

Memorandum



Date: June 2, 2009

To: Honorable Chairman Dennis C. Moss and Members,
Board of County Commissioners

From: Commissioner Rebeca Sosa, Chair
State Intergovernmental Affairs Subcommittee 

Subject: Report on the 2009 Session of the Florida Legislature

Agenda Item No. 11(C)(1)

As Chair of the State Intergovernmental Affairs Subcommittee, I am pleased to provide the attached 2009 State Legislative Report on our Miami-Dade County priorities and efforts in Tallahassee.

The 2009 state legislative session was a challenging one, with the state facing a \$6 billion budget gap and a new House Speaker taking the helm part of the way through the legislative session. But despite these challenges, Miami-Dade County realized a number of important successes during the 2009 session.

I cannot thank enough Delegation Chairman Juan Zapata and the Members of our Miami-Dade State Legislative Delegation for their tireless efforts on behalf of Miami-Dade County throughout the session.

In a session in which fewer bills passed than in any session in more than a decade, our cooperative efforts with our Delegation manifested themselves in passage of our top County priority bill, SB 2430, which extended our Miami-Dade Affordable Housing Surtax for an additional 20 years and closed the Crescent loophole. I want to thank Senator Dan Gelber and Representative Carlos Lopez-Cantera for their efforts throughout the session on the Surtax bill, which will ensure a source of affordable housing in our community for the next two decades.

We also were successful at reviving the Port of Miami Tunnel Project, which many had considered to be dead just a few months earlier. Special thanks go to Senator Alex Diaz de la Portilla and Representative David Rivera for their tireless efforts at getting the Port Tunnel Project back on track, which will not only mean jobs in our community now, but also a long term infrastructure investment for the Port of Miami.

A funding source for the new Children's Courthouse was secured in the passage of SB 2108, which authorized counties to impose an additional \$15 fee on traffic and criminal offenses to fund court facilities.

Through the help of our Delegation, we also were successful at mitigating the impacts of SB 360, a growth management bill. SB 360 was amended to include an exception for Miami-Dade County to continue the current transportation concurrency exception area east of the Palmetto Expressway. I want to thank Senators Larcenia Bullard, Rudy Garcia, Dan Gelber, Nan Rich, Alex Villalobos and Frederica Wilson, and Representatives Oscar Braynon, Anitere Flores, Marcelo Llorente, J.C. Planas, David Rivera, Julio Robaina, Ron Saunders and Juan Zapata for their assistance on the growth management bill.

I am pleased to report that joint resolutions that would have hindered Miami-Dade County's ability to provide essential services to the community by capping revenues did not pass, including the TABOR proposals, SJR 1906 and HJR 1263, and the 1.35% property tax cap, SJR 738 and HJR 385.

While Miami-Dade County will share in cuts in the state budget, I want to thank House budget chairmen David Rivera and Marcelo Llorente for preserving funding and minimizing cuts to areas of particular importance to Miami-Dade County, including funding for Jackson Health System, funding for Local Service Providers (LSP) for meals and nutrition for the elderly in our community, and reinstating funding for state libraries and petroleum tank cleanup, both of which had been entirely eliminated earlier in the budget process.

Finally, I want to thank Mayor Carlos Alvarez, Chairman Dennis Moss and all of the County Commissioners who traveled to Tallahassee this year. Our presence in Tallahassee contributed significantly to the successes we achieved this session. In closing, I want to congratulate the members of the Miami-Dade County in-house lobbying team, under the leadership of Jess McCarty and Joe Rasco who spearheaded the efforts of the County, and the hard work of Ivette Arango and Juan Del Cerro, who represented the County's efforts in Tallahassee throughout the session.

cc: Honorable Carlos Alvarez, Mayor
Denis Morales, Chief of Staff, Mayor Carlos Alvarez
George Burgess, County Manager
R. A. Cuevas, Jr., County Attorney
Kay Sullivan, Clerk of the Board of County Commissioners
Charles Anderson, Commission Auditor
Joe Rasco, Director Officer of Intergovernmental Affairs
Jess McCarty, Assistant County Attorney
Wayman Bannerman, Chief of Staff, Chairman Dennis C. Moss
Roly Marante, Chief of Staff

The 2009 session of the Florida Legislature was scheduled to end Friday, May 1, but was extended one additional week to Friday, May 8 to finalize the state budget. Addressing the state budget gap of \$6 billion cast a long shadow over just about everything else in the 2009 session. Despite the 2009 session being a week longer than the typical session, only 271 bills passed both the House and Senate out of 2,519 bills that were filed. Fewer bills passed in the 2009 session than in any session since 1998 session and 44 percent fewer bills passed in the 2009 session than the number of bills that passed on average during sessions over the last decade.

Despite the small number of bills that passed, the Legislature passed several bills that were Miami-Dade County priorities, including:

- SB 2430 by Senator Dan Gelber and Representative Carlos Lopez-Cantera, which extended the Miami-Dade Affordable Housing Surtax for an additional 20 years;
- SB 2108 which authorizes counties to impose an additional \$15 fee on traffic infractions that will be used to fund the Children's Courthouse;

The House and Senate are currently in the process of transmitting bills to the Governor for review. Once the Governor receives each bill, he has 15 days to sign the bill into law or veto it. If he takes no action, the bill becomes law without his signature.

