

TALLAHASSEE WEEKLY REPORT

January 10-14, 2010

State Budget Update

Lawmakers were informed this week by the state's top economist that the state's budget shortfall has now grown to \$3.62 billion. Senate President Mike Haridopolos, during a media availability in Tallahassee, said this new number would make it difficult for the Legislature to embrace the tax cuts being advocated by Governor Scott. The Governor had vowed to cut school property taxes by 19 percent and begin the elimination of the state's corporate income tax.

The budget shortfall is being caused, primarily, by the loss of federal stimulus dollars and the growing cost of Medicaid.

President Haridopolos did not completely rule out the tax cuts, but said any cuts would have to be balanced with spending cuts. He said he is anxious to see the Governor's proposed budget, which is due to legislators by February 4.

On his end, the Governor has said he has no plans to abandon his pledge to cut taxes. He has also said he would not cut spending on schools in order to help pay for his school property tax cut.

Growth Management

The Senate Community Affairs Committee passed three bills this week that are intended to address a judge's ruling with regards to SB 360, a growth management bill that passed in 2009. Circuit Judge Charles Francis had ruled that SB 360 was unconstitutional because it represented an unfunded mandate for cities and counties, and the bill included more than one subject. The bill removed requirements that developers pay for new roads and removed state oversight of growth management in newly designated "dense urban land areas". Environmental groups opposed the bill, saying the designation includes rural areas and the bill would encourage urban sprawl.

This year's bill, SB 174 by Senator Mike Bennett, the sponsor of 2009's SB 360, includes the same provisions mentioned above. Senator Bennett, who also chairs the committee, said the provisions were needed to protect developers who had sought permits under SB 360.

SB 172, which deals with security cameras, and SB 176, which deals with affordable housing, also passed the committee. Unlike SB 174, these two passed unanimously.

Senator Bennett said he does not expect other major growth management reform legislation to be proposed until local governments have had a chance to implement SB 360, but he expects to file legislation to address what he feels is permitting duplication among state agencies and unnecessary scrutiny of engineers.

Prescription Drugs

The Senate Budget Committee was informed this week that the state is spending too much money on prescription drugs. Jeffrey Lewis, a consultant brought in to review the issue, says the state could save as much as \$230 million in two years if the prescription drug contract is changed. Florida currently pays \$4.28 for each prescription filled, while the market rate is \$1.25.

Senator J.D. Alexander, chair of the Budget Committee, said that the Legislature has been working on the issue for almost a year after realizing the current contract was not beneficial. He went on to state that the current contract needs to be reformed so that one agency is in charge of a prescription drug contract, rather than the current system in which several agencies purchase prescription drugs.

Water Policy

Representative Trudi Williams, chair of the newly created House Select Committee on Water Policy, said this week that the state's "local sources first" water policy, which discourages water pipelines, will be reviewed, along with the role of water-management districts. The "local sources first" policy requires the state's Department of Environmental Protection and the five water management districts, to evaluate local water supply plans with an eye towards developing more expensive local water supplies as opposed to building pipelines.

While these issues were not addressed at the committee's first meeting this week, Chair Williams discussed these issues after the meeting.

Bills of Interest Filed This Week

HB 147, Contamination Notification, Rep. Ahern: Revises contamination notification provisions; requires individuals responsible for site rehabilitation to provide notice of site rehabilitation to specified entities; revises provisions relating to content of such notice; requires DEP to provide notice to specified entities & certain property owners; authorizes DEP to pursue enforcement measures for noncompliance; revises DEP notification requirements for certain public & private schools, child care facilities, & public & private colleges & universities; requires local governments to provide specified notice; authorizes DEP to recover notification costs from responsible parties.

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44981&SessionIndex=1&SessionId=66&BillText=&BillNumber=147&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>

HB 149, Traffic Control Signals, Rep. Ahern: Requires manual of uniform traffic control devices published by DOT to provide for yellow light display durations based on traffic approach speed; requires traffic control signals to maintain such yellow light display durations.

