs Stewardship Act and the Florida Springs Stewardship Task Force. These bills would have directed the task force to collect and inventory all existing data and to identify zones of influence for each of Florida's first magnitude springs, with assistance from all necessary state agencies. The task force also would have been directed to identify and list BMPs for land uses in the zones of influence and to identify existing and potential sources of funding for implementing the BMPs. In addition, the task force would have been required to solicit public input and testimony and propose a program of increased emphasis on education and outreach regarding BMP implementation.

SB 2394 by Sen. Saunders took a different approach to springs. This bill would have created a pilot program for the delineation of the springsheds for Silver Springs and Rainbow Springs in Marion County. As part of this pilot program, the DEP would have been directed to adopt springs protection zones, create BMAPs, and propose TMDLs for the delineated springsheds by dates certain. The bill would have established treatment levels for wastewater discharge and disposal within the adopted spring protection zones, and would have created new requirements for connecting to a wastewater utility. DACS would have been directed to implement BMPs to reduce nitrogen impacts to surface and groundwater. Under this bill, in areas where DEP adopts a springs protection zone, local governments would have been required to adopt a springs protection element as part of the local comprehensive plan. Future plan amendments would have been prohibited until adoption of the springs element. This bill also would have created the Florida Springs Stewardship Task Force.

Working Waterfronts

CS/HB 877 by Rep. Needelman (SB 2294 by Sen. Dean)

These bills provided that an owner of working waterfront real property may convey all rights to develop the property to the local government where the property is located for a period of seven years. The property appraiser would have been required to recognize the nature and duration of the conveyance when determining fair market value of the property. The intent of the legislation was to guarantee the maintenance of the parcel as working waterfront real property in exchange for a reduction in the taxable value of the parcel. This may have presented a constitutional problem, since it may have required property appraisers to appraise working waterfront at less than just value. This would require a constitutional amendment. The TBRC passed a resolution proposing a constitutional amendment that would provide for the assessment of working waterfront property based upon current use. This proposal will be on the ballot in November 2008.

HEALTH & HUMAN SERVICES

Coverage for Mental and Nervous Disorders

CS/CS/HB 19 by Rep. Homan (SB 164 by Sen. Crist)

This bill would have amended s. 627.6688, F.S., to create a second category of mandated offerings for mental health services. The offering would have to be made to the policyholder for an appropriate additional premium, as part of the application for a group hospital and medical expense-incurred insurance policy under a group prepaid health care contract or a group HMO contract.

The bill specifically defined those mental health conditions that must be covered within the new mandated offering, generally including all diagnostic categories of mental health conditions listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders and as listed in the mental and behavioral disorders section of the current International Classification of Diseases.

Relating to Homelessness

CS/HB 241 by Rep. Culp (SB 1568 by Sen. Lynn)

This bill would have established Housing First, which is an approach to homelessness that stresses the immediate return of individuals and families to independent living, as an alternative to the system of emergency shelter and transitional housing. The bill would have established a grant program to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises and amended the current definition of the term "homeless" to include changes in the proposed federal HEARTH Act. It also sought to encourage local coalitions for the homeless to adopt the Housing First approach to ending homelessness and DCF along with the community-based care lead agencies to develop and implement procedures to reduce the number of young adults who become homeless after leaving the child welfare system.

Medicaid Provider Service Networks

CS/HB 691 by Rep. Zapata

This legislation would have authorized AHCA to contract with specialty provider service networks (PSNs) that exclusively enroll Medicaid recipients with psychiatric disabilities in non-Medicaid reform areas. The bill defined "psychiatric disability" and required that, should the Medicaid recipient fail to select a managed care plan, the agency assign a Medicaid recipient with psychiatric disabilities to such specialty PSNs, if one is available, in the geographic area in which the recipient resides.

