

# **TALLAHASSEE WEEKLY REPORT**

## **January 24-28, 2011**

### **State Budget Update**

Senator JD Alexander, chair of the Senate Budget Committee, stated this week that he would like to significantly boost Florida's reserves and suggested this would lead to legislators having to cut nearly \$5 billion from the coming year's budget. The idea to increase reserves comes as a result of concerns over Florida's credit rating.

Florida currently has \$28.2 billion in outstanding debt, with over half of this related to school construction projects. The state added \$1.8 billion worth of debt in 2010, a number which includes 543 million for the Port of Miami tunnel project.

The state is currently looking at a \$3.62 billion budget shortfall for the coming fiscal year, due largely to a loss of federal stimulus dollars and increasing Medicaid costs. Senator Alexander's suggestion to double the size of existing reserves would cost the state another \$1.2 billion, which would bring the total budget shortfall to \$4.8 billion.

### **Redistricting**

Governor Rick Scott has asked the United States Department of Justice to pull a request made by Governor Charlie Crist to review Amendments 5 and 6, related to redistricting and passed by voters last fall. Florida is required to have election law changes reviewed by federal authorities as a result of previous discrimination that took place in five counties. Under Governor Crist, 1 lawyers for the Department of State had submitted all the necessary documents to have the federal government approve the two amendments.

A fear exists that this decision would allow legislators to ignore the two amendments, and would trigger a lawsuit from groups that helped pushed the two amendments onto the ballot.

The amendments in question would force legislators to draw up new compact districts for congressional and legislative seats that would not favor incumbents or a particular political party.

### **Red Light Camera Repeal Bill**

Senator Rene Garcia, a member of the Miami-Dade Legislative Delegation, has filed a bill, SB 672, which would repeal the law passed last session that allows cities and counties to install cameras at red lights. Senator Garcia feels the use of the cameras is more about generating revenue for local government than for public safety.

Senator Garcia stated that Representative Carlos Trujillo, another member of our local delegation, would likely be the House sponsor of the bill.

## **Future House Speaker**

Newly elected Representative Richard Corcoran has shored up enough votes from the other members of his class to be Speaker of the House for the 2016-2018 term, assuming Republicans keep a majority in the chamber. Representative Corcoran has experience in the legislative process, having served as U.S. Senator Marco Rubio's chief of staff during his tenure as Speaker of the Florida House. Other competitors for the designation included Representatives Ben Albritton and Matt Gaetz, both of whom concluded they would not be able to overtake Corcoran and pledged their support to him.

Representative Corcoran clinched the seat after receiving the support of the two largest delegations in the Florida House, the Miami-Dade delegation and the Tampa Bay delegation. Assuming the Republicans maintain control of the House, Corcoran would follow Rep. Will Weatherford, slated to lead in the 2012-2014 term, and Rep. Chris Dorworth, slated to lead during the 2014-2016 term.

## **Synthetic Cocaine Ban**

Attorney General Pam Bondi enacted an emergency rule this week that would ban over the counter sales of substances that contain methylenedioxypryvalerone, or MDVP. This synthetic drug is marketed as "bath salts" and is known by other names, including Vanilla Sky, Ivory Wave, Ocean Burst and Bolivian Bath. The drug is usually snorted, but can also be smoked or swallowed.

Bondi interceded to block the sale of this drug due to its violent side effects, which include increased heart rate, nosebleeds, hallucinations, severe paranoia, seizures and kidney failure.

The emergency rule lasts 90 days, giving legislators time to pass a law permanently reclassifying this drug as a controlled substance.

## **Pension Reform**

During this week's meeting in Tallahassee of the Senate's Governmental Oversight and Accountability Committee, committee chair Jeremy Ring stated that legislation related to pension reform would be submitted soon, with discussions on whether or not that means public employees will be contributing to their pensions plans still ongoing.

Senator Ring cited the nearly \$4 billion shortfall in the state budget as to why pension reform is sorely needed. Senator Mike Fasano, who agrees with Senator Ring on the need for reform, mentioned that taxpayers would have to foot the bill if the government does not decrease its contributions into the Florida Retirement System, with a trickle-down effect to local government which would result in increased property taxes to make up for the rise on contributions.

