

Time Certain - 10⁰⁰ a.m.

Agenda Item #: 6A-1

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: June 8, 2010

☐ Consent ☒ Regular
☐ Public Hearing

Department: Legislative Affairs

Submitted By: Legislative Affairs

Submitted For: Legislative Affairs

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to receive and file: Presentation of the 2010 Legislative Session final report.

Summary: A presentation of the final legislative report reviewing Palm Beach County's 2010 State Legislative Agenda priorities and appropriations with the Board of County Commissioners. Countywide (DW)

Background and Policy Issues: A presentation and participation of Palm Beach County's lobbying team for the 2010 State Legislative Session.

Attachments:

1. Final 2010 State Legislative Report

Recommended by: Todd J. Flenner 5/26/10
Department Director Date

Approved By: B. A. [Signature]
County Administration Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: N/A

Fiscal Years	20____	20____	20____	20____	20____
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____
No. ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ Reporting Category _____

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

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

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

* No fiscal impact

OFMB 6/3/10
6/2/10
6/1/10

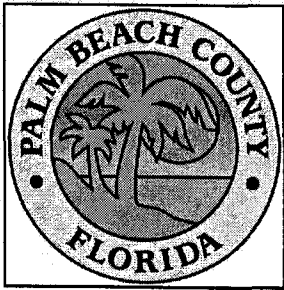
Contract Dev. and Control 6/4/10

B. Legal Sufficiency:

Assistant County Attorney 6/4/10

C. Other Department Review:

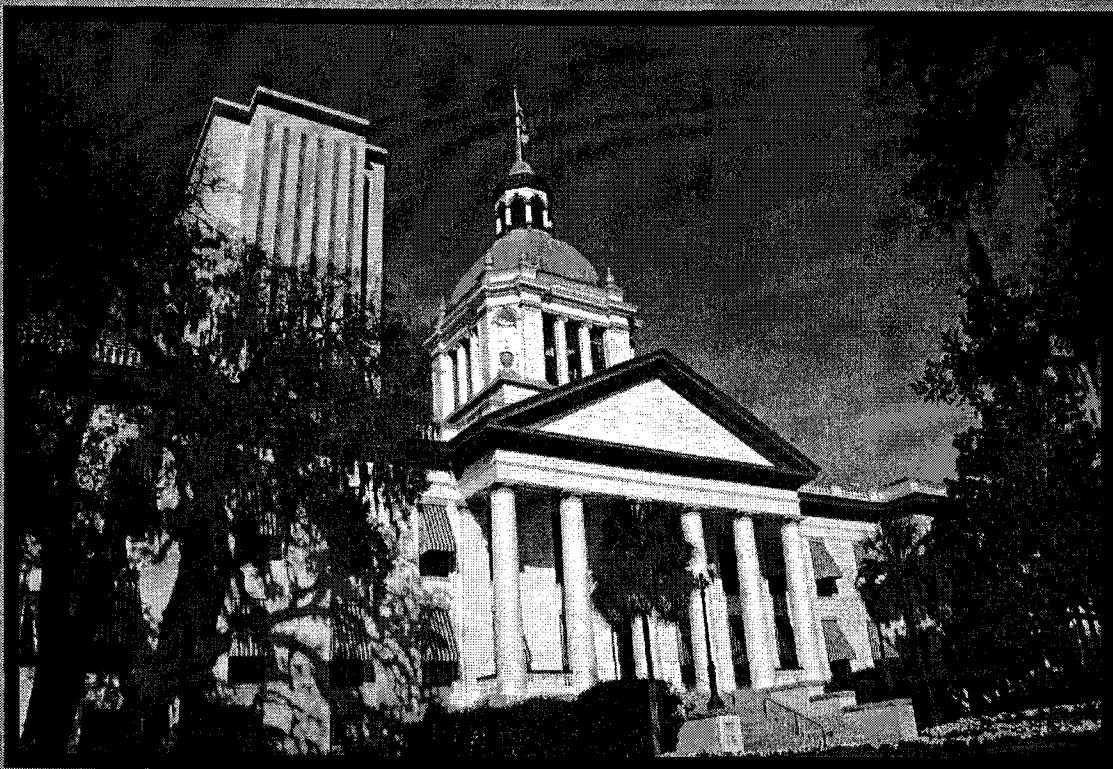
Department Director



PALM BEACH COUNTY

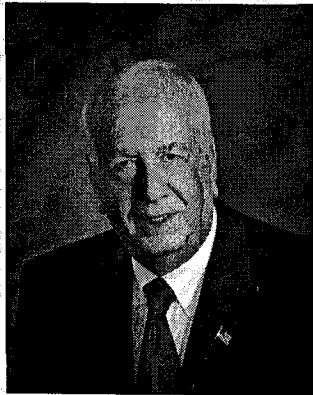
2010 State Legislative Final Report

June 2010



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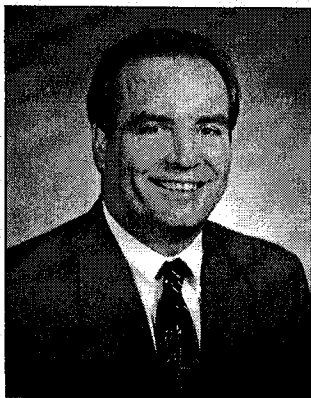
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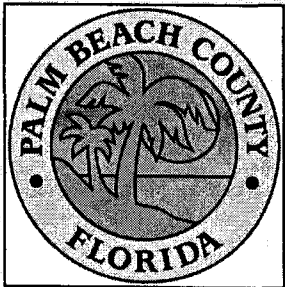
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BUDGET OVERVIEW

Budget Issues

BUDGET OVERVIEW

The state Legislature passed a \$70,377,400,000 billion budget passed this year. Of our County's priorities, we were able to obtain funding of \$21.3 million to maintain full funding statewide for libraries, maintain existing funding for our beach projects including almost \$10 million for Singer Island and \$120 million statewide for Petroleum Tank cleanup.

