

ADD ON

Agenda Item #:

5E-1

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

Time Certain
2:15 pm

AGENDA ITEM SUMMARY

Meeting Date: April 7, 2009 [] Consent [x] Regular
[] Ordinance [] Public Hearing
Department: Administration
Submitted By: Legislative Affairs
Submitted For:

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to accept: Presentation of the 2009 Legislative Session update.


Summary: A presentation reviewing Palm Beach County's 2009 Legislative Agenda priorities and appropriation's status and legislative mid-session update with the Board of County Commissioners.

Background and Policy Issues:

Attachments:

1. Legislative Session Update

Recommended by:



Department Director

4/3/09

Date

Approved By:



Assistant County Administrator

4/6/09

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012
Capital Expenditures	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____

Budget Account No.: Fund _____ Agency _____ Org. _____ Object _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

 4/6/09
4/6/09 OFMB 4/6/09
ca/4/6/09

 4/6/09
Contract Dev. and Control

B. Legal Sufficiency:

This item complies with current
County policies.

 4/6/09
Assistant County Attorney

C. Other Department Review:

Department Director

REVISED 9/95

ADM FORM 01

(THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.)

PBC Legislative Update

APRIL 6, 2009

VOLUME 3 NUMBER 8

State Issues

Legislative Mid-Session Report – Week 5

Budget

By: County Staff & Pittman Law Group, Wren Group

The appropriations sub-committees completed their proposed budgets for the upcoming fiscal year and released their conforming bills. The steep decline in State Revenue has caused a \$6 billion dollar gap in the State's budget. The House and the Senate are both looking to use approximately \$3 billion from federal stimulus money to help fill the gap, but have had differing philosophies on identifying new revenue sources. The Senate is looking at possibilities to help fill the gap including: the proposed \$1 cigarette tax, the non-participating manufacturers fee, the gaming compact agreement with the Seminole Tribe, the 50% increase on vehicle tags and registration, and court fees and exemptions. Despite strong proclamations by leadership in the House of Representatives against new taxes, the end of the week saw a series of new "fees" being proposed in several of the committees including tipping fees on solid waste and increases in many licenses in the Dept. of Motor Vehicles with all of the funding being swept into General Revenue. In the growth management and environmental arena the conforming bills approved in the House provided for the elimination of the Century Commission and the permanent elimination of the funding allocations to the Water Protection and Sustainability Trust Fund (SB 444) and the Marine Resources Conservation Trust Fund.

Appropriations

By: The Wren Group

An update will be provided to you as we review and compare the recently filed Senate and House Appropriations and Implementing bills. Regarding environmental issues, the House and Senate continue to propose significant reductions to traditional environmental programs including:

	<u>Senate</u>	<u>House</u>
Florida Forever	0	0
Everglades Restoration	0	0
Water Protection & Sustainability		
• Alternative Water Supply	0	0
• TMDLs	\$1,000,000	\$1,840,209
• Small Community WW	0	\$13,600,000 (a)
• SWIM	0	0
Beach Restoration	\$12,216,696 (b)	0
WMD Lands Trust Fund	\$18,300,000	\$20,228,186
(a) This allocation includes only federal dollars.		

(b) This allocation represents a distribution of prior year appropriations and includes NO new dollars.

The House budget continues to show the level of funding for Regional Planning Councils at \$2.5 million. The legislative team worked on funding on the Senate side, managing to secure a commitment from the appropriations Chairman to support the issue. It is likely, however, that this issue will not be resolved until conference.

In addition, we are working to address some of the library funding issues we have encountered. To date the Senate has not funded Multi-library cooperatives and the House has included about \$1.2 million in their proposal.

Property Tax Legislation

By: County Staff

SJR 1906 by Senator Haridopolos proposes an amendment to the State Constitution to limit state and local government revenues and require voter approval of new taxes and fees. This bill was temporarily postponed for the third time in its second committee of reference this week. The bill states that State and local governments may not impose taxes, fees, licenses, fines, or charges for services expected to exceed the revenue limit as projected by the state and local governments at the adoption of their respective budgets for the fiscal year. The bill also specifies the number of votes necessary for override according to the number of members in the governing body. The amendment that applies to PBC states that for a governing body of six or seven members, five votes are necessary for override.