Governor Rick Scott has previously stated that he wants public employees to begin paying for some of their pension costs.

The different variations that have been discussed would apply to new state employees, not existing employees.

## **Growth Management**

The House Community and Military Affairs Subcommittee this week approved three bills that would address concerns raised by the courts over SB 360, the growth management bill that passed in 2009. For some more background, SB 360 removed the requirement that developers pay for new roads and schools in designated areas and removed state oversight of large developments in designated urban dense urban land use areas. A Leon County circuit judge threw out these changes by ruling that SB 360 represented an unconstitutional unfunded mandate and illegally dealt with more than one topic.

The committee passed CMA1<sup>x</sup>, a proposed committee bill that deals with the growth management changes, CMA2<sup>x</sup>, a proposed committee bill dealing with affordable housing, and HB 93, which prevents local governments from requiring businesses to spend money on security cameras. The committee chair, Representative Ritch Workman, stated that these three bills covered the major areas in the court's ruling, including the requirement that a bill cover one subject area. He also stated that the bills do not represent an unfunded mandate.

<sup>x</sup> CMA1 and CMA2 stand for "Community and Military Affairs", since these two pieces of legislation are proposed committee bills

## **Governor Scott Comments on Ports**

In a recent visit to Jacksonville, Governor Rick Scott commented on the opportunity for new federal funding that exists in the expansion of the state's ports. In Jacksonville, port officials are looking for \$650 million to dig their ports from 40 to 50 feet deep. Governor Scott said he hoped there would be federal funding to pay for that dredge.

## **Bills of Interest Filed This Week**

**HB 333, Community-based Juvenile Justice, Rep. Corcoran** - Provides legislative intent; defines term "regional coordinating agency"; provides requirements for regional coordinating agencies; provides for DJJ to contract with regional coordinating agencies for specified services relating to juvenile justice; provides for annual measurement & reporting concerning outcomes & effectiveness of community-based juvenile justice services; requires regional coordinating agencies to comply with specified requirements; provides for liability of regional coordinating agencies & contracted providers with respect to treatment of juvenile offenders; provides for governance of regional coordinating agencies; provides for 2-year pilot programs in specified judicial circuits.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=333](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=333)

**HB 355, Property Taxation, Rep. O'Toole** - Tolls statute of limitations relating to proceedings involving tax lien certificates or tax deeds by period of intervening bankruptcy; revises, updates, & consolidates provisions of law relating to tax collections, sales, & liens; revises provisions relating to applications for tax deeds; authorizes tax collector to charge fee to cover costs for electronic tax deed programs or services; authorizes tax collector to charge county fee for tax deed applications; authorizes tax collectors to issue certificates of correction to tax rolls & outstanding delinquent taxes for uncollectable personal property accounts; provides authorization & requirements for purchase of county-held tax certificates; repeals provisions relating to destruction of 20-year-old tax receipts & deferrals of tax payments

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=355](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=355)

**HJR 381, Property Assessment; Homestead Value Decline; Nonhomestead Increase Limitation Reduction; Additional Homestead Exemption, Rep. Dorworth** - Proposes amendment of ss. 4 & 6, Art. VII & creation of ss. 32 & 33, Art. XII of State Constitution to prohibit increases in assessed value of homestead property if fair market value of property decreases; reduce limitation on annual increases in assessments of nonhomestead real property; provide additional homestead exemption for owners of homestead property who have not owned homestead property for specified time before purchase of current homestead & provide for application & limitations with respect thereto; provide effective dates.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=381](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=381)

**HB 397, Economic Development, Rep. Ray** - Creates Commercialization Credit Transfer Program; provides legislative findings; authorizes DOR to share certain confidential information with OTTED; adds certified credits to list of credits available against state corporate income tax; redefines term "adjusted federal income" in relation to net operating losses transferred & payments received for certified credit; provides for allocation of financial assistance as income in this state; provides purpose, intent, goals, & objectives; provides definitions; requires OTTED to certify eligible companies for transfer of corporate income tax net operating loss amounts as certified credits; provides qualifications & application process & requirements; requires application fee; provides for application deadline; requires OTTED to grant or deny application within specified time after receiving completed application; provides for calculating certified credit amount; provides maximum amount that may be transferred; provides penalty; requires certified company to file annual report with OTTED; requires OTTED to create annual report; requires OTTED to adopt rules; authorizes DOR to adopt rules; provides appropriations; provides future repeal of program.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=397](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=397)

