

# Tallahassee Weekly Report

## February 16-20, 2009

### Recap of Interim Committee Meetings

The Florida Legislature held its final interim committee meetings this week, in preparation for the upcoming legislative session.

Senate Bill 360, the Senate's Growth Management legislation, passed out of 2 committees unanimously this past week, the Community Affairs Committee and the Transportation Committee. Below please find a summary put together by Senate Transportation Committee with regards to what this legislation does:

- Extends the compliance deadline for local governments to submit financially feasible capital improvement elements (CIE) from December 1, 2008 to December 1, 2011, and eliminates one of the penalties for failing to adopt a public schools facility element.
- Creates Transportation Concurrency Exception Areas (TCEAs) in all local government jurisdictions with an average of at least 1,000 people per square mile, and in counties, including the municipalities located therein, which have a population of at least 1 million. TCEAs are not created for designated transportation concurrency districts within a county that has a population of at least 1.5 million that uses its transportation concurrency system to support alternative modes of transportation and does not levy transportation impact fees.
- Creates a waiver from transportation concurrency requirements on the state's strategic intermodal system for certain Office of Tourism, Trade, and Economic Development (OTTED) job creation projects.
- Applies the alternative state review process to comprehensive plan map amendments in jurisdictions where the local government has 1,000 or more persons per square mile or a county, including the municipalities located therein, which has a population of at least 1 million, and map amendments in Rural Areas of Critical Economic Concern (RACEC) communities if certified by the OTTED as supporting a RACEC target industry. This reduces the statutorily prescribed timeframe from 136 days to 65 days.
- Decreases the allowable submittal of text amendments to comprehensive plans from twice a year to once a year, unless the text amendment is directly related to a future land use map amendment.

- Exempts developments in local governments with an average of at least 1,000 people per square mile or a county, including the municipalities located therein, which has a population of at least 1 million an exemption from the Development of Regional Impact (DRI) program.

Below please find the text of a Policy Analysis on SB 360 put together by the County Manager's office:

**STAFF RECOMMENDATION**

*Policy Analysis of Senate Bill 360*

*The statutory changes being proposed are not consistent with the current growth management policies and practices of Miami-Dade County. Specifically this bill is contrary to the County policies that are intended to manage urban sprawl, as well as other growth management policies that have long been the foundation of our Comprehensive Development Master Plan (CDMP). Furthermore, the proposed would be inconsistent with State and regional comprehensive plans.*

*The applicability of SB 360 hinges on whether local governments meet the definition of a "dense urban land area" (having an average of at least 1,000 people per square mile of land area). Miami-Dade County would meet the definition for the "dense urban land area" as proposed in the committee substitute version of SB 360.*

*Although a fiscal component is not specifically identified in the proposed bill, a significant fiscal impact to the County can be expected. This fiscal impact would result in additional service and capital expenditures that the County will need to assume from the added service or capital cost from unfunded development related to impacts.*

*The following analysis highlights the potential impact of the significant provisions of SB 360 to Miami-Dade County:*

*Transportation Concurrency Exception Areas:*

*Miami-Dade County currently has a Transportation Concurrency Exception Area for the area generally described as east of the Palmetto Expressway. The proposed Senate Bill 360 would expand the exception area to include the entire County if the definition of a "dense urban land area" is applied county-wide. The affect of this proposal would encourage urban sprawl by allowing development to occur in areas without improved or expanded roadways and would increase traffic congestion by reducing or eliminating developer required roadway improvements. In addition this provision would be counter to current policies in our CDMP that, among others, encourage compact urban development, infill and redevelopment. The responsibility of providing the roadways to mitigate the impacts from development could be disregarded by the developer or shifted to Miami-Dade County and other governmental agencies. Furthermore, the bill*

*would preclude or compromise the coordination of adequate transportation facilities with land uses, which is a fundamental policy of Smart Growth and Growth Management practices. The bill does however promote multimodal transportation alternatives and thereby could also affect transit planning and services, even though many urban areas are reducing transit services in response to current revenue shortfalls.*

*Expedited alternatives state review of future land use map amendments: The proposed legislation would reduce the State's authority and procedures for local Land Use Plan amendments and could change the voting provisions of local governments for such amendments. The proposed "simple majority" approval of an application by those Commissioners present at a meeting conflicts with Miami-Dade County's requirements for a majority of the total membership of the County Commission for standard plan amendments and the requirement for 2/3 of the total Commission membership for a UDB amendment. The absence of the Department of Community Affairs (DCA) review and their Objections, Recommendations and Comments (ORC) report for local plan amendments would compromise the completeness and accuracy of a comprehensive review (local, regional and state agencies). This provision would also limit and burden intergovernmental coordination.*