Similarly, in Medicaid reform pilot program areas, the bill would have required the agency to develop and implement a service delivery alternative for persons with psychiatric disabilities under specified circumstances. Additionally, the bill would have required the agency to take into account the extent of a recipient's psychiatric disability when assigning recipients who have not enrolled in a managed care plan within 30 days after eligibility is determined. The bill would have required that AHCA allow an open enrollment period for current Medicaid recipients meeting diagnostic criteria as soon as a specialty PSN becomes available in a geographic area, and that AHCA include information about specialty PSNs in its choice counseling materials.

Relating to Mental Health and Substance Abuse

HB 7085 by Rep. Galvano (SB 1150 by Sen. Storms)

The bill would have created s. 394.9086, F.S., the Community Mental Health and Substance Abuse Treatment Crime Reduction Act. The act directed DCF in consultation with AHCA to create a community mental health and substance abuse forensic treatment system to divert people from state forensic hospitals and jails who are appropriate to receive competency restoration training in the community at much less cost than in state facilities. The system would also treat persons discharged from forensic hospitals to help them avoid re-entry to the criminal justice system. The forensic system would serve people who have frequent contact with the criminal justice system and are at risk of involuntary commitment.

PUBLIC SAFETY

Fireworks

SB 2270 by Sen. Lawson, Jr.

This bill was filed in response to the Senate Interim report that was conducted on fireworks in 2006, which also created the Fireworks Consumer Task Force. The Fireworks Consumer Task Force recommendations contained several provisions that FAC opposed.

Illegal Aliens

CS/SB 1086 by Sen. Bennett

The primary intent of this legislation was to improve the expedited removal of incarcerated illegal or undocumented aliens to their countries of origin. The bill requires the Department of Corrections (DOC) and the Parole Commission to immediately initiate, coordinate, and establish agreements with multiple state, local, and federal

authorities to implement the United States Immigration and Customs Enforcement's Rapid Removal of Eligible Parolees Accepted for Transfer (REPAT) program, and provides goals for this effort. This was Sen. Bennett's first attempt to address this growing statewide concern that greatly impacts the jail system.

**Juvenile Justice Recommendations from the Blueprint Commission
CS/CS/CS/SB 700 by Sen. Crist (CS/HB 7087 by the Safety & Security Council and
Rep. Needelman)**

In July 2007, Governor Crist authorized the creation of the Blueprint Commission to develop recommendations to reform the juvenile justice system. The Commission members represented a diverse team of experts in their field that related to the juvenile justice system appointed by Walter McNeil, who at the time was the Secretary of the Department of Juvenile Justice. The Commission met in 2007 throughout the state and issued a report entitled "Getting Smart About Juvenile Justice in Florida." This bill proposed implementing many of the 52 recommendations, in addition to several other policy changes. Specifically, the bill:

- Included changes to reduce disproportionate minority contact (DMC) with the juvenile justice system.
- Revised provisions related to risk assessment for detention placements.
- Encouraged the diversion of first-time misdemeanor youth or youth age 10 or younger, and revised provisions relating to the criminal history records of minors.
- Revised provisions related to supervision of child inmates in adult facilities.
- Permitted DJJ to use outcome-based contracting and required outcome data for prevention programs.
- Revised provisions related to the Juvenile Justice Circuit Boards and County Councils, including community notification of board vacancies and Board/Council composition, and eliminated the three-year limit on the receipt of Community Juvenile Justice Partnership grants.
- Created and expanded the Redirection Program.
- Revised zero tolerance policies for school-related referrals to law enforcement and, in certain circumstances, permitted counties to seek reimbursement from school districts for secure detention costs. (This appears to have been one of the primary reasons the legislation did not pass because the House refused to pull this language out and the Senate would not accept it.)
- Required the Child in Need of Services (CINS) / Families in Need of Services (FINS) provider to demonstrate that it has considered certain types of providers to subcontract and deliver nonresidential services to eligible youth in areas with high ratios of juvenile arrests.

The bill would have also appropriated \$50,000 to DJJ in non-recurring General Revenue for the purpose of developing curriculum to be used for the certification of direct care staff of the department. This legislation failed on the last day of session in returning messages in the Senate. Hopefully next year it will be revived.