Here is a glance at some of the most important issues funded in the budget:

Criminal Justice

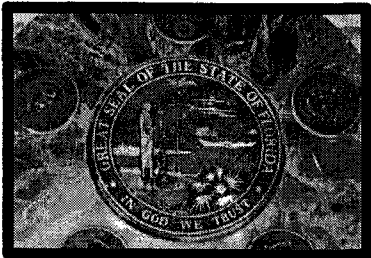
Juvenile Assessment Center in Palm Beach County	\$175,000
City of Pahokee (PILT - Sago Palm)	\$142,900
Traffic Hearing Officers (Statewide)	\$1,339,864
Drug Courts (Statewide)	\$14,483,000

Health Care

Medicaid Low Income Pool	
Palm Beach County Health Care District	\$13,367,014
Homeless Prevention (Statewide)	\$8,602,844

Economic Development

Qualified Target Industries	\$12,200,000
Quick Action Closing Fund	\$1,000,000
Enterprise Florida	\$11,100,000
Florida Commission on Tourism	\$26,000,000
OTTED	\$20,000,000



Juvenile Assessment Center

Thanks to Senate President Jeff Atwater and his staff and House Appropriations Chair David Rivera, the JAC was funded at \$175,000 which will allow for initial planning of DJJ's JAC Capital Improvement Plan. *Unfortunately, the Governor vetoed this project.*

Article V

A provision was included in this year's budget conforming bill that removes, for the FY2010/2011 budget year, the requirement for counties to increase expenditures by 1.5% for court related functions.

Beach Funding

Statewide Beaches were funded this year with \$15.5 million. Most importantly, around \$10 million in funds were safeguarded for the pending Singer Island project.

Transportation Disadvantaged Funding

This year, funding for Transportation Disadvantaged programs was relatively consistent with previous year's funding. \$38.4 million was funded for the TD program and \$65.48 million was dedicated for the Medicaid portion of the TD program.

Petroleum Tank Cleanup

After having to bond funds last year for the Petroleum Tank Cleanup program, this year the legislature fully funded the program at \$120 million.

Libraries

Much like last year, funding for State Aid to Libraries came down to the wire as \$21.3 million was funded which preserves the state's ability to draw down another \$8 million in federal funds. Library co-ops were again funded at \$1.2 million, consistent with last year's level.

Alzheimer's Medicaid Waiver Program

Alzheimer's Waiver was sunsetted this year and patients were moved into other waivers such as the Disabled Waiver. One positive for Alzheimer's Community Care was that their organization became a case manager for the AD waiver and will keep most of their waiver clients.

Special Elections Funding

Special Elections have cost local governments a tremendous amount of money. Last year, reimbursement for these funds was allocated at \$344,256. This year, with a concerted push from Florida's Counties and Supervisors of Elections, it was funded at \$1.95 million.

EDUCATION**Palm Beach County School District**

Palm Beach County Schools K-12 \$1,243,067,633

Florida Atlantic University

Autism Centers \$593,176
Utilities/Infras/Capital Renewal/Roofs (PECO - State Universities) \$7,778,832
FAU/UF Joint Use Facility - Davie (PECO - State Universities) \$1,130,628
General Classroom/Eng. Building (PECO - State Universities) \$1,818,012
General Classroom Facility-Phase (PECO - State Universities) \$720,995
FAU/SCRIPPS Facility - Jupiter (PECO - State Universities) \$2,000,000
FAU Blvd. 4 Lane-Lee St. to R&D Park (PECO - State Universities) \$9,195,000
Universities - Education & General Activities \$148,393,477
Universities - Lottery Funds \$16,411,301
Universities - Student Financial Assistance \$940,372

Palm Beach State College

College Reach Out Program \$146,883
Community College - Lottery Funds \$6,461,218
Community College Program Funds \$49,029,458
Gen ren/rem, site improvements (PECO - Community Colleges) \$2,193,922
Public Safety Training Center, LW (PECO - Community Colleges) \$17,693,473
~~Site Acq & Const Ph I West Central (PECO - Community Colleges) \$19,750,000~~

Public Broadcasting

WXEL-TV, Palm Beach (Barry Telecommunications Inc) \$434,837
WXEL-FM, Palm Beach (Barry Telecommunications Inc) \$87,287

Vocation Rehabilitation & Workforce Education

Adults with Disabilities Funds \$1,127,420
Public Schools Workforce Education Performance Based Incentives \$233,323
Public Schools Workforce Education Program Funds \$15,415,994