What follows is an overview of bills and issues of particular interest to Miami-Dade County divided into five sections:

- A. *Miami-Dade County priorities and other key issues that passed;***
- B. *Miami-Dade County priorities and other key issues that did not pass;***
- C. *Bills/issues of interest to Miami-Dade County that passed;***
- D. *Bills/issues of interest to Miami-Dade County that did not pass;***
- E. *State budget issues of interest to Miami-Dade County.***

A. Miami-Dade County Priorities & Other Key Issues that Passed

Miami-Dade affordable housing surtax; SB 2430 by Lawson & Gelber; HB 283 by Lopez-Cantera: Extends for 20 years the Miami-Dade Affordable Housing Surtax on commercial deeds and mortgages (45 cent per \$100) that is set to expire October 1, 2011; closes the Crescent Loophole; provides priority distribution of documentary stamp revenues for Florida Forever, Everglades Restoration and Preservation 2000 bonds.

SB 2430 passed the House on Wednesday, April 29 and passed the Senate on Friday, May 1. SB 2430 has not yet gone to the Governor.

Local option court facility funding; SB 2108 by Pruitt; HB 1121 by Bogdanoff: Among other provisions, authorizes counties to impose an additional \$15 fee on noncriminal traffic infractions and criminal traffic violations to fund court facilities.

SB 2108 passed the House on Tuesday, April 28 and passed the Senate on Thursday, April 30. SB 2108 has not yet gone to the Governor.

Growth management; SB 360 by Bennett; HB 7127 by Hukill: Imposes a state-mandated transportation concurrency exception area within Urban Service Areas, but includes an exception for Miami-Dade County to continue the current transportation concurrency exception area east of the Palmetto Expressway; eliminates the DRI process; provides expedited state growth management review process; extends development orders and permits for two years; includes affordable housing language from HB 161 with the exception of language lifting the Sadowski affordable housing cap.

SB 360 passed the Senate and House on Friday, May 1. SB 360 was presented to the Governor on May 18, and he has until June 2 to act on it.

CCNA/architects & engineers; SB 2666 by Haridopolos; HB 1459 by Crisafulli: Includes Miami-Dade language increasing thresholds re: architects & engineers from \$1 million to \$2 million for projects and from \$50,000 to \$200,000 for study activity (the underlying bill addresses state construction management contracting).

SB 2666 passed the Senate on Thursday, April 23 and passed the House on Wednesday, April 29. SB 2666 has not yet gone to the Governor.

Public construction projects; SB 616 by Haridopolos; HB 611 by Hukill: This pair of bills initially prohibited the use of in-house labor for maintenance and repair work, but were amended to reduce the impact on local governments so as to allow maintenance and repair work to be done in-house under most circumstances, except in cases of additions, extensions or upgrades that exceed

20 percent of the total cost of maintenance or repair. In these cases, the maintenance or repair project must be bid out. Airports, seaports and transit systems are exempted from SB 616. The Florida League of Cities and some counties negotiated a compromise and were no longer opposed, while the Florida Association of Counties remained in opposition.

HB 611 passed the House on Monday, April 27 and passed the Senate on Thursday, April 30. SB 611 has not yet gone to the Governor.

Impact fees, prohibition on increases/challenges; SB 580 by Haridopolos; HB 227 by Aubuchon: Imposes a “preponderance of the evidence” standard of review for challenges to impact fees; places burden on the government to prove imposition or amount of the impact fee meets the requirements of governing law; had been amended to freezing impact fees at current levels until July 1, 2011. While we successfully ran an exception for previously enacted phased-in impact fees and CPI escalators, freeze language was eventually removed from the bill.

The Senate passed **HB 227** on Wednesday, April 29, and the House passed HB 227 on Thursday, April 30 (without the impact fee freeze language). HB 227 was signed into law by the Governor on Thursday, May 21.

B. Miami-Dade County Priorities & Other Key Issues that did NOT pass

TABOR; SJR 1906 by Haridopolos; HJR 1263 by Flores: Proposed a constitutional amendment to cap annual revenue growth for state and local governments, allowed only for increases based on CPI and population change, and required voter approval for any new taxes, fees, assessments, or charges for services.

SJR 1906 and HJR 1263 died in committee.

1.35 percent property tax cap; SJR 738 by Bennett; HJR 385 by Rivera: Proposed a constitutional amendment that would place a cap on all property taxes of 1.35 percent of the property's taxable value. School districts, counties, cities, water management districts, the Children's Trust and special districts would all be included in the 1.35 percent with allocation to be determined by the Legislature.

HJR 385 passed the House on Monday, April 27, but died in messages when the Senate refused to take it up.

Sadowski affordable housing cap; SB 1042 by Finance & Tax Committee; HB 161 by Economic Development & Community Affairs Council: Affordable housing bills that had been amended to remove the \$243 million cap on affordable housing trust funds that allowed funds above the \$243 million cap to be diverted to state general revenue.