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44982&SessionIndex=1&SessionId=66&BillText=&BillNumber=149&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>

HB 161, Tax Deeds, Rep. Mayfield: Specifies that application for tax deed on part of parcel of property may be filed only after separation has been received from property appraiser; authorizes tax collectors to recover reimbursement of certain electronic tax deed application service third-party fees; authorizes certain tax collectors to require use of electronic tax deed application services.

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44996&SessionIndex=1&SessionId=66&BillText=&BillNumber=161&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>

HB 205, Illegal or Undocumented Aliens, Rep. Roberson: Requires DOC & Parole Commission to establish agreements to implement federal deportation program for state inmates; revises provisions relating to Control Release Authority; requires authority to implement program to execute immediate deportation; authorizes authority to extend or advance control release date for transfer of custody pending deportation; requires DOC to identify inmates eligible for control release for removal & deportation at reception; requires DOC to coordinate with federal authorities to determine immigration status & eligibility for removal; requires DOC to identify eligible inmates who waive administrative & appellate rights & who agree to cooperate; requires Control Release Authority to establish control release dates; authorizes setting control release dates after alien has served 50% of sentence; requires DOC to maintain control & responsibility for custody & transport of alien until transferred to federal custody; requires Control Release Authority to give notice to aliens concerning reentering U.S.; prohibits aliens from benefiting from control release awards when removal is not reasonably foreseeable.

<http://www.myfloridahouse.gov/Sections/Bills/bills.aspx?SessionId=66&SessionIndex=1&BillText=&BillNumber=161&BillSponsorIndex=0&BillListIndex=0&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>

SB 372, Pretrial Programs, Sen. Bogdanoff: Requires each pretrial release program established by ordinance of a county commission, by administrative order of a court, or by any other means in order to assist in the release of a defendant from pretrial custody to conform to the eligibility criteria set forth by the act. Preempts any

conflicting local ordinances, orders, or practices. Requires that the defendant satisfy certain eligibility criteria in order to be assigned to a pretrial release program.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=372

SB 376, Tax on Sales, Use and Other Transactions, Sen. Gaetz: Provides definitions related to the tourist development tax. Requires the owner of or the person operating transient accommodations to separately state the amount of the tourist development tax collected and the consideration charged on a receipt, invoice, or other documentation. Exempts certain unrelated persons from the requirement to separately state the amount of the tourist development tax. Provides that the proceeds of the tourist development tax are county funds.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=376

SB 382, Tax Certificates, Sen. Bogdanoff: Authorizes tax collectors to recover reimbursement for fees paid to vendors for providing electronic tax deed application services. Authorizes certain tax collectors to require the use of electronic tax deed application services.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=382

SB 386, Procurement of Personal Property and Services, Sen. Bogdanoff: Cites this act as the "Buy Florida Act." Requires an agency, county, municipality, school district, or other political subdivision of the state to grant a specified preference to a vendor located within the state when awarding a contract for printing under certain circumstances. Specifies the percentages of preference to be granted.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=386

SJR 390, Homestead Property Assessed Value, Sen. Flores: Proposes amendments to the State Constitution to prohibit increases in the assessed value of homestead property if the just value of the property decreases and provide an effective date.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=390

SB 410, Impact Fees, Sen. Bennett: Reenacts provision relating to the burden of proof required by the government in an action challenging an impact fee. Provides for retroactive operation of the act. Provides for an exception under specified circumstances.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=410

SB 412, Property Tax Exemption/Renewable Energy, Sen. Bennett: Proposes amendments to the State Constitution relating to the property tax exemption for a

renewable energy source device and the property on which the device is installed and operated.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=412

SB 436, Seaport Security, Sen. Hill: Deletes provisions requiring the Department of Law Enforcement to establish a statewide seaport access eligibility reporting system. Specifies that a federal Transportation Worker Identification Credential is the only authorization required for obtaining access to secure and restricted areas of a seaport. Deletes the requirements for performing criminal history screening on certain persons authorized to regularly enter secure and restricted areas.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=436

HB 4031, Local Government Services, Rep. Dorworth: Repeals statute relating to efficiency & accountability in local government services.

http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=4031