TRANSPORTATION**Economic Development**

City of Boca Raton-Spanish River Boulevard/I-95 Project \$1,000,000
~~City of Riviera Beach-13th Street Improvements \$500,000~~

Aviation

North Palm Beach Co General Aviation A/P Const Apron, Taxi Lane \$1,500,000
Palm Beach International Airport Air Cargo Apron Expansion \$2,256,000
Palm Beach International Airport Const Taxiway C4 Hi-Speed \$1,750,000
Palm Beach International A/P Parking Garage Rehab \$1,000,000
Pam Beach County Park Airport Westside Hangar Devlp Ph1 \$1,500,000
Palm Beach International Airport Security Enhancements \$5,000,000

Bridges

SR-806/W. Atlantic Ave. Bridge #930064 over the ICWW \$1,377,933
SR-802/Lake Worth Rd. Bridge #930104 & #930318
SR-786/PGA Blvd. Bridge #930349 & #930106 over Indian River Lagoon \$2,146,629
CR-709/Indiantown Rd. Bridge #930453 & #930454 over ICWW \$2,463,271
SR-A1A Flagler Memorial Bridge Bridge#930157 \$97,954,437
SR-80/Southern Blvd Bridges 930097 & 930098 \$1,500,000

Other Arterials

Palm Beach County Atms Design Group 3	\$3,261,917
Palmetto Park Road from W of Military Trail to I-95	\$5,140,000

Resurfacing

SR-850/SR-811 from SR-5/US-1 to S of RCA Blvd.	\$4,333,519
SR-786/PGA Blvd. from W of Turnpike to E of Military Trail	\$1,838,981
SR-808/Glades Road from W of I-95 to NW 7th Ave.	\$4,080,758
SR-802/Lake Worth Rd. from SR-7 to W of Turnpike	\$1,813,003
SR-704/Okeechobee Blvd from E of Turnpike to W of Military Trail	\$2,395,490
SR-5/US-1 from N of Glades Road to S of Yamato Road/Boca	\$3,808,807
SR-5/US-1/Federal Hwy from N of Parker Bridge to S of SR-706	\$11,320,371
SR-809/Military Trail from Pavement Seam N of Blue Heron Blvd. to PGA Blvd.	\$3,405,916

Right-of-Way Land

SR-710/Beeline Hwy From W of Congress Ave to W of Australian Ave.	\$18,452,104
SR-80/Southern Blvd Bridges 930097 & 930098	\$4,011,077

Safety

SR-708/Blue Heron Blvd. from W of Old Dixie Hwy. to 1000' E of FEC Xing	\$1,877,139
CR-807/Congress Ave @ Hypoluxo Rd.	\$1,145,311

SIS/Intrastate Highways

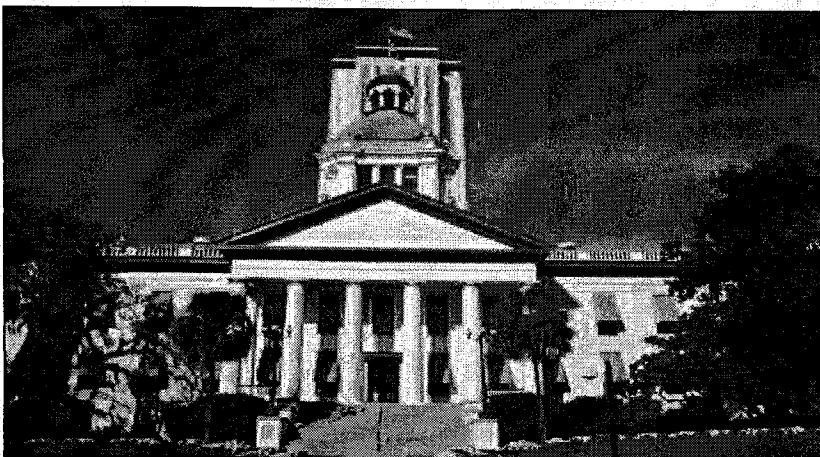
I-95/SR-9/Its Deploy From Broward/PBC/ Line to PBC/Martin Co Line	\$1,000,000
SR-9/I-95; Noise Wall from N of C15 Canal to S of Linton Blvd.	\$1,686,614
Lake Worth Rd. /Tpk (SR802 / SR91) Interchange Modification (Mp 93)	\$1,500,000
I-95/SR-9 from Congress Ave. to Boynton Beach Blvd	\$1,239,411

Transit

Palm Beach County Block Grant Operating Assistance	\$4,299,243
Palm Beach County Td Commission Trip and Equipment Grant	\$1,980,133
South Florida Regional Transportation Authority	\$1,000,000

OTHER

Palm Beach Juvenile Assessment Center (DJJ)	\$175,000
Village of Royal Palm Beach-Village Commons Park-Phase 1(FRDAP)	\$200,000



**Strikethrough indicates the
item was vetoed by the
Governor.**

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BILLS SUPPORTED BY THE COUNTY THAT PASSED