A proposed amendment to the bill removes the Voter approval requirements to expend revenue collected in excess of the cap for a respective fiscal year. Instead:

- it requires a super majority vote of the governing body to expend revenue in excess of the cap
- It exempts the expenditure of funds to fulfill state mandates and federal grants from this new requirement.
- It provides intent for further clarification for procedures for addressing revenue shortfalls of the general fund and expenditures for emergency situations.

The similar House bill, **HJR 1263 by Representative Flores** proposes an amendment similar to the Senate bill to replace existing state revenue limit based on Florida personal income growth with new state & local government revenue limits based on inflation and population changes. It limits property tax revenues based on changes in local growth & enrollment changes in school districts; requires revenues collected in excess of revenue limits to be deposited into budget stabilization funds and used to reduce future taxes or refund to taxpayers. It prohibits state or local government, without first obtaining approval by supermajority vote of electors, from imposing new taxes, fees, assessments, or charges for services or incurring multi-year debts or financial obligations without adequate cash reserves.

SB 738 by Senator Bennett proposes an amendment to the State Constitution to limit the total aggregate ad valorem taxes levied by counties, municipalities, school districts, and special districts on any parcel of real property to 1.35 percent of the highest taxable value of the property. Requires the Legislature to provide by general law for distribution of revenues collected on parcels that exceed the 1.35-percent limitation. It passed the first of its four committees of reference and is scheduled to be discussed during the Revenue Estimating Impact Conference on 4/06/09. Identical **HB 385 by Representative Rivera** has passed all of its three committees of reference and is also scheduled to be discussed at the Revenue Estimating Conference on 4/06/09.

HB 97 by Representative Domino proposes an amendment to the Florida Constitution to provide a new, additional homestead exemption to first-time homeowners in an amount equal to 50 percent of the homestead property's just value on January 1 of the year the homestead is established. The amount of the exemption shall not exceed \$250,000, and will be reduced each year by 20 percent of the initial additional exemption or by the amount the homestead's assessed value is lower than just value because of the Save Our Homes benefit. The proposed constitutional amendment will be submitted to the electors at the general election in November 2010 or at an earlier special election if specifically authorized by the Legislature. If approved by 60 percent of the voters at the 2010 general election, the proposed amendment will take effect in January 2011, and first apply to assessments in 2012. The bill passed its' first 3 of 5 committees of reference. Comparable bill **SB 532 by Senator Lynn** has passed its' first five committees of reference.

SFRTA

By Ericks Consultants

The \$2.00 rental car surcharge surfaced early in the week in the OTTED House budget with the funds going to General Revenue. There was an amendment by Representative Jennifer Carroll of Jacksonville in the next meeting to withdraw that language which passed.

We have continued to circulate talking points and the three-county resolution supporting the \$2.00 surcharge along with the counties' commitment to statutory funding. Without dedicated funding for public transportation, Florida risks leaving millions in Federal matching rail funds on the table; no participation in High-Speed Rail Stimulus dollars; and reduced or no participation in the upcoming 2009 Federal Transportation Reauthorization Bill. \$2.00 of dedicated funds matched by Federal dollars to the South Florida Regional Transportation Authority would allow: expansion of service to the Town of Jupiter and Downtown Miami including new stations and surrounding economic development; future integration with the Florida East Coast (FEC) Railway traveling through Florida's historic downtown communities; improved and expanded parking and other amenities at all 18 stations resulting in increased ridership, purchase of new locomotives and rail cars which will lower operating costs through better fuel efficiency, increased service resulting in fewer autos on over-congested highways and improved reliability due to less mechanical failures and improved and expanded Feeder Bus service throughout the region providing for more transit dependent riders and offering enhanced employment opportunities for both bus services and local employers.

We continue to work with members of the South Florida Delegation to find appropriate bills to amend language that would provide for this funding source.