*Development of Regional Impact (DRI) Exemption: This provision could eliminate the DRI process and thereby eliminate the coordination of regional and intergovernmental reviews of large scale, significant land development projects. An important component of the current DRI process relates to the analysis of project impacts and related mitigation. Senate Bill 360 could severally limit or preclude the extra jurisdictional review of impacts and the mechanism to mitigate such impacts. This situation could create a significant backlog in the infrastructure needed for the proposed development and/or shift the responsibility of providing such infrastructure to Miami-Dade County and other governmental agencies.*

*DRIs are more complex than regular plan amendments and as such must be given adequate time and coordination to insure maximum benefits and reduced impacts will be achieved. The bill could substantially reduce the timeframes necessary to thoroughly evaluate the short and long-term impacts of regional projects to communities. However, in absence of a DRI process this bill could result in additional regulations, review, approvals and procedures at the local jurisdiction and other governmental levels.*

*As a final note, the Florida Association of Counties (FAC) has also submitted comments raising concerns about the proposed bill (attached). The FAC addressed the same major components of the proposed bill as outlined above and raised similar concerns.*

The following link contains an article filed by the Associated Press related to SB 360: [http://hosted.ap.org/dynamic/stories/F/FL\\_XGR\\_GROWING\\_PAINS\\_FLOL-?SITE=FLTAM&SECTION=STATE&TEMPLATE=DEFAULT&CTIME=2009-02-19-19-45-51](http://hosted.ap.org/dynamic/stories/F/FL_XGR_GROWING_PAINS_FLOL-?SITE=FLTAM&SECTION=STATE&TEMPLATE=DEFAULT&CTIME=2009-02-19-19-45-51) .

Also this past week, the \$1.2 billion SunRail transit deal, which would bring commuter trains to Central Florida cleared its only committee stop in the House before being heard before the full House. It passed 13-3 out of the House Economic Development and Community Affairs Policy Council. This deal between the state and CSX has drawn scrutiny from unions and even a few legislators, concerned about long-term costs.

Representatives from Miami-Dade's Office of Countywide Healthcare Planning (OCHP) made a trip to Tallahassee this past week, where they attended a Senate hearing on SB 556 by Senator Gaetz related to the Low Income Pool and meet with various legislators that sit on healthcare committees. OIA assisted OCHP with coordination of their trip to Tallahassee and facilitated their meetings with various members of the Legislature throughout the day.

The Senate Committee on Health Care Regulation heard SB 556, but was temporarily postponed. This is a highly controversial bill that would abolish the Low-Income Pool (LIP) Council. This Council currently recommends to the Legislature how to appropriate the nearly \$2 billion in Medicaid funds among hospitals and other health care providers. As it stands now, Jackson Health System receives a large amount of this money. This bill, along with its House companion, HB 285 by Representative Patronis, is being pushed by HCA, a large private hospital chain. The Florida Hospital Association, of which HCA is not a member, is leading the charge against this legislation.

The next time the Florida Legislature meets in Tallahassee it will be on March 3 for the Opening Day of the 2009 Legislative Session.

### **New House Committee Assignments**

Larry Cretul, currently the House Speaker Pro Tempore and soon to be sworn in as Speaker of The House, shuffled some committee assignments this morning. Representative Carlos Lopez-Cantera will now serve as the House Majority Whip. As such, Representative Lopez-Cantera will no longer serve as Chair of the Governmental Affairs Policy Council, nor will he serve on the Finance and Tax Council, Insurance, Business and Financial Affairs Policy Committee or the Economic Development and Community Affairs Policy Council. He will be replacing Representative Ron Reagan as Majority Whip. Representative Reagan will be sworn in as the Speaker Pro Tempore on the Opening Day of Session.

Within the Miami-Dade Delegation: Representative Steve Bovo has been removed from the Human Services Appropriations Committee and placed on the

Transportation and Economic Development Appropriations Committee. Representative Ronald Brise has been added to the Transportation and Economic Development Appropriations Committee. Representative Erik Fresen has been removed from the PreK-12 Appropriations Committee and added to the Finance and Tax Council. Representative Ron Saunders has been added to the Rules and Calendar Council.