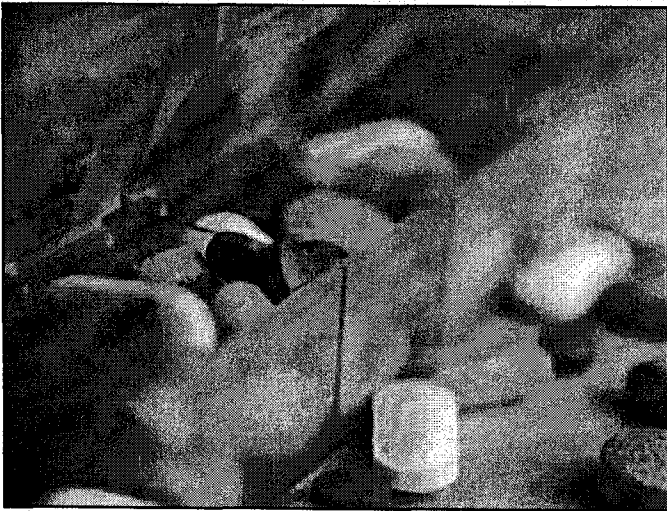
Traffic Safety Photo Enforcement

After only ten short years working on the passage of this legislation, **HB 325 by Reagan** passed out of the House of Representatives on a 77-33 vote and the Florida Senate voted the bill out 30-7. The Governor signed the bill May 13th.

Among notable items included in the bill are:

- Cities and counties having the ability to use traffic infraction cameras within their respective jurisdictions;
- A \$158 fine for violation of red light running of which \$75 goes to the state, \$75 to local governments, \$10 to trauma care, and \$3 to Spinal Cord research;
- Prohibition against giving tickets for those who turn right on red in a careful and prudent manner;
- Grandfathering of existing equipment until July 2011.

Thank you to the members of the Palm Beach County Legislative Delegation who supported the bill: **Senators Jeff Atwater, Dave Aronberg, and Chris Smith and Representatives Joseph Abruzzo, Mary Brandenburg, Ellyn Bogdanoff, Carl Domino, Mark Pafford, Kevin Rader, Maria Sachs, and Kelly Skidmore.**



Thank you to Senate President Atwater, Senator Aronberg, and Representatives Abruzzo, Bogdanoff, and Skidmore for their assistance on the passage of this legislation. This bill will go a long way toward curbing the proliferation of unregulated pain clinics in South Florida.

Pain Management Clinics

SB 2272, by Fasano, the companion to the HB 225 by Reps. Legg and Abruzzo, passed the House 116-0 and passed the Senate 37-0.

The bills attempt to prevent the abuse of validly prescribing pain killer medication where the prescribing physicians do not have an ongoing clinical relationship with the patients. The bill would require Pain Clinics to register and receive a license from the Department of Health. There are numerous regulations provided in the bill such as preventing felons and disciplined doctors from owning clinics, allowing more law enforcement investigation and requiring a physician to be registered with a pain clinic. Specifically, the bill:

- Restricts the dispensing of drugs at pain management clinics to 72 hour supplies when being paid with cash, check or credit card;
- Provides limitations on advertising of pain management clinics;
- Requires the prescription drug monitoring program's database to report information directly to law enforcement agencies to investigate patients who might be "doctor shopping" or practitioners who might knowingly be assisting patients inappropriately to obtain controlled substances;
- Provides that a physician or osteopathic physician may not practice medicine in a pain-management clinic if, effective July 1, 2012, the physician has not successfully completed a pain medicine fellowship or residency or does not comply with rules adopted by the applicable medical board;
- Authorizes a pain-management clinic to be owned as a licensed health care clinic in addition to being owned by physicians and osteopathic physicians;
- Maintains the existing Prescription Drug Monitoring database.

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Ethics Legislation

HB 1301 by Rep. Kevin Rader passed out of the House of Representatives 111-1 during week 8 of session and Senator Aronberg was able to bring up the legislation in the Senate during the waning hours before sine die and pass the bill 37-0. The bill allows counties to increase from \$500 to \$1,000 the maximum fine resulting in the violation of a specific county ordinance imposing standards of conduct and disclosure requirements. In addition, it would also allow for the increase in penalty from up to 60 days in county jail to 1 year in county jail. The Governor signed the bill into law on May 27th.

At present, violations of county ordinances, including violations of local ethics ordinances, are generally punishable by a fine of up to \$500 and 60 days in jail. This increase would enable counties to toughen standards and enhance penalties for local officials who violate the public trust. Thanks to Senate President Jeff Atwater, Senator Dave Aronberg, and Rep. Kevin Rader for their diligent work on this bill.



South Florida Regional Transportation

During the Special Session of the Legislature late last year, the State finally granted Tri-Rail its dedicated funding source in statute. During the 2010 session, SFRTA was successful in securing in line item 2092, an additional \$1,000,000 for operations, maintenance and dispatching services. These funds are in addition to the funds provided in section 343.58 (4)(a), Florida Statutes.

Thank you to Senator Chris Smith for his efforts in working on this funding request.

Growth Management, SB 7099 – Legislative Reauthorizations

HB 7099, which was referred to by many as the “bridge” bill, was amended into **SB 1752**, the “jobs bill” and signed by the Governor on April 30th. This growth management language is intended to provide some degree of certainty for actions taken by developers and local governments under the provisions of SB 360, passed last session, should last year’s bill be found unconstitutional. Specifically, the bill:

- Provides that any properly noticed two-year permit extension as provided for pursuant to section 14 of chapter 2009-96, Laws of Florida, is valid and shall remain in effect.
- Provides that any amendments legally in effect to a local government’s comprehensive plan to authorize and implement a transportation concurrency exception area pursuant to section 4, chapter 2009-96, Laws of Florida, shall remain in effect.
- Provides specified protections for any project or portion of a project in a dense urban area that qualifies for a DRI exemption. Large developments in these areas may proceed without having to undergo full DRI review if:
 - a development application has been filed or approved, or
 - a complete development application or rescission request has been approved or is pending and continuing in good faith.