Growth Management

By: WREN Group, County Staff & FAC

SB 1786 by Senator Fasano establishes fees for review of proposed large scale comprehensive plan amendment packages and adopted updates to local capital improvement elements by the Department of Community Affairs (DCA). All collected fees are to be deposited into the Operating Trust Fund within the DCA. The bill is expected to have a positive fiscal impact of \$2.4 million. As originally filed, this bill would have required that each amendment package submitted to DCA be accompanied by a fee (\$5,000 for large scale amendment packages, \$6,500 for Alternative State Review Amendments, and \$1,200 for CIE amendments). As filed, the bill was unclear as to whether counties could pass such fees along to applicants and it was problematic in that a flat fee did not reflect that some amendment packages could include either a single amendment or multiple amendments. In consideration of this, Senators Smith and Hill sponsored an amendment that was adopted that does the following:

- 1) Clarifies that counties may pass fee requirements to individual applicants;
- 2) Establishes a flat fee of \$200 per plan amendment; and,
- 3) Eliminates the fee for any state-mandated plan amendments for counties (i.e., CIE updates, EARs).

SB 362 by Senator Bennett was originally a shell bill that had now has a strike-all amendment that creates Transportation Concurrency Exception Areas (TCEAs) in a municipality that qualifies as a dense urban land area; a urban service area which has been adopted into a local comprehensive plan and is located in a county that qualifies as a dense urban land area; and a county, including the cities within the county, which has a population of at least 900,000 and qualifies as a dense urban land area but does not have an urban service area designated within the local comprehensive plan. It does not create TCEAs 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. The bill also 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; allows for a waiver of the projected 5-year capital outlay for school concurrency when the schools have 2,000 students or less; allows charter schools to serve as mitigation for school concurrency purposes; prohibits local governments from establishing standards for security devices that require a business to expend funds; provides for a mobility fee study; and allows a permit extension for certain permits.

The bill also has language that exempts Limited Urban Service Areas from TCEAs unless that LUSA is defined as an Agriculture Enclave.

SB 360 by Senator Bennett creates the Community Renewal Act. It makes a number of revisions to the Growth Management Act and the Environmental Land and Water Management Act, including changes to the comprehensive plan amendment process, allowing additional growth in densely populated areas, and revising the consequences arising when local governments have not met certain reporting requirements.

Specifically, the bill:

- 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 submissions 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.
- The bill will have an insignificant fiscal impact on the Department of Community Affairs relating to the department's workload. The bill will have a negative fiscal impact on local governments that are designated TCEAs by requiring updated comprehensive plans and by eliminating the authority to require proportionate share contributions and proportionate fair share contributions related to developments within the TCEAs.

On third reading Wednesday, the bill passed the full Senate without amendment with 8 dissenting votes.

HB 7127 appears to be the House companion bill to SB 360. The bill, which formerly was PCB EDCA 09-02, proposes many of the same things as SB 360:

- Creates Transportation Concurrency Exception Areas (TCEAs) in specifically defined areas of the state using factors of density and defined urban service areas, in addition to create TCEAs in defined Agricultural Enclaves.
- Provides an exception to the legislatively designated areas to accommodate existing multimodal systems.
- Clarifies that the designation of a transportation concurrency exception area does not limit a local government's home rule power to adopt ordinances or impose fees. Transportation concurrency may be waived for job creation projects certified by the Office of Tourism, Trade and Economic Development as meeting criteria from the expedited permitting process in s. 403.973(3), F.S. or the rural economic development initiative provisions of s. 288.0656, F.S.
- Provides an exemption from certain financial feasibility requirements in TCEAs created by local governments relating to achieving and maintaining adopted levels of service.
- Legislatively certifies certain highly populated local governments for the Local Government Comprehensive Planning Certification Program.
- Provides for biennial reporting for those certified local governments.
- Provides any other local government the option to use the alternative plan review process, formerly the alternative state review pilot program for individual comprehensive plan amendments or amendment packages.
- Authorizes the state land planning agency to establish procedural rules to administer the process and report to the legislature regarding implementation and use.