SECTION VII

TASK FORCES / WORKGROUPS / COUNCILS CREATED

TASK FORCES / WORKGROUPS / COUNCILS CREATED

FINANCE, TRANSPORTATION & ADMINISTRATION

Homeowners Bill of Rights Act

CS/CS/SB 2860 and 1196 by Sen. Atwater and Sen. Geller (CS/HB 5057 by the Jobs & Entrepreneurship Council)

Section 20 of this bill creates the Citizens Property Insurance Corporation Mission Review Task Force. The task force is composed of 11 members:

- One member representing a property and casualty residential insurer that provides at least 150,000 homeowner's insurance policies in this state at the time of the creation of the task force.
- One member representing a surplus lines insurance company.
- Two members appointed by the President of the Senate.
- One member representing a property and casualty commercial non-residential insurer.
- One member representing a property and casualty residential insurer with fewer than 150,000 homeowner's policies in this state at the time of the creation of the task force.
- Three members appointed by the Governor who are not employed by or professionally affiliated with an insurance company or a subsidiary of an insurance company, at least one of whom must be consumer advocates or members of a consumer advocacy organization or agency.
- Two members appointed by the Chief Financial Officer representing insurance agents in this state.
- One member representing Citizens Property Insurance Corporation selected by Citizens Chairman of the Board.
- The Commissioner of Insurance Regulation or his or her designee.

The mission of the task force is to analyze and report on changes needed to return Citizens Property Insurance to its former role as a state-created, noncompetitive residual market mechanism that provides property insurance coverage to risks that are otherwise entitled but unable to obtain coverage in the private market. The task force must submit reports by January 31, 2009, to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The task force is funded by Citizens Property Insurance. Effective Date: 07/01/08. (Approved by the Governor on 05/28/08)

Successor Plan for State Financial and Cash Management System

HB 5043 by the Jobs & Entrepreneurship Council (CS/HB 1824 by General Government Appropriations)

Section 1 of this bill establishes a task force headed by the Chief Financial Officer. The task force is to develop a strategic plan for a successor state financial and cash management system. The task force members include the executive director of the Agency for Enterprise Information Technology and the director of the Office of Policy and Budget in the Executive Office of the Governor. Any member of the task force can appoint a designee. The Chief Financial Officer is to submit the initial report, along with

draft legislation recommended to implement a standardized statewide financial and cash management system, by February 1, 2009. Effective Date: 07/01/08.

HEALTH & HUMAN SERVICES

Limitation of Reimbursement Rates

HB 5085 by the Policy and Budget Council (SB 1852 by Health and Human Services Appropriations)

Among other provisions, this bill requires AHCA to set rates for hospitals, nursing homes, community intermediate care facilities for the developmentally disabled, county health departments, and prepaid health plans in a manner that results in no automatic cost-based statewide expenditure increase for two fiscal years beginning July 1, 2009. Section 5 of the bill requires the establishment of work groups to evaluate alternate payment methods. The composition of the workgroup members is not defined. However, AHCA is to provide a report to the Legislature by November 1, 2009. Effective Date: 07/01/08.

PUBLIC SAFETY

Workplace Safety

CS/CS/HB 967 by Rep. A. Gibson (SB 652 by the Governmental Operations Committee and Sen. Lynn)

Section 1 of the bill creates the Florida Public Task Force on Workplace Safety within the University of South Florida Safety Florida Consultation Program. The purpose of the task force is to issue recommendations on innovative ways by which the state may effectively ensure that agencies and local governments comply with Occupational Safety and Health Administration standards. All members of the task force should be appointed on or before July 15, 2008, and hold its first meeting on or before August 15, 2008. The 15 member task force is composed of:

- Five members appointed by the Governor, one of whom must be a representative of a statewide business organization; one of whom must be a representative of organized labor; one of whom must be a professional whose work focuses on safety, health, and environmental issues; one of whom must be a representative of the executive branch of state government; and one of whom must be an academic having demonstrated knowledge of pertinent issues related to occupational safety and health. The Governor will name one of his appointees under this subparagraph as chair of the task force.
- Five members appointed by the President of the Senate, one of whom must be a representative of a statewide business organization; one of whom must be a representative of organized labor; one of whom must be a professional whose work focuses on safety, health, and environmental issues; one of whom must be from the Florida Association of Counties; and one of whom must be active in private-sector business.
- Five members appointed by the Speaker of the House of Representatives, one of whom must be a representative of a statewide business organization; one of whom must be a representative of organized labor; one of whom must be a

professional whose work focuses on safety, health, and environmental issues; one of whom must be from the Florida League of Cities; and one of whom must be active in private sector business.