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Background Checks – Summer Camp Personnel

The House and Senate agreed to **HB 7069** that would mandate more in-depth background screenings of individuals who work with the elderly and children. The legislation was in response to reports that found that there were many people with criminal records who were working with easily victimized populations. At Palm Beach County's request, the bill also provides level II screening for summer camp volunteers who work at least 10 hours a week with children. Thank you to **Rep. William Snyder** for sponsoring this legislation.

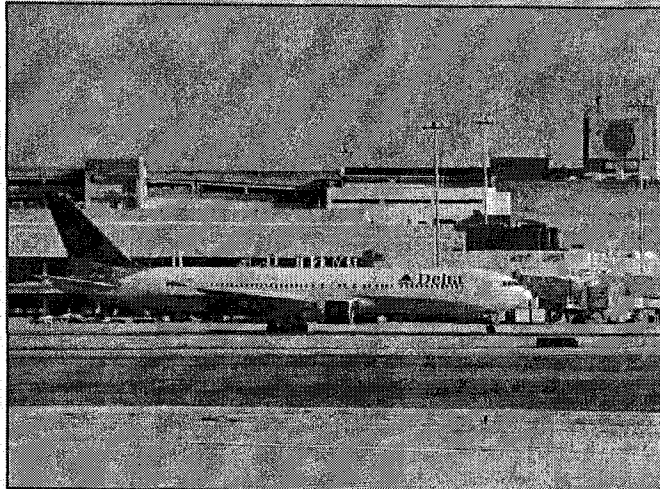


The Governor signed HB 7069 into law on May 27th.

Transportation/Airport Legislation

CS/CS/HB 1271 relating to Transportation passed the legislature this week. It makes a number of statutory changes related to transportation. More specifically, the bill:

- clarifies the notification requirements to be used when a citation is issued for toll violations;
- effectively increases the maximum gross vehicle weight limit for vehicles operating on non-interstate highways;
- provides a 400-pound weight allowance for trucks using anti-idling devices; and
- *provides explicit authority for public-use airports to dispose of or remove personal property, derelict or abandoned aircraft and motor vehicles from the airport's premises.*



CS/HB 143 – Exemption for Aircraft Assembly and Manufacturing Hangars from Comprehensive Plan Transportation Concurrency Requirements. Section 163.3180(4)(b), F.S., exempts public transit facilities from transportation concurrency requirements to promote alternative modes of transportation. Some specific exemptions under this paragraph include: airport passenger terminals and concourses; air cargo facilities; and hangars for aircraft storage or maintenance. It also exempts hangars for the assembly or manufacture of aircraft from transportation concurrency requirements. The Governor signed this bill into law on May 7, 2010.

Substantial Assistance

HB 615 by Rep. Mary Brandenburg and **SB 874** by Sen. Dave Aronberg passed the Legislature. The bill permits the State Attorney to request a sentencing court to reduce or suspend the sentence of a convicted felon who provides substantial assistance in the identification, arrest, or conviction of any accomplice, accessory, coconspirator, or principal of that felon or another felon. This legislation was included as one of the County's legislative priorities at the request of State Attorney Michael McAuliffe. The bill currently awaits the Governor's signature.



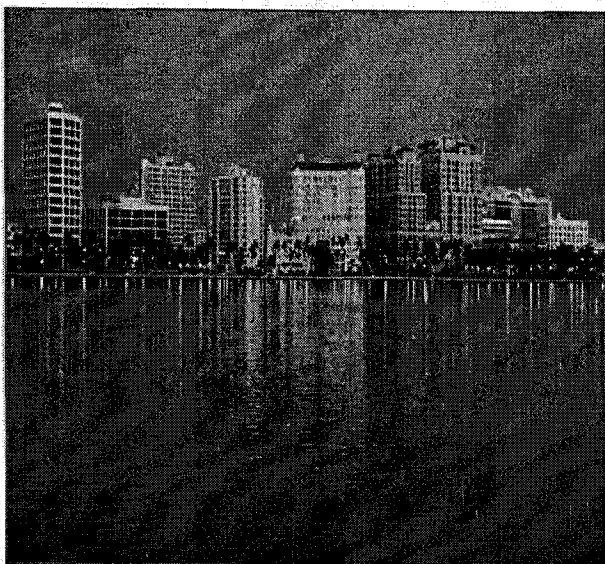
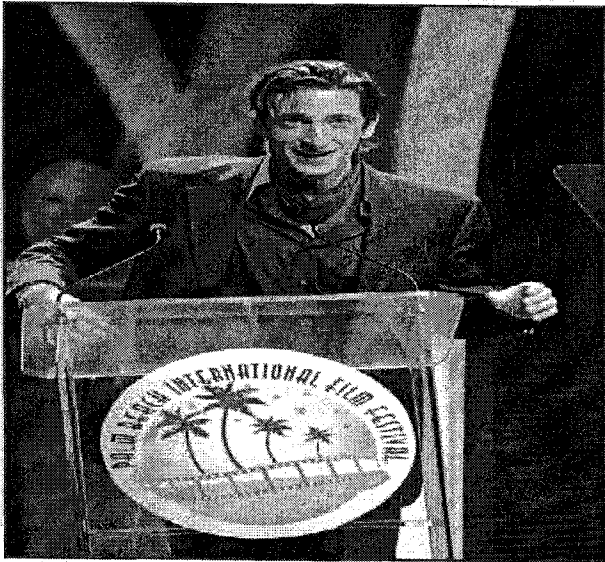
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Animal Care and Control