The Senate amended the substance of HB 161 onto SB 360 before passing SB 360 on the last day of the session, but omitted the language from HB 161 that removed the Sadowski cap.

Streamlined permitting/regulatory reform; HB 7143 by Agriculture & Natural Resources Policy Council: HB 7143 was a lengthy bill addressing a variety of issues streamlining environmental and development permitting and regulation. It would have extended for three years and automatically renewed the expiration date of building permits, development orders, or other land use approvals if requested by the applicant; prohibited local governments from requiring federal or state approvals as a condition to approval of a development permit and limited local government's authority to regulate fish and wildlife. HB 7143 also included language providing for "life of the mine" limerock permits as well as provisions related to building codes, elevators and fire safety, some of which were preemptive in nature.

The House passed HB 7143 on Monday, April 27, but HB 7143 died in messages when the Senate never took it up. The House also amended the language of HB 7143 onto SB 582, but SB 582 died in returning messages to the Senate.

Language extending development orders and building permits for two years passed on SB 360.

Elections; SB 956 by Alexander; HB 7149 (formerly PCB EDCA 09-08) by Economic Development & Community Affairs Council: Would have made various changes to elections laws, some of which were recommended by the Secretary of State; the Miami-Dade Elections Department had concerns with some provisions of this pair of bills, especially post-election audit requirements and requirements related to printing marksense ballots by precinct.

HB 7149 died on the House calendar.

C. Bills/Issues of Interest to Miami-Dade County that Passed

Non-homestead property assessed value annual increase cap/additional homestead exemption for first-time homeowners; SJR 532 by Lynn; HJR 7057 by the House Military & Local Affairs Committee: Proposes two amendments to the Florida Constitution that would:

1. Reduce the limitation on assessment increases applicable to certain non-homestead real property from 10 percent to 5 percent; and
2. Provide a new, additional homestead exemption to persons who have not owned a principal residence during the eight-year period before the purchase.

The Senate withdrew **SJR 532** from three pending Senate committees and passed it on Thursday, April 30, and the House passed it on Friday, May 1 as part of an apparent deal between the House and Senate on state revenues and the budget. Because SJR 532 is a joint resolution, it does not go to the Governor for approval and instead goes on the ballot at the November, 2010 general election. If approved by 60 percent of the voters, this joint resolution provides that the proposed amendment will take effect on January 1, 2011.

Just valuation of property/VAB presumption of correctness; SB 1006 by Fasano; HB 521 by Lopez-Cantera: Revises presumption of correctness related to property valuation and Value Adjustment Boards; provides that, in an administrative or judicial action in which an ad valorem assessment is challenged, the property appraiser's assessment is presumed correct if the appraiser shows by a preponderance of the evidence that the assessment was arrived at by complying with s. 193.011, F.S., any other applicable statutory requirements relating to classified use values or assessment caps, and professionally accepted appraisal practices, including mass appraisal standards, if appropriate.

HB 521 passed the House and Senate on Friday, May 1. Like SJR 532, HB 521 was part of an apparent deal between the House and Senate on state revenues and the budget. HB 521 has not yet gone to the Governor..

Local government campaign preemption; SB 216 by Justice; HB 591 by Long: Prohibits local governments from using public funds for advocacy on a ballot issue, with an exception for factual information. Local government elected official are not prohibited from expressing an opinion on any issue.

SB 216 passed the Senate on Monday, April 27. The House amended SB 216 and passed it on Wednesday, April 29 and the Senate concurred in the House amendment on Friday, May 1. SB 216 has not yet gone to the Governor.

Fire/Rescue Sales Surtax; SB 1000 by Fasano; HB 365 by Hooper:
Authorizes counties to impose up to a one cent sales surtax for fire/rescue with commensurate reduction in property taxes. The surtax is called the "Emergency Fire Rescue Services and Facilities Surtax" and may be imposed by counties that adopt an ordinance, enter into an interlocal agreement, and hold a referendum for approval.

SB 1000 was amended on the Senate floor on Tuesday, April 28 to exclude any county that already imposed two sales surtaxes (this amendment was targeted at Miami-Dade County with existing Jackson and Transit surtaxes). SB 1000 passed the Senate on Wednesday, April 29 and the House on Thursday, April 30. SB 1000 has not yet gone to the Governor.

Accident response fees; SB 2282 by Bennett; HB 1043 by N. Thompson:
Prohibits cities & counties from imposing accident response fees, with an exception for air rescue and hazardous materials.

SB 2282 passed the Senate on Thursday, April 30 and passed the House on Friday, May 1. SB 2282 has not yet gone to the Governor.

Transit surtax/new cities; SB 2210 by Wilson; HB 1205 by Braynon:
Requires charter counties that have interlocal agreements with cities related to sharing transit surtax revenues to reopen such agreements every five years to account for new cities (this is revised language that replaced original bill language).

HB 1205 passed the House on Friday, April 24 and passed the Senate on Monday, April 27. HB 1205 has not yet gone to the Governor.