The Task Force must issue its report and recommendations by January 1, 2009. The University of South Florida Safety Florida Consultation Program is responsible for the administration and staffing of the task force, travel expenses, and per diem for task force members. The task force is dissolved once the report is submitted. Effective Date: Upon becoming a law.

Criminal Gangs

CS/CS/HB 43 by the Policy and Budget Council (CS/CS/SB 76 by the Criminal Justice Committee, Sen. Atwater and Sen. Peadar, Jr.)

Section 34 of the bill creates an 11-member Coordinating Council on Criminal Gang Reduction Strategies within the Department of Legal Affairs. The membership of the council is composed of the following:

- The Attorney General or his or her designee.
- The executive director of the Department of Law Enforcement or his or her designee.
- The Commissioner of Education or his or her designee.
- The Secretary of Children and Family Services or his or her designee.
- The Secretary of Corrections or his or her designee.
- The Secretary of Juvenile Justice or his or her designee.
- The Director of the Office of Drug Control or his or her designee.
- The Director of the Division of the Florida Highway Patrol or his or her designee.
- The President of the Florida Sheriffs Association or his or her designee.
- The President of the Florida Police Chiefs Association or his or her designee.
- The President of the Florida Prosecuting Attorneys Association or his or her designee.

The Attorney General will serve as chair of the council, and the executive director of the Department of Law Enforcement will serve as vice chair of the council. The council's duties include, but are not limited to, developing a statewide strategy to stop the growth of, reduce the number of, and render ineffectual criminal gangs in this state. The council is abolished June 30, 2009. Effective Date: 10/01/08.

Sentencing / Justice and Correctional Policies

CS/CS/SB 2000 by Sen. Dockery

This bill creates the Correctional Policy Advisory Council within the Legislature. The Council is a 10-member advisory body that is abolished July 1, 2011. The purpose of the council is to evaluate and make findings and recommendations on or before January 15th of each year regarding correctional policies, justice reinvestment initiatives, and laws affecting or applicable to corrections. All recommendations must be consistent with the goals of protecting public safety and providing for the most cost-effective and efficient use of correctional resources to the extent that such use is not in conflict with the public safety goal. This Council will naturally be discussing and advising the Legislature on recommendations on how to deal with the increased number

of inmates sentenced to a year and a day despite not qualifying for such a sentence according to the penal point code.

The council consists of the following members: two senators; two representatives; a representative from the victim advocacy profession appointed by the Attorney general; the Attorney General or designee; the Secretary of Corrections or designee; one state attorney, one public defender, and one private attorney appointed by the Governor. Council members serve without compensation but are entitled to per diem and travel expenses. The Office of Legislative Services provides administrative staff support and EDR provides technical and substantive staff support. Although FAC does not have a direct voting appointment on the Council, we have been assured that it will be designated as an ex-officio member to represent local agencies to serve as technical assistance advisors.

The council contains a Justice Reinvestment Subcommittee. The subcommittee is tasked with reviewing the availability of alternative sanctions for low-level drug and property offenders, the effectiveness of mental health and substance abuse diversion programs, the effectiveness of prison reentry practices, the feasibility of implementing a progressive sanctions system for probationers, the impact of jail overcrowding on the effectiveness of local alternative programs and sanctions, the effectiveness of supervision strategies, and the delivery of supervision and programs in neighborhoods that have a high proportion of supervised offenders. The council is required to develop a technical assistance agreement with the Justice Center of the Council of State Governments to work with the subcommittee to accomplish its duties. The technical staff that will be advising the Council from the Justice Center are some of the top national experts in the criminal justice field. The same advisors have assisted California and New York on restructuring their system, and most recently were credited with helping Texas redirect roughly \$200 million dollars from prison expansion to diversionary drug treatment programs instead. Effective Date: 07/01/08. (Approved by the Governor on 05/28/08)