HB 765 by Garcia and Abruzzo unanimously passed both the House and Senate and was signed by the Governor on May 14th. The House bill contains Palm Beach County's language that clarifies guidelines in court procedures regarding neglected animal custody cases. In addition, the bill increases penalties for the killing or aggravated abuse of horses or cattle. The bill will require a city or county that requires licensing of a dog, to provide at least a 45 day written notice to the pet owner before expiration of that license.

Film Legislation

SB 1752, the comprehensive jobs bill containing the entertainment industry incentive language, passed the House 115-0 and was signed into law by the Governor on May 28, 2010.. \$242 million in transferable tax credits are intended to induce over \$1.2 billion in direct spending by productions choosing Florida for their film, TV and digital media projects. The change from the current cash rebate incentive program, which required fighting each year for an annual appropriation, to a five year transferable tax credit program, addresses film industry needs for continuity and certainty.



Elections

HB 131 by Representative Adams – Among other provisions, this bill will extend the 2012 ADA voting machine deadline to 2016. The Florida Association of Counties (FAC) estimates \$45 million in savings to local governments. The bill was signed by the Governor on June 1, 2010.

Local Bills

All four of the Local Bills affecting Palm Beach County were passed unanimously by the Legislature and signed by the Governor on May 26th.

- **HB 759** No. PBC Improvement District by Domino
- **HB 859** City of West Palm Beach Police Pension by Domino & Brandenburg
- **HB 937** City of West Palm Beach Firefighter Pension by Brandenburg
- **HB 1045** Palm Beach County Child Care Homes by Brandenburg

Thanks to **Rep. Mary Brandenburg** for sponsoring and shepherding HB 1045 through the legislative process.

This bill amends the way the County licenses child care homes, providing for a new category of family child care homes. In addition to a Family Day Care Home, an occupied residence in which custodial care is rendered to between one and six children (an increase from the current one to five ratio), the bill creates a "Large Family Child Care Home" category with a maximum capacity of 12 children.

Condominiums

The House and Senate both passed out a massive condominium bill that would affect a number of rights of owners, management, new buyers and boards. The bill would protect bulk buyers in certain instances of liability, push back the retrofit of sprinkler systems in certain condos, remove mandatory provisions of single unit insurance coverage, and allow board directors to remain in office if unopposed. This package was signed by the Governor on June 2, 2010.

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Children's Services Councils

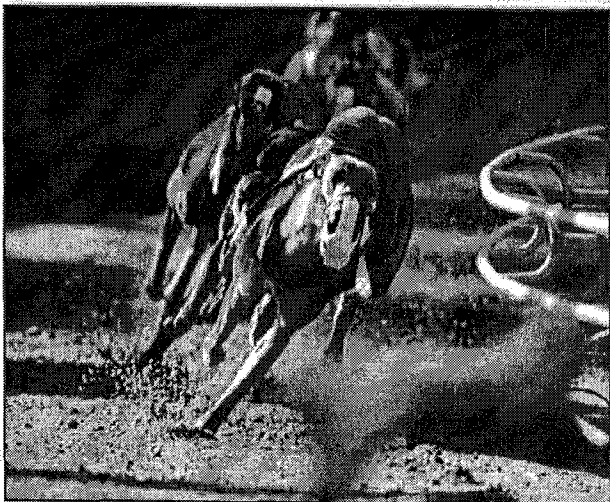
Similar language to SB 1216 by Sen. Negron, relating to Children's Services Councils, was amended onto SB 2014 by Sen. Wise on the Senate floor during week 8 of the session. In a compromise struck with the state's Children's Services Councils, Sen. Negron's amendment would bring the councils before the voters for a retention vote every 12 years, beginning in 2012. The Palm Beach County CSC would be scheduled to be on the ballot in 2016 and Miami-Dade in 2020.

Another amendment offered by Sen. Negron, at the request of the councils, would allow any council to go before the voters at a date of their choosing prior to the year specified in the legislation. The bill, with these amendments, passed the Senate 36-2 and passed the House 113-0. The bill is pending with the Governor for final approval.

Chinese Drywall

Representative Seth McKeel and Senator Rhonda Storms passed HB 965 that prohibits property assessors from adding to an assessment the value of repairs meant to deal with tainted imported drywall. The bill also requires property appraisers to zero out properties that are beyond repair. The bill passed both chambers unanimously and signed by the Governor on June 1, 2010.