Military property tax credit; SJR 1302 by Gardiner; HJR 833 by Horner:
Proposes a constitutional amendment that would authorize the Legislature to provide a tax credit to members of the military who have homestead exemptions at the time they are deployed on active duty outside the U.S.

HJR 833 passed the House on Thursday, April 23 and the Senate on Friday, May 1. Because HJR 833 is a joint resolution proposing a constitutional amendment, it bypasses the Governor and places language on the 2010 statewide ballot.

Partial payment of property taxes; SB 1580 by Ring; HB 1031 by Holder; SB 2578 by Altman; HB 7155 by Finance & Tax Council: Authorizes counties to accept partial payments of property taxes; provides flexibility related to unpaid property taxes.

SB 1580 passed the Senate on Wednesday, April 29, and passed the House on Thursday, April 30. SB 1580 has not yet gone to the Governor.

Property insurance; SB 1950 by Richter; HB 1495 by Nelson: Allows Citizens Property Insurance Corp. to increase premiums by 10 percent a year until Citizens premiums are actuarially sound.

HB 1495 passed the House on Friday, April 24. On Tuesday, April 28, the Senate amended the bill and sent it back to the House. On Friday, May 1, the House concurred in the Senate amendments and further amended the bill, and the Senate later concurred. This bill was presented to the Governor on May 15. He has until May 30 to act on it.

Airport safety/wildlife hazards/bird strikes; SB 1864 by Baker; HB 1065 by Plakon: Exempts airport authorities & other entities from penalties, restrictions, or sanctions with respect to authorized actions taken to protect human life or aircraft from wildlife hazards.

HB 1065 passed the House on Monday, April 27 and passed the Senate on Thursday, April 30. HB 1065 has not yet gone to the Governor.

FWCC package, Osmany Castellanos; SB 2536 by Constantine; HB 1423 by Troutman: Names the boating safety part of the Florida Fish & Wildlife Conservation Commission bill the "Osmany 'Ozzie' Castellanos Boating Safety Education Act."

HB 1423 passed the House on Monday, April 27, the Senate amended it on Thursday, April 30 and the House concurred in the amendment on Friday, May 1. This bill was presented to the Governor on May 15th and he has until May 30th to act on it.

Seaport security; SB 2684 by Military Affairs & Domestic Security; HB 7141 by House Criminal & Civil Justice Policy Council: Revises laws related to seaport security including amendments to section 311.12, Florida Statutes.

HB 7141 passed the House on Friday, April 24 and passed the Senate on Wednesday, April 29. HB 7141 has not yet gone to the Governor.

Workers compensation/attorneys fees; SB 2072 by Richter; HB 903 by Flores: Reverses recent Florida Supreme Court decision re: attorneys fees in workers compensation cases; clarifies requirements for payment of attorneys fees & costs; specifies amount of attorney's fees which claimant is entitled to recover.

HB 903 passed the House on Tuesday, March 31. The Senate took up HB 903 and amended it on Thursday, April 30 and sent it back to the House, but the House refused to concur in the amendment. On Friday, May 1, the Senate

receded from the Senate amendment and passed HB 903. HB 903 was presented to the Governor on May 15 and has until May 30 to act on it.

Corrections blue lights; SB 1030 by R. Garcia; HB 545 by L. Garcia: Authorizes vehicles operated by a county corrections agency to display blue lights when responding to emergencies.

SB 1030 passed the Senate on Thursday, April 16 and passed the House on Wednesday, April 29. SB 1030 has not yet gone to the Governor.

Silver Alert Program; SM 1330 by Jones; HM 753 by Anderson: Senate and House Memorials urging Congress to pass legislation creating Silver Alert Grant Program that provides funds to establish & improve state notification systems to locate & return missing senior citizens & other individuals suffering from dementia-related disorders.

SM 1330 passed the Senate on Tuesday, April 28 and passed the House on Wednesday, April 29. Memorials do not go to the Governor.

Service of process; SB 412 by Crist; HB 113 by Frishe: Increases statutory service of process fee from \$20 to \$40, positive fiscal impact for MDPD.

SB 412 passed the Senate on Friday, April 24 and passed the House on Wednesday, April 29. SB 412 has not yet gone to the Governor.

FRS double dip; SB 1182 by Fasano; HB by 479 by Schenk: These bills have been amended so as to extend from one month to six months the time a person who retires with FRS benefits must wait before being reemployed.

HB 479 passed the House on Wednesday, April 22. On Friday, May 1, the Senate amended HB 479 and sent it back to the House and the House concurred in the Senate amendments. HB 479 has not yet gone to the Governor.

FDOT departmental package; SB 424 by Gardiner; HB 1021 by Aubuchon: Makes various statutory changes related to the Florida Department of Transportation based largely on a bill the Governor vetoed last year because of Turnpike concessions language.

HB 1021 passed the House on Monday, April 27. On Friday, May 1, the Senate amended HB 1021 and sent it back to the House and the House concurred in the Senate amendments. This bill was presented to the Governor on May 15 and he has until May 30 to act on it.