SECTION VIII

**TAXATION AND BUDGET
REFORM COMMISSION
REVIEW**

TAXATION AND BUDGET REFORM COMMISSION REVIEW

The Florida Taxation and Budget Reform Commission (TBRC), created by section 6, Article XI, of the Florida Constitution, is required to meet once every 20 years beginning in 2007. The TBRC is composed of 25 voting members including 11 appointed by the Governor, 7 by the Senate President, and 7 by the Speaker of the House of Representatives, none of whom may be legislators when appointed. Additionally, the Senate President and the Speaker of the House each appoint two non-voting ex-officio members, all of whom shall be members of the Legislature.

The TBRC began meeting in early 2007 and concluded its work on April 28, 2008 with the submission of 7 proposed constitutional amendments from 11 proposals to the Secretary of State. Florida's electorate will have the opportunity to approve or deny the proposed constitutional amendments at the general election in November.

RLE Replacement / Sales Tax CP 2 by Commissioner McKay

This proposal replaces the state required local effort for education beginning in FY 2010-11 with one or more of the following options:

- Repeal of sales tax exemptions that have been determined not to serve a public purpose.
- Increase of up to one percentage point to sales and use tax.
- Spending reductions for other state budget components and revenue increases from economic growth attributable to lower property taxes.
- Other revenues identified or created by the Legislature.

Effective date: 01/06/09.

Residential Property Assessment / Storm Hardening or Renewable Energy Devices

CP 4 by Commissioner Margolis

This proposal allows the Legislature to prohibit the consideration of wind-damage-resistance changes and improvements and the installation of renewable energy source devices in the determination of the assessed value of residential real property (effective 01/01/09). It also repeals the existing renewable energy source device exemption (effective upon approval of the voters).

Working Waterfront Assessments

CP 6, 8, 34 by Commissioners Wilkinson, Scott, and Lacasa

These proposals establish that certain working waterfront properties are to be assessed based upon the current use of the property including:

- Land used primarily for commercial fishing purposes.
- Land accessible to the public and used for vessel launches that are navigable.
- Marinas and dry stacks that are open to the public.
- Water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities.

The assessments are subject to conditions and reasonable definitions as specified by the Legislature. Effective upon approval by the voters and applicable for assessments for tax years beginning 01/01/10.

**Ad Valorem Tax Exemption / Classification of Land for Conservation Purposes
CP 15, 16 by Commissioner Yablonski**

These proposals require the Legislature to provide by law an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes including real property encumbered by perpetual conservation easements or other perpetual conservation protections. The proposals also require that land used for conservation purposes are to be classified and assessed solely on the basis of character or use for purposes of ad valorem taxation.

**Deletion of Blaine Amendment
CP 20 by Commissioner Lévesque**

This proposal deletes the provision stating that no revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution. It also provides that any individual or entity may not be barred from participating in any public program because of religion. Effective date: 01/06/09.

**Classroom Funding
CP 26, 40 by Commissioners Levesque and Turbeville**

Originally voted down but then revisited, CP 26 relates to private school vouchers. The proposal reverses legal precedent prohibiting public funding or private school alternates to public school programs without creating an entitlement. It also requires that at least 65% of school funding received by school districts is to be spent on classroom instruction rather than on administration. This amount does not include capital outlay. The proposal also provides that classroom instruction and administration must be defined by law. Effective date: Fiscal Year 2009-2010.

**Local Option Tax for Community Colleges
CP 35 by the Governmental Services Committee**

This proposal requires the Legislature to authorize counties to levy local option sales taxes to supplement funding for public community colleges. It also provides that the tax may not be levied unless it is approved by the electors of each county served by the institution. If approved, the tax will sunset after five years but may be reauthorized by the voters.