Representative Cretul also created the Select Policy Council on Strategic and Economic Planning. This Council will be Chaired by Representative Dean Cannon. Representative Denise Grimsley will serve as Vice Chair. Other members of the Committee are Representatives Aubuchon, Bogdanoff, Brise, Carroll, Chestnut, Fitzgerald, Holder, Hukill, Kreegel, Lopez-Cantera, McKeel, Porth, Proctor, Scionti, Taylor, Thompson, Thurston, Weatherford and Williams.

This Council will be charged with developing ideas, recommending proposals, and evaluating legislation to address Florida's long-range challenges and opportunities.

### **Governor Crist Budget Recommendations**

On Friday afternoon, Governor Crist unveiled his \$66.5 billion budget proposal for the 2009-2010 fiscal year. Included in this budget is \$4.7 billion from the federal stimulus package.

A breakdown of the Governor's budget shows the following:

- \$10.3 billion for transportation and economic development
- \$21.5 billion for education
- \$2.3 billion for environment
- \$4.9 billion for public safety
- \$25.2 billion for health and human services
- \$1.8 billion for general government

The Governor's proposal uses stimulus money for recurring purposes, under the rationale that the money will come over several years and by that time the state's economy will have rebounded. Incoming House Speaker Larry Cretul responded to the Governor's proposal by stating that "We appreciate the hard work and creative solutions in Governor Crist's state budget proposal. This is an especially difficult year for the Governor to submit timely budget recommendations because there is still uncertainty about the federal stimulus package and about Florida's future revenues. Adding federal stimulus money to the Florida economy may help Floridians during these harsh economic times. However, the stimulus money cannot be seen as the only solution to balancing the state's budget. The March state budget revenue estimates will provide us with more accurate information on our resources. We also need to consider how the spending decisions we make this year will affect future budgets."

The Governor also called for additional tax proposals, which will be discussed in detail below.

Attached please find the press release sent out by the Governor's office following his press conference.

### **Governor Crist Property Tax Proposals**

Governor Charlie Crist announced Monday that he will push for more property-tax relief in the 2009 legislative session.

Crist is working on 4 proposals, including limiting city and county tax collections to the rate of inflation plus population growth, limit assessments on business and other non-homestead properties to 5% a year, give first-time homebuyers a 50% exemption up to \$500,000, and forbidding increases in home assessments when a home's value declines.

Senator Mike Haridopolos and Representative Dean Cannon, both in line to lead their respective chambers at the end of 2010, have long supported the idea of capping local government income at the rate of population growth plus inflation. They stated they would also like to include state government in the spending cap, not just local government.

Haridopolos stated that the state should not be hypocritical and force this upon the cities and counties without forcing the state to do the same.

### **Update on Legislation**

HJR 905 by Representative Flores related to State and Local Government Revenue Limitations. This Joint Resolution was filed on Monday and proposes a constitutional amendment to impose revenue caps on local governments and revises the revenue limits that currently apply to the state. The revenue cap would be tied to the property tax base plus one percent plus CPI to be implemented by the Legislature. The Board of County Commissioners passed a Resolution at Tuesday's meeting urging the Florida Legislature to not pass this legislation. OIA has added this item to the 2009 State Legislative Agenda.

SB 1622 by Senator Gelber related to Tour Guide Operators was filed on Tuesday on behalf of Miami-Dade County. This legislation authorizes local governments to regulate tour guide operators. The companion bill to this in the House is HB 55 by Representative Bovo, which was filed in January. Neither bill has been assigned to committees as of yet.

SB 1618 by Senator Bennett related to Board of County Commissioners/Property Lease was filed this week. This issue appears in our 2009 State Legislative

Package. The bill authorizes Boards of County Commissioners to lease certain county property for a limited term. The House companion is currently in Bill Drafting.

HB 923 by Representative Evers and SB 1654 by Senator Altman related to Regulation of Hoisting Equipment were both filed on Tuesday. OIA helped defeat similar legislation last session, which preempts county regulation of tower cranes. Neither bill has been assigned to committee as of yet.

HB 963 by Representative Bovo related to Protection of Elders, filed this week, implements recommendations made by the Elder Abuse Task Force. This legislation permits residents of nursing homes to have video surveillance devices installed in their rooms, and requires the Department of Elder Affairs to adopt standards regarding standardized transfer forms for certain medical records. This item already appears in our 2009 State Legislative Package. There is no Senate companion filed as of yet.

SB 1856 by Senator Bennett related to Local Government Powers/Private Property Owners was filed this week. This legislation is a sweeping preemption which would prohibit any local regulation that requires private property owners to expend funds to enhance services of functions provided by local governments which benefit the general public at the expense of the property owner. No House sponsor has been filed as of yet.