Low Income Pool (LIP) Council; SB 556 by Gaetz; HB 285 by Patronis: As originally filed, these bills would have abolished the LIP Council, but were amended to revise the structure of the LIP Council and not abolish it.

HB 285 passed the House on Wednesday, April 22 and passed the Senate on Monday, April 27. The Governor signed HB 285 into law on May 20.

Children's Promise Zone; HB 381 by Thompson; SB 1276 Storms: During the 2008 session, the Legislature passed HB 3, which created the Magic City Children's Zone to encourage community partners to commit financial and other resources to children in disadvantaged areas. In 2009, the Legislature passed HB 381, which changes "Children's Zones" to "Children's Initiatives", moves the governance of the program to the Miami-Dade Board of County Commissioners, reappropriates funds unexpended as of June 30, 2009, removes the street jurisdictional boundaries of the Zone and makes other technical changes.

HB 381 passed the House on Monday, April 27 and passed the Senate on Tuesday, April 28. HB 381 was signed into law by the Governor on May 20.

Vehicle Immobilization; SB 1588 by Altman; HB 1307 by Bovo; HB 293 by Rogers: Sets a fee schedule for vehicle impoundment and immobilization in DUI cases; SB 1588 and HB 1307 stalled in committee, but vehicle immobilization language was amended onto HB 293.

HB 293 passed the House and Senate on May 1. HB 293 has not yet gone to the Governor.

Seatbelt Safety; SB 344 by Rich: Provides for primary seat belt enforcement in Florida, making Florida eligible to receive \$36 million from the Federal Department of Transportation through the Federal Incentive Program created by Congress in 2005 as a way to encourage states to adopt a primary enforcement law. Of the \$36 million, \$1 million will be used for education and enforcement and \$35 million will be used for improvements to intersections and state roads.

This bill was presented to the Governor on May 1 and he signed it into law on May 6.

D. Bills / Issues of interest to Miami-Dade County that did NOT Pass

Red light cameras; SB 2004 by Altman; HB 439 by Reagan: Authorizes use of red-light cameras; provides funding for trauma centers including Jackson.

HB 439 passed the House on Monday, April 27. The Senate amended HB 439 and passed it on Friday May 1, but the House refused to concur in the Senate amendment. The Senate refused to recede from its amendment, so the bill died. The House and Senate could not reach agreement over the distribution of revenues from red light cameras, with the Senate wanting part of the money for state general revenue and the House wanting revenues to go to local governments.

SFRTA/Tri-Rail dedicated funding source; SB 1212 by Constantine; HB 7009 by House Economic Development & Community Affairs Policy Council: Language authorizing counties to impose a \$2 rental car surcharge for transportation, including the SFRTA was amended onto SB 1212, which was the Sunrail/Central Florida commuter rail bill, but that bill died on the Senate calendar.

The SFRTA \$2 rental car surcharge also was run as an amendment to HB 1021, an omnibus transportation bill, on the Senate floor on Thursday, April 30, but the amendment was voted down. A second effort was made to amend the SFRTA language onto SB 582, a second transportation bill, on Friday, May 1, but that effort also was unsuccessful.

CRA/former military facilities; SB 110 by Bullard; HB 859 by Gibson: Defines former military facilities as blighted areas for the purpose of creating a CRA.

The Senate unanimously passed SB 110, but the House companion bill, HB 859, died in committee. There was no other vehicle available for amendment.

“Save our Homes” Recapture; SJR 1164 by Fasano; HJR 1087 by Llorente: Proposes a constitutional amendment that would prevent increases in homestead property assessed value if just value remains flat or declines.

SJR 1164 died in committee and HJR 1087 died on the House calendar.

Yard trash at Class I landfills; SB 2416 by Gaetz: Authorizes the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas.

SB 2416 passed the Senate on Thursday, April 30, but died in messages when the House never took it up.

Renewable energy; SB 1154 by King: Requires power companies to increase amount of energy they produce from renewable and clean sources by 20 percent by 2020; authorizes the Public Service Commission to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain circumstances.

SB 1154 was a priority for the Governor. SB 1154 passed the Senate on Thursday, April 30, but died in messages when the House never took up the bill.

Agricultural preemption; SB 1974 by Bennett; HB 1133 by Poppell; HB 1241 by Troutman: Prohibits counties from assessing agricultural lands for stormwater management.

HB 1133 passed the House on Monday, April 27, but died in messages when the Senate did not take it up. SB 1974 died in committee. The language of HB 1133 was amended onto HB 1241 which passed the House on Monday, April 27. The Senate amended and passed HB 1241 on Friday, May 1, and sent it back to the House. The House concurred in the Senate amendments and adopted an additional amendment, then postponed consideration of the bill, leaving HB 1241 to die on the House floor. In the end, this language did not pass on any bill.

Juvenile justice; SB 654 by Dean; HB 173 by Adams; HB 1211 by L. Garcia: Permits juveniles to be taken into custody for violations of pre-adjudicatory release conditions; increases post-adjudicatory custody.