**HB 399, Seaports, Rep. Ray** - Increases funds DOT is required to make available for Florida Seaport Transportation & Economic Development Program; establishes Florida seaport infrastructure bank; provides for revenue bonds & indebtedness to be issued by Florida Ports Financing Commission; provides for certain freight mobility projects; exempts overwater piers, docks, & structures located in deepwater ports from stormwater management system requirements.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=399](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=399)

**HB 493, Tax on Sales, Use and Other Transactions, Rep. Brodeur (companion to SB 376 by Sen. Gaetz)** - Provides definitions relating to tourist development tax & tourist impact tax, transient rentals tax & convention development tax, & municipal resort tax; provides separate statement of tax requirements on various documents; revises requirements for charging, collecting, & remitting such taxes; authorizes DOR to compensate county governments for providing specified information; specifies payment amount; provides definitions relating to municipal resort tax; provides separate statement of tax requirements; provides exception; provides construction.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=493](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=493)

**HB 511, Tax Discounts, Rep. Diaz** - Increases discount rate for early tax payments made within specified time after mailing of original tax notice; eliminates discounts for early tax payments made after specified time; increases discount rate for tax payments made within specified time after mailing of tax notice resulting from action of value adjustment board.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=511](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=511)

**HB 537, Property Taxes/Homestead and Nonhomestead Property, Rep. Bovo** - Proposes constitutional amendment to prevent taxes from increasing on homestead & nonhomestead property with declining market value by prohibiting increases in annual assessment & applicable millage rate.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=537](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=537)

**SB 580, Building Construction Standards, Sen. Oelrich** - Prohibits a local enforcement agency or building code official from requiring the inspection of any portion of a residential structure that is not directly related to the purpose for which a building permit is sought. -

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=580](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=580)

**SB 612, Regulation of Hoisting Equipment, Sen. Evers** - Requires an applicant for a building permit to submit certain information to a local building official. Requires radio communications between certain crane operators. Requires certain preparations for a hurricane or high-wind event. Requires a preparedness plan for certain cranes. Requires that hoisting equipment be secured in a specified manner under certain circumstances. Provides penalties for violation of the act by certain licensed contractors.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=612](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=612)

**SB 620, Enterprise Program Development Zones, Sen. Garcia** - Cites act as the "Urban Job Creation Investment Act". Creates the Urban Investment Job Creation Authority; Specifies the duties of the authority to include specifying enterprise program zone boundaries, reviewing applications from businesses to become eligible for certain tax benefits, reviewing proposed projects for eligibility to receive funding from a local enterprise program zone development corporation, and conducting studies and filing reports.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=620](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=620)

**SB 646, Mobile Home Parks, Sen. Detert** - Requires a mobile home park owner who receives a bona fide offer for purchase of the park to provide certain notice to the homeowners association.

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**SJR 658, Homestead/Nonhomestead Property, Sen. Fasano** - Proposes amendments to the State Constitution to prohibit increases in the assessed value of homestead property if the fair market value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=658](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=658)

**SB 672, Uniform Traffic Control, Sen. Garcia** - Repeals a provision relating to the regulation of the use of cameras to enforce traffic laws being expressly preempted to the state. Repeals a provision relating to the Mark Wandall Traffic Safety Program, a program to install and operate a system of traffic infraction detectors at red light intersections. Removes the provisions relating to the training and duties of traffic infraction enforcement officers.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=672](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=672)

**SB 714, Disabled Parking Permits, Sen. Margolis** - Provides for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities. Revises requirements for renewal or replacement of a disabled parking permit. Prohibits applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit.

[http://www.flsenate.gov/session/index.cfm?BI\\_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=714](http://www.flsenate.gov/session/index.cfm?BI_Mode=ViewBillInfo&Mode=Bills&ElementID=JumpToBox&SubMenu=1&Year=2011&billnum=714)