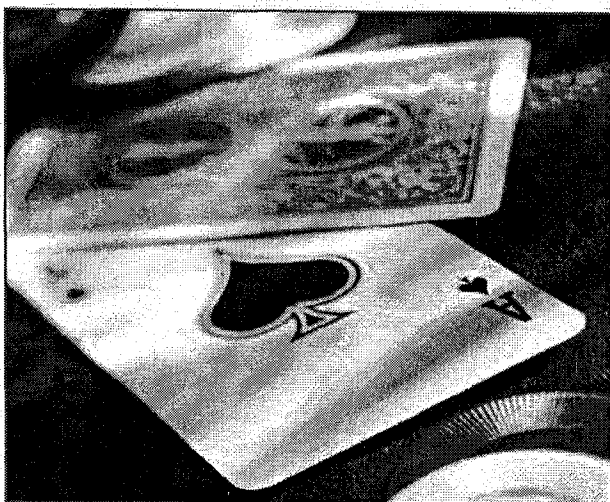
BILLS SUPPORTED BY THE COUNTY THAT DID NOT PASS



Gaming

NOTE: While this bill did pass the Legislature, provisions pushed by Palm Beach County and the Palm Beach County Kennel Club to expand the type of gaming allowed in the local facility were not included in the final bill.

On the House floor, SB 622, relating to Gaming, was passed by the House and Senate and was signed by the Governor during the final week of session. The compact would give the Seminole tribe the exclusive right to operate three card games -- blackjack, chemin de fer, and baccarat -- at its five casinos in Broward, Tampa and Immokalee for five years and the right to operate Class III slot machines at all seven of its casinos for 20 years. In return, the Tribe will pay the State a minimum of \$1 billion over five years, including \$435 million the State would have in the bank by the end of June, collected from tribal payments on the now-void 2007 compact with the Governor. After the first five years, the Tribe would keep paying an amount determined by the profits from its games.



Parimutuels in Miami-Dade and Broward will have a lower tax rate for horse and dog-tracks and jai-alai frontons, from 50 percent to 35 percent, as long as they guarantee that tax revenues to the state won't drop.

Under the agreement, tracks and frontons outside of Miami-Dade and Broward would also get expanded hours and higher betting limits for the card rooms and, if a future Legislature agrees, be able to add 350 bingo-style machines and historic racing machines to each facility. In addition, the Palm Beach Kennel Club would be able to convert an existing permit they hold in Palm Beach County to be used as a pari-mutuel facility.

If the state authorizes other casino games either in South Florida or the rest of the state, the tribe's payments would either cease or be reduced.

2010 Final State Legislative Report

Acreage Cancer Cluster

HB 7215 by Rep. Bogdanoff passed the House 114-0; however, it was not brought up by the Senate and failed to receive approval this session.

The bill contained a provision, amended in by Rep. Rader, stating when the existence of a cancer cluster has been confirmed by the Department of Health, the property appraiser is directed to take into consideration the presence of the cancer cluster when determining the assessed value of property located within the area where a cancer cluster exists. It directs the property appraiser to consider the latest available information regarding the effect of the cancer cluster on assessed values prior to determining the assessed value of the affected properties. The provision is intended to remain in place until 2017.

BILLS OPPOSED BY THE COUNTY THAT DID NOT PASS



Callery-Judge and Affordable Housing Legislation

The Senate attached an amendment to two different bills during the final week of session that would have granted the Callery-Judge Groves in Palm Beach County an exemption from transportation concurrency on their 3800 acre parcel of property.

The language amended to both the growth management “bridge” bill and the state’s affordable housing bill was intended to override a limitation in the Palm Beach County comprehensive plan which contains a designation of a “limited service area.” The language would have essentially eliminated the designation of “limited urban service areas” and categorized them as “urban service areas.”

Fortunately, the growth management language contained in the “growth” bill was amended to the “jobs” package and passed the legislature; unfortunately, the Callery language was amended to the affordable housing bill effectively killed the housing legislation for this year. Thank you to our lobbying team for their efforts on the Callery-Judge issue during the last week of session.

Pre-Trial Release

SB 782 / HB 445 relating to Pretrial Detention and Release – By Senator Thrasher and Rep. Dorworth – If passed, the bill would have limited county pretrial release programs by eliminating certain eligibility requirements of people who may participate in the program. The legislation would have potentially cost Palm Beach County tens of millions of dollars in increased jail time for individuals awaiting trial.



2010 Final State Legislative Report

OTHER LEGISLATION THAT PASSED IN 2010

FLORIDA RETIREMENT SYSTEM (FRS)

HB 1193 - Retirement by Rep. Plakon

The bill revises the definition of “special risk member” to include members of the Florida Retirement System (FRS) who suffer from a qualifying injury and are no longer capable of being employed in a Special Risk Class eligible position. Any member employed in a law enforcement, firefighting, or criminal detention position who suffers a qualifying injury in the line of duty could continue membership in the FRS Special Risk Class. However, such member must continue to work for the same employer for whom they were working when they sustained the qualifying injury. In addition, the bill defines the term “qualifying injury” as the physical loss, or loss of use, of two or more limbs. This provision of the bill applies to members reaching maximum medical improvement after August 1, 2008.

This bill also revises firefighter death benefits and expands the activities that qualify firefighters to receive death benefits to include training sessions. An additional death benefit is authorized when a firefighter is injured by an unlawful and intentional act of another in



the performance of his or her duties and dies as the result of such injury. Both benefit payments are adjusted to the Consumer Price Index. This provision of the bill applies to deaths of firefighters occurring on or after November 1, 2007. The Governor signed the bill and it is effective upon becoming law, except as otherwise provided.