In the Senate, SB 654 was defeated by a vote of 3-4 in the Senate Criminal Justice Committee on Tuesday, April 21. In the House, HB 173 was temporarily postponed on second reading on the House floor on Tuesday, April 21 and died on the House calendar. HB 1211 was amended in House council on Monday, April 20 to remove language that had previously been amended onto it from HB 173, and passed the House, but died in messages when the Senate refused to take up the bill.

Impact fee moratorium; SB 630 by Bennett; HB 1129 by Grimsley: SB 630 originally imposed a 3-year moratorium on impact fees, but this language was stripped out of the bill in the Senate Community Affairs Committee. New language was inserted into SB 630 that caps impact fees at \$2 per square foot for residential property and \$8 per square foot for nonresidential property with a CPI escalator starting in 2011. The new language also would impose a doc stamp on real estate transactions to fund infrastructure.

SB 630 and HB 1129 died in committee.

Condominium/homeowners associations dues/foreclosure; SB 998 by Ring: Requires that a mortgage holder pay to a condominium or homeowners

association the lesser of the unit's unpaid common expenses and regular periodic assessments during the immediately preceding 12 months or 1 percent for HOAs and 6 months or 1 percent for condominium associations of the original mortgage debt under certain circumstances.

SB 998 died in committee.

Mobile home park tenants; SB 2484 by Smith; HB 1321 by Brise; SB 1032 by Fasano; DB 1298 by Detert; HB 609 by Jenne; SB 880 by Fasano; HB 27 by Ambler: Requires park owners to give tenants right of first refusal to purchase individual parcels within mobile home parks, and other measures targeted at helping mobile home park tenants.

These bills died in committee. Some mobile home park language from these bills was amended onto SB 880 and HB 27. SB 880 died on the Senate calendar and HB 27 passed the House but died in messages when the Senate did not take up the bill.

Offshore Drilling; HB 1219 by Van Zant: Removes prohibition currently in Florida law on oil drilling within Florida waters within 9 miles from the shoreline; authorizes state to accept bids for oil & gas leases on specified submerged lands. The state would require a \$500 million bond before drilling and would receive a one-eighth royalty from any oil or gas recovered, with revenues distributed to Florida Forever, beach nourishment and coastal cities and counties.

The House passed HB 1219 on Monday, April 27, but the bill died in messages when the Senate did not take it up.

Sexual offenders/predators preemption; SB 320 by Crist; HB 77 by Glorioso: Prohibits loitering or prowling by sexual offenders/predators within 300 feet of places where children regularly congregate.

SB 320 and HB 77 died in committee.

Crane preemption; SB 1654 by Altman; HB 923 by Evers: Preempts local regulation of construction cranes.

HB 923 and SB 1654 died in committee.

Immigration assistance preemption; SB 1532 by Storms; HB 567 by Schenk: Prohibits local governments from setting policy related to communication & cooperation with federal officials concerning immigration law enforcement.

HB 567 died on the House calendar having been temporarily postponed on second reading on the House floor on Thursday, April 23. In the Senate, SB 1537 died in committee.

Residential group homes; SB 1124 by Altman; HB 371 by Stargel: Provides that community residential homes that have six or fewer residents located within a planned residential community are not required to obtain local government approval regardless of their proximity to each other.

SB 1124 passed the Senate on Thursday, April 23, but died on the House calendar when consideration of SB 1124 by the House was postponed on Thursday, April 30.

One-stop state permitting initiative; SB 364 by Bennett: Requires the state Office of Tourism, Trade & Economic Development (OTTED) to create an internet-based one-stop permitting and licensure system, which would provide access to state agencies, water management districts, cities & counties.

SB 364 died in committee.

Cell phones/texting while driving; SB 172 by Wilson; HB 345 by Y. Roberson; HB 677 by Chestnut; HB 1127 by Ambler; SB 1990 by Deutch; HB 377 by Holder; HB 261 by Legg; SB 212 by Baker; SB 1578 by Baker: Prohibit cell phone use/texting while driving.

These bills died in committee.

Early voting sites and hours; SB 1930 by Lawson; HB 475 by A. Williams; HB 31 by Gibbons; SB 472 by Aronberg; SB 2204 by Siplin: Allows Supervisors of Elections greater flexibility related to early voting hours and sites.

These bills died in committee.

Internet legal ads/public notices; SB 2292 by Storms; HB 1477 by Zapata: Allows use of website for legal ads and public notices in lieu of newspaper notices.

The Senate Community Affairs Committee referred this issue to an interim study on the use of internet legal ads and public notices in lieu of newspaper ads and notices. An interim report is likely to be released in the fall, and House and Senate committee bills possibly filed for consideration during the 2010 session.

Dot Com; SB 2518 by Altman; HB 579 by Long: Requires firms that sell internet hotel rooms online to pay tax on full room rate; provides amnesty for back taxes.

These bills died in committee.

Homestead assessments & changes in ownership; SB 744 by Altman; HB 101 by Hukill: Provides that transfers of ownership interests in which the same person continues to hold legal or equitable title of homestead property will not require reassessment.