- Eliminates the developments-of-regional-impact (DRI) process in specifically defined areas of the state using factors of density and defined urban service areas.
- Removes a current law prohibition on comprehensive plan amendments related to public school facilities requirements.
- Delays financial feasibility requirements until 2011.
- Provides for financial sanctions for failure to comply with capital improvement elements and public school facilities requirements.
- Expands the small county waiver for school concurrency, and adds charter schools as an acceptable form of public school facilities mitigation.
- Establishes mobility fee study oversight and directs the state land planning agency and FDOT to report to the Legislature next session.
- Provides a statewide extension of permits for a period of two years and places limits on a local government's ability to adopt or enforce certain security-related ordinances.
- The bill may be considered a mandate and be subjected to a two-thirds vote for approval and therefore also includes a finding of an important state interest.

SB 1306 - This bill makes a number of changes to transportation concurrency management. The bill changes the definition of "financial feasibility" such that a comprehensive plan or plan amendment would be deemed financially feasible for transportation facilities if it can be demonstrated that the existing or adopted level-of-service, whichever has the greater maximum service volume, will be achieved and maintained by the end of the planning period even if improvements do not meet concurrency requirements. The bill does not change the financial feasibility requirements for schools.

The bill requires the state land planning agency, along with the Department of Transportation, to develop methodologies to assist local governments in implementing multimodal level-of-service analysis. It makes transportation concurrency exception areas automatic, rather than optional, for areas designated in the comprehensive plan as urban infill development, urban redevelopment, downtown revitalization, or urban infill and redevelopment.

The bill removes the requirement that exceptions from the concurrency requirement for urban service areas be appropriate for compact, contiguous urban development, or be less than or equal to the amount of land needed to accommodate the projected population growth. It allows a local government to grant a waiver from transportation concurrency in an urban service area that is served or is planned to be served with public facilities and services as provided by the capital improvements element. A local government that adopts a transportation concurrency exception in an urban service area or in an agricultural enclave within a transportation backlog area must adopt guidelines in the comprehensive plan for granting transportation concurrency exceptions.

The bill also removes the list of specific issues that local governments must adopt into their strategies to support mobility. The local government has to consult with DOT, but not the state land planning agency, to assess the impacts on the SIS and to develop a plan to mitigate those impacts. The local government must consult the state land planning agency, in addition to the DOT, before the local government designates a transportation management area.

The bill increases from 110 to 150 percent, the amount of actual transportation impact caused by previously existing development that must be reserved for urban redevelopment, and allows for a lower level of service to be applied to SIS roads for nonresidential OTTED-certified job creation projects within rural areas of critical economic concern.

The bill defines "backlogged" or "backlogged transportation facility" to mean a facility on which the adopted level-of-service standard is exceeded by the existing trips plus the background trips, including transportation facilities that have exceeded their useful life. A development that satisfies the requirements of transportation concurrency shall not be denied the ability to develop on the basis of a failure to mitigate its transportation impacts under the local comprehensive plan or land development regulations.

The bill sets up a special scheme for large scale developments, for developers or land owners who have 500 cumulative acres or more. These developers or land owners may satisfy all of their transportation concurrency requirements through their proportionate share or proportionate fair-share contributions. If, because of economic conditions, the local government cannot meet the biannual requirement it may request a one-time waiver of its requirement under this section to file a biannual creation of new transportation concurrency backlog authorities.

SB 2148 - This is a lengthy bill addressing many aspects of Florida's growth management laws. On the 23rd the bill was heard, amended, and passed by the Senate Community Affairs Committee and a committee substitute of the bill now contains provisions addressing:

- prohibits members of the governing body of a local government from also serving on the local planning agency with the exception of municipalities having a population of 10,000 or fewer;
- requires that the housing element of a local government's comprehensive plan address senior affordable housing with supporting infrastructure and public facilities;
- deletes the process for development of a community vision and designation of an urban service boundary;
- creates provisions for "rural agricultural industrial centers;"
- states that certain specified projects are committed facilities for the purposes of transportation concurrency;
- specifies that improvements to regionally significant transportation facilities will be credits against proportionate-share;
- revises certain timeframes for a regional planning council to comment on a proposed plan amendment and request DCA to review the amendment;
- revises the exceptions to the twice-per-year limitation on comprehensive plan amendments;
- creates incentives for regional centers for clean technology;
- provides that the costs of mitigation for concurrency impacts be distributed among jurisdictions in a manner proportionate to the percentage of costs incurred by an affected jurisdiction;
- makes jurisdictions that get fees from DRIs share those fees with other local governments that bear the cost of the DRI.