HB 101 passed the House, but died in messages to the Senate when the Senate did not take it up. SB 744 died in Senate committee.

Municipal water surcharges; SB 2212 by Wilson; HB 1497 by Braynon: Prohibits any city in a county with a population of more than 1.5 million from charging a water surcharge to customers outside the city.

These bills died in committee.

NAICS codes/business taxes: Would allow local governments to use NAICS codes for business taxes.

There was no available vehicle for amendment.

Jackson half penny sales surtax; SB 2566 by Ring; HB 1501 by Gonzalez: Extend Jackson Health System half penny sales surtax to sales greater than \$5,000.

These bills died in committee.

Transit half penny sales surtax: Extends Transit half penny sales surtax to sales greater than \$5,000.

There was no available vehicle for amendment.

County leasing flexibility; SB 1618 by Bennett: Allows counties to negotiate rather than competitively bid leases of 2 years or less.

SB 1618 died in committee, and there was no germane vehicle for amendment.

Early learning coalitions; SB 2570 by Wise; HB 501 by Evers: Reduces the autonomy and the number of early learning coalitions and their membership.

These bills died in committee.

Emergency Management Officials; SB 2202 by R. Garcia; HB 1047 by L. Garcia: As filed, these bills would have imposed certain education requirements on emergency management officials. SB 2202 was amended in committee to

apply only to the state emergency management director, so the bill no longer impacts county emergency management directors.

SB 2202 was withdrawn from further consideration. HB 1047 died in committee.

Locksmith preemption; SB 1844 by Crist; HB 107 by Anderson: Preempts local regulation of locksmiths.

These bills died in committee.

Sovereign Immunity/Payment of Excess Judgment; SB 1922 by Aronberg; HB 995 by Wood: Provides that a city, county or school board may pay judgments from insurance proceeds or other available funds in excess of statutory sovereign immunity limits without a claims bill.

These bills died in committee.

Illegal dumping on agricultural land: Increases penalties for illegal dumping on agricultural land.

Florida Department of Agricultural & Consumer Services (DOACS) reviewed our language and signed off for legal sufficiency for possible amendment onto the DOACS package bill, but the language encountered resistance from the agricultural community.

Tour guides; SB 1622 by Gelber; HB 555 by Bovo: Authorizes local governments to regulate tour guide operators.

These bills died in committee.

Expand uses of existing animal cruelty/control \$5 surcharge; HB 451 by Randolph: Expands uses of surcharge to include spaying and neutering.

HB 451 died in committee.

Public employees charitable campaign; SB 870 by Sobel; HB 195 by Rouson: Mandates that local public employers include in their annual employee charitable campaigns any federation or member agency that meet certain requirements.

These bills died in committee.

E. BUDGET ISSUES OF PARTICULAR INTEREST TO MIAMI-DADE COUNTY

The 2009 state legislative session was extended one week and the Legislature spent the additional week focused on the state budget. The session ended on Friday, May 8 after the Senate and House passed a state budget package consisting of conference reports to SB 2600, which is the appropriations bill; SB 2602, which is the implementing bill; and 31 different appropriations conforming bills. The appropriations bill (SB 2600) passed the House by a party line vote of 75 to 43 and passed the Senate by a vote of 32 to 8, with Senate Democrats evenly split in voting for and half against the bill and one Senate Republican voting no.

The budget package passed by the Legislature appropriates state revenues in the amount of \$66.5 billion for state fiscal year 2009-10. It uses \$3.1 billion in federal economic stimulus funds to cover about half of the \$6 billion budget gap, leaving between \$3 and \$4 billion in federal stimulus funds available for next year. The budget package also imposed new taxes and increased fees, including:

- a. A surcharge on tobacco, including a \$1-per-pack cigarette tax increase, that generates an estimated \$900 million annually;
- b. Increased fees for driver licenses vehicle registrations and other related fees by about \$800 million, including increasing driver licenses from \$27 to \$48, vehicle titles from \$24 to \$70, and vehicle registrations by 35 percent;
- c. Increased court fees by a total of \$227 million.

The budget package went to the Governor on May 15 and he has until May 30 to act on the appropriations bill, implementing bill and conforming bills.

Here is an overview of key Miami-Dade County budget issues, which remain subject to veto by the Governor (Conference Report to SB 2600 unless otherwise specified):

a. State funding for Jackson Health System: Jackson Health System (JHS) received a larger share of Low Income Pool (LIP) funding than in previous years with LIP and Disproportionate Share programs being fully funded as a result of federal stimulus funding. Hospital inpatient and outpatient were both cut approximately 1.5 percent, while HMOs were cut just under 1 percent and nursing home reimbursements were cut 3 percent. These cuts were in addition to cuts in these areas from the January special session.

b. Local Service Providers /elderly meals, transportation and adult day care: Funded at \$7.3 million, which reflects a 5 percent cut that was in addition to a 2 percent cut from the January special session. Early in the budget process, consideration was given to cutting Local Service Providers (LSPs) by 15 percent, but in the end this percentage cut was reduced to 5 percent.