Prescription Drug Monitoring

By: County Staff

A number of bills relating to monitoring the dispensing of controlled drugs have been filed. **SB 614 by Senator Aronberg** and **HB 143 by Representative Domino** require the DOH to establish a comprehensive electronic system to monitor the dispensing of certain controlled substances and to collect biometric identifiers of recipients. It requires health care practitioners and pharmacies that dispense certain controlled substances to have an active and operational biometric scanning device connected to a database and to submit specified information to the database before dispensing such substances. SB 614 is up in Health Regulation on 4/06/09.

SB 462 by Senator Fasano requires the DOH to establish a comprehensive electronic system to validate the prescribing and dispensing of certain controlled substances and requires specified prescribing and dispensing information to be reported to the electronic system. The bill has one remaining committee of reference.

Homeless Assistance Grants

By: County Staff

HB 639 by Representative Pafford which was filed on behalf of Palm Beach County authorizes agencies that provide local homeless assistance continuum of care to use homeless housing assistance grants to acquire existing buildings not currently used for homeless housing. This bill was amended into HB161 by Representative Aubuchon and passed its' second committee last week. Identical **SB 726 by Senator Smith** is scheduled to be heard in its first committee of reference next week.

Summer Camp Personnel Screening

By: County Staff & Moya Group

SB 740 by Senator Aronberg and HB 645 by Representative Abruzzo would require fingerprinting for screening purposes for human resource personnel working at summer camps and other similar facilities. In order to reduce the fiscal impact that is impairing the bill from being heard in Committee, and in consideration of the time remaining in the Legislative Session, we were hoping to amend the bill on the Senate Floor to **SB 160 by Senator Ring**. SB 160 requires the sanctioning authority of an independent youth athletic team to screen an applicant for a sports coach position through designated public websites maintained by the FDLE and the United States Department of Justice that contains the national list of sex and predator offenders. Unfortunately FDLE placed a fiscal on the amendment that would have jeopardized the passage of Senator Ring's bill so it was withdrawn on the Floor. We continue to work to find vehicles to place language on that would require stricter screening requirements for summer camp personnel. We would like thank **Senator Ring, Senator Aronberg, and their staff** for their help on this issue.

Qualified Target Industries and Enterprise Zones

By: County Staff, GMA, Moya Group, and WREN Group

HB 7031 by the Economic Development Policy Committee and Representative Carroll contains language allowing for a qualified target industry to submit a request to OTTED for an economic-stimulus exemption. The request must provide quantitative evidence demonstrating how the negative economic conditions in the industry have prevented the business from complying with the conditions of the agreement. County Staff and Foley & Lardner have been working with Committee Staff since the beginning of committee weeks to address this issue. The bill also creates a standard application timeline for some of the state's economic development incentive programs, and makes programmatic changes to the following programs: Capital Investment Tax Credit, Economic Development Transportation Fund, Qualified Defense Contractor and Space Flight Business Tax Refund Program, Brownfield Redevelopment Bonus Refund Program, and the Rural Economic Development Initiative (REDI) and the Rural Infrastructure Fund.

A strike all amendment was passed unanimously by Economic Development & Community Affairs Policy Council and will be discussed during the Office of the EDR's Revenue Estimating Impact Conference on 4/06/09. A comparable bill that also includes the QTI language was introduced by the Senate Commerce Committee (**SB 2034**) and is now in Governmental Oversight and Accountability. There are four committees of reference including Government Oversight and Accountability.

We continue to work to find a vehicle for the Enterprise Zone language.

Dart Firing Stun Gun

By: County Staff

SB 1322 by Senator Deutch amends the statute that applies to the use of deadly force by law enforcement officers by including dart-firing stun guns within the category of "less-lethal munition." This amendment is intended to have the effect of giving immunity to an officer in a civil or criminal action if the stun gun was used in good faith and within the scope of the officer's official duties. This week it unanimously passed its' first of two committees of reference. **HB 1077 by Representative Sachs** has not yet been heard in either of its' two committees of reference.