c. Beach renourishment: Funded at \$15 million; the House and Senate budget proposals previously would have funded beach renourishment at \$12.2 million, but the amount was increased during budget conference.

d. JAC & JASP state funding: JAC and JASP funding was maintained at current levels.

e. Mental health & substance abuse local matching grant program: Funded at \$3 million. The Senate previously had recommended funding this line item at \$1 million.

f. SHIP/affordable housing funding: Funded at \$30.1 million to maximize the benefit from the federal first-time homebuyer tax credit program. In addition to the \$190 million transferred from these trust funds in the January special session, \$92 million was transferred from the Local Government and State Housing Trust Funds to state general revenue under the budget just passed. Funding SHIP at \$30 million in the upcoming year is the lowest level of SHIP funding since fiscal year 1991-92.

g. LIP funding for Miami-Dade health insurance premium assistance program: Funded at \$250,000 consisting of \$80,900 from the Grants and Donations Trust Fund and \$169,100 from the Medical Care Trust Fund for the purpose of making health insurance premium payments for low-income residents enrolled in the Miami-Dade Premium Assistance Program.

h. Library funding: Funded at \$21.2 million, consisting of \$12.8 million in nonrecurring state funds which restores library grants to the level required to maintain federal funding eligibility to draw down the remaining \$8.4 million. Library funding had been previously zeroed out in both the Senate and House budgets.

i. Homeless prevention: Homelessness Grants-In-Aid previously funded at \$1.1 million were eliminated. Florida did receive \$12.9 million in homeless prevention assistance in federal stimulus funding.

j. Underground petroleum storage tank cleanup: Funded at \$90 million; \$135 million was transferred from the Inland Protection Trust Fund that was used for petroleum storage tank cleanup to state general revenue. The state will then bond \$90 million for tank cleanup and pay \$10.3 million in the upcoming year for debt service on the \$90 million. The Senate and House had funded this program as low as \$10 million and \$35 million respectively during budget conference.

k. Florida Forever: The Florida Forever land purchasing program was suspended for FY 2009-10, with no funding for additional land purchases, and funding maintained only for outstanding bonds.

I. Everglades Restoration: Funded at \$50 million for FY 2009-10.

m. Local government disaster preparedness & preparation funding: Funded at \$2.4 million. The Senate previously had proposed eliminating this funding.

n. FDOT state transportation trust fund: \$120 million was transferred from the FDOT state transportation trust fund to state general revenue, which equates to just under \$500 million in projects delayed according to FDOT. The House initially had proposed transferring over \$400 million in state transportation trust funds to state general revenue.

o. Film & Entertainment Incentives: Funded at \$10.8 million, which is a \$5.8 million increase from current year spending.

p. Visit Florida: Funded at \$25 million, which reflects a \$10 million decrease from current year spending.

q. State employees: Annual base salary reduced 2 percent for state employees earning more than \$45,000 effective July 1, with no salary reduced below \$45,000.

r. Solid Waste Tipping Fees; SB 1750; HB 5121: The \$1.25 per ton solid waste landfill disposal fee was not included in the final Conference Report to SB 1750. HB 5121/SB 1750 would have imposed the tipping fee to generate \$25 million in new state general revenue. The tipping fee was part of the House budget package, but not the Senate package, and was dropped over the course of the budget conference process.

s. State website with local government revenues, expenditures, salaries, contracts and bonded indebtedness "transparency bill"; SB 1796 by Alexander: Passed as part of the budget package, SB 1796 requires state agencies to submit extensive information on annual revenues, expenditures, salaries, contracts and bonded indebtedness for inclusion on a public access state website; provides for a study of having local governments submit similar information for inclusion on the state website by 2010. Miami-Dade County currently processes over 14 million transactions per fiscal year that fall within the purview of SB 1796. SB 1796 could result in increased staffing of between 25 and 30 FTEs at an annual recurring cost of over \$3 million. Miami-Dade County has looked into a data warehouse option that would assist in this endeavor and the estimated one-time cost could exceed \$10 million. There is no funding for local governments to meet the mandates included in SB 1796.

SB 1796 went to the Governor on May 15. He has until May 30 to act on the bill.

t. Gaming/Seminole Compact/Hialeah Park; SB 788 by Jones: As part of the budget conference process, the Senate and House reached agreement on a

gaming bill on Wednesday, May 6 and then passed the Conference Report to SB 788 on Friday, May 8 by a vote of 31 to 9 in the Senate and 82 to 35 in the House. If signed into law by the Governor, SB 788 is estimated to generate \$300 million in added state revenue in the first year, with a \$150 million guarantee. Card games such as blackjack and baccarat would be permitted only at Seminole casinos in Broward and Hillsborough counties, and the Seminoles would receive the exclusive rights to class three slot machines outside of Miami-Dade and Broward. SB 788 also allows quarter horse racing at Hialeah Park, and the possibility of thoroughbred racing and slot machines after two years. The tax rate on slot machines at existing pari-mutuels is reduced from 50 percent to 35 percent with a minimum guarantee of tax revenue at the fiscal year 2008-09 level.

SB 788 has not yet gone to the Governor.