Telecommunications

By: County Staff

This week, David Frye from Public Affairs was in Tallahassee to meet with Legislators regarding the unintended consequences of Legislation passed in 2007 that could have a negative impact on our own access channels and key consumer protections. Meetings with Legislators included Senator Jim King, Jr., the Communications Committee Chair, Senator Ted Deutch, Senator Dave Aronberg, Representative Jim Waldman, who introduced a House bill on protections for access channels, staff for Senate President Jeff Atwater, Senator Chris Smith, Senator Mike Fasano, and briefly with Governor Crist while attending an event on the plaza.

In this session, the telecom industry put forth a concentrated effort on legislation designed to remove the Public Service Commission's authority on certain phone services (See bill summaries below), and that has effectively taken attention away from any other discussion relating to telecom, so our efforts on these issues have been stalled thus far, and could be done for the year.

While there is general support for our position on these issues, we view the opportunity to address this issue an uphill battle. At the very least, we were able to generate some basic support--and a great deal of good will--on both sides of the Legislature, that will serve as a foundation for next year, barring some late-session action in this arena yet this year.

HB1465 by Representative Weatherford makes several changes to the existing regulatory framework for local exchange service and removes the Public Service Commission's authority on certain phone services including: modifying provisions relating to price regulation of nonbasic services; removes PSC authority to resolve service complaints concerning nonbasic service; removes the requirement that customers of multi-line business local service be offered a flat-rate pricing option; removes PSC authority to compel repairs to secure adequate service or facilities for the provision of nonbasic services; removes the requirement that a local exchange company advise each residential customer of the least-cost service available to that customer when the customer initially requests service, unless the customer initially requests basic local telecommunications service; allows telecommunications companies to publish their rate schedules through electronic or physical media and removes the requirement that companies file the schedules with the PSC; provides that companies subject to price cap regulation will be exempt from PSC regulation of the terms of telecommunications service contracts; removes PSC authority to establish maximum rates and charges for operator services; removes the condition that a local exchange telecommunications company be subject to the expired carrier-of-last-resort obligation in order to be eligible to request recovery of storm damage costs from the PSC. **SB 2626 by Senator Haridopolos and HB 1465** have both passed their first committees of reference.

Solid Waste Disposal Fee

By: County Staff and Wren Group

The House Natural Resources Appropriations Committee passed PCB-NRAC-09-02 on Thursday. This bill contains a solid waste disposal fee of \$1.25/ton of solid waste that is accepted by landfills. Since local governments own most landfills, this is essentially the state taxing local governments for providing an essential service that they are required to provide under Florida law. This will cause higher trash fees, and taxpayers most likely will have to bear the burden of this new fee. There were concerns expressed by the League of Cities, Association of Counties and private waste haulers about the waste disposal fee; as many smaller facilities charge by the cubic foot and do not even have weigh scales. Despite these concerns and concern raised by a majority of the members on the committee, the bill passed out of committee on a vote of 6-3.

Public Construction Projects

By: Wren Group & County Staff

SB 616 by Senator Haridopolos revises statutory requirements concerning competitively bidding public construction projects. The bill specifically:

- Defines the term "maintenance" for the purpose of this bill.
- Provides an exception to the diminished funding source exemption, where it does not apply if the governmental entity materially contributed to the delay.
- Deletes the public interest exception provision to require that the local government first receive bids to comply with certain provisions, including that the local government can only do the work itself if all of the bids are at least 10 percent greater than the local government's estimated costs, it holds a noticed public meeting, and its decision to do the work itself is supported by factual findings that the government can do it cheaper than the lowest bid.
- Provides for exemptions for local governments operating a public use airport, certain ports, a public transit system, or a mass transit system.
- Provides that a local preference may only be given to bidders in the event of a tie bid.

The bill was passed on Tuesday by the Senate Community Affairs Committee and now moves on to the Governmental Oversight and Accountability Committee. Last week, the companion bill in the **HB 611 by Representative Hukill** had the reference to Military & Local Affairs Policy Committee removed and a reference to Finance & Tax Council added. The remaining references are now the Economic Development & Community Affairs Policy Council and the Finance & Tax Council.

We continue have coordinated out efforts with the Florida Association of Counties and League of Cities continue to working with the bill sponsor's regarding the bill's effects on local governments. Most specifically, we believe that this new processes for bidding maintenance and repair jobs typically handled by internal staff could result in work that will take longer to complete and result in high costs for the systems users.

Tourist Development Tax/Sales Tax (DOT.com)

By: FAC

SB 1970 by Senator Lynn and HB 0579 by Representative Long had its first committee stop this week and passed. The bill is scheduled to be discussed during the next Revenue Estimating Impact Conference. Results from the conference will provide an official estimate of the bill's potential ability to generate additional revenue for the state and county's alike. In summary, the proposed legislation attempts to clarify the application of the requirement to collect and remit taxes on the full amount charged by internet intermediaries for the rental of hotel rooms. The senate version was heard on Wednesday, April 1, 2009 by the Senate Commerce committee and was passed favorably (10 yeas and 0 nays).

US Sugar Corp. Land Acquisition

By: Wren Group

On Wednesday, Governor Crist announced that the State of Florida and the U.S. Sugar Corporation (USSC) had reached agreement on a revised land acquisition plan which reflected the fiscal limitations of the South Florida Water Management District. Under the proposal, the district would initially invest approximately \$530 million for 72,500 acres of property south of Lake Okeechobee - a land mass nearly twice the size of Orlando. Approximately 32,000 acres of that land, currently in citrus production, would be available to the district within a year after closing. The USSC would lease back the other approximately 40,500 acres of sugar cane land for \$150 per acre per year for at least seven years. The district would have an option to purchase the remaining 107,500 acres of USSC property for restoration within the first 10 years after closing. Highlights of the proposed acquisition terms include: reducing the immediate public investment by 60 percent, or \$800 million, in addition to reducing annual debt service payments by an estimated \$65 million; tripling the land lease rate to \$150 an acre per year to generate a minimum of \$40 million in revenue and avoid at least \$11 million in land management costs; and keeping 1,700 direct jobs intact and protecting 10,000 indirect jobs for at least another decade with the continued operation of the USSC's mill and refinery.

Rural Agricultural Industrial Centers

By Wren Group

SB 2572 by Senator Dean defines a rural agricultural industrial center as a developed parcel of land in an unincorporated area with an operating agricultural industrial facility that: employs at least 200 full-time employees; is used for processing and preparing for transport farm products or biomass material that could be used for the production of fuel, renewable energy, bioenergy, or alternative fuel; may include contiguous land not used for the cultivation of crops but on which essential activities are conducted; and is located within 10 miles of a rural area of critical economic concern (RACEC).

The bill makes legislative findings declaring the state's interest in protecting rural agricultural industrial centers from adverse changes in the agricultural economy and sets forth procedures for a landowner to amend the local comprehensive plan to expand the uses or facilities of an agricultural industrial center.

The bill also requires local government to amend its comprehensive plan within six months if the application meets the statutory requirements. There is a rebuttable presumption that such an amendment does not promote urban sprawl. The bill does not apply to an optional sector plan or a rural land stewardship area. We continue to work with the Bill sponsor on language that addresses our concerns with this section of the bill. We expect the House companion to be heard in the House sometime next week.

Next Week Committee Hearing and Floor Highlights:

SB 616 by Senator Haridopolos regarding Public Construction Projects

SB 1864 by Senator Baker regarding Aircraft Safety/Wildlife Hazards

SB 362 By Senator Bennett relating to Growth Management

HB 7053 by Agriculture Committee relating to Ag Industrial Centers

HB 385 by Representative Rivera and SB 738 by Senator Bennett relating to Limitation on Ad Valorem Taxation

SB 726 by Senator Smith relating to Homeless Housing Asst. Grants

SB 614 by Senator Aronberg relating to Monitoring the Dispensing of Controlled Substances

SB 1182 by Senator Fasano relating to the State Retirement System

SB 1906 by Senator Haridopolos relating to Gov't Revenues

HB 97 by Representative Domino relating to Additional Homestead Exemptions

Week Six will be abbreviated due to the Passover and Easter Holidays. The House will hold hearing until Wednesday morning at the latest and the Senate will conclude their work by Tuesday night.