HB 1307 –The bill includes changes to the FRS Investment Plan that codify practices and policies being used in administration of the plan since its inception. Additionally, it increases the permitted holdings for foreign equity from 25% to 35% of fund total; allows bond proceeds issued on behalf of the Florida Hurricane Catastrophe Fund to be invested without limitation in certain federal tax-exempt obligations; allows the SBA executive director to extend expiration of moratoriums on contributions and withdrawals to the Local Government Investment Pool in certain instances; reduces the employer contribution rate to fund the administration of the FRS investment Plan from 0.05% to 0.03% on July 1, 2010, then up to 0.04% July 1, 2014; provides additional time for FRS Employers to pay invoices for member losses; and authorizes the SBA to secure trademarks, etc. on behalf of FRS; This bill was signed by the Governor on June 1, 2010.

HB 5607 – For those members entering DROP on or after July 1, 2010, the interest accrues at an effective annual rate of 3.0% compounded monthly, on the prior month's accumulated ending balance, up to the month of termination or death, with certain exceptions. It also changes the employer retirement contribution rates for each membership classification to address unfunded actuarial liabilities through additional required employer retirement contribution rates for each membership classification, and provides for an actuarial study to consider other methods of funding that could include membership contributions.

CS/HB 569 – Landfills

This bill amends s. 403.708, F. S., to allow the disposal of yard trash in Class I landfills that use an active landfill gas collection system and provide or arrange for beneficial reuse of the gas.

The bill provides that a Class I landfill may also accept yard trash for the purpose of mulching and using the yard trash to provide landfill cover for municipal solid waste disposed at the landfill. The bill also provides that the DEP shall, by rule, develop and adopt a methodology to award recycling credit. The permittee must certify that gas collection and beneficial use will continue after closure of the disposal facility that is accepting yard trash. Further, if the landfill is located in a county that owns and operates a compost facility, waste-to-energy facility, or biomass facility that sells renewable energy to a public utility and that is authorized to accept yard trash, the department shall provide the county with notice of, and opportunity to comment on, the application for permit modification.

The bill retains the existing language that allows source separated yard trash to be accepted at a solid waste disposal area if separate composting facilities are provided and maintained, and provides that this limited exception applies to all units of local government, including municipalities, counties, and special districts with the exception of Miami-Dade County.

CS/CS/CS/HB 981 – Agriculture

This bill prohibits the denial of an agricultural classification on land if the only changed circumstance is that the land has been offered for sale, and applies this prohibition retroactively to all parcels for which a final court order has not been entered. The bill specifies an assessment methodology for agricultural improvements, structures, and equipment on agricultural land which are used as a natural resource conservation practice or to implement best management practices.

The bill provides that the Citrus and Research Development Foundation shall serve as the advisory council for a citrus research marketing order and the box assessment for citrus fruit shall not exceed the amount included in the order. The bill requires the assessment placed on agricultural commodities be deposited into the appropriate trust fund rather than the General Inspection Trust Fund within DACS.

The bill also provides that structures or improvements used for horticultural production, which are for frost and freeze protection and consistent with DACS interim measures or best management practices must be assessed pursuant to methodology provided.

CS/HB 7103 – Agriculture

This bill provides comprehensive revisions to existing law related to agriculture. Specifically, the bill:

- Prohibits counties from enforcing regulations on land classified as agricultural if the activity is regulated by best management practices, interim measures, or regulations adopted by rule;
- Prohibits counties from imposing an assessment or fee for stormwater management on land classified as agricultural if the operation has a National Pollutant Discharge Elimination System (NPDES) permit, an environmental resource permit, a works-of-the-district permit, or implements best management practices;
- Allows a county to enforce its wetland protection acts adopted before July 1, 2003;
- Creates the Agricultural Land Acknowledgement Act to ensure that agricultural practices will not be subject to interference by residential use of land contiguous to agricultural land;
- Requires an applicant for certain development permits to sign and submit an acknowledgement of certain contiguous agricultural lands as a condition of the political subdivision issuing the permits;
- Expands eligibility for exemption from a local business tax for persons who sell farm, aquacultural, grove, horticultural, floricultural, or tropical fish farm products;
- Expands the definition of "farm tractor" to include any motor vehicle that is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated incidentally;
- Reverses 2005 legislation to return tropical foliage to exempt status from the provisions of the License and Bond law;
- Exempts farm fences from the Florida Building Code and expands the definition of nonresidential farm buildings that are exempt from county or municipal codes and fees;
- Allows additional fiscally sound multi-peril crop insurers to sell crop insurance in Florida

Other Legislation That Passed in 2010

CRIMINAL JUSTICE

CS/SB 2060 Sovereign Immunity by Sen. Bennett

CS/SB 2060 Sovereign Immunity by Sen. Bennett amends s. 768.28(5), F.S., to raise the limited waiver of sovereign immunity applicable to the state, its agencies, and subdivisions from \$100,000 per individual claim and \$200,000 per aggregate claims to \$200,000 per individual claim and \$300,000 per aggregate claim on the collectability of any tort judgment. This bill was approved by the Governor on April 27, 2010. The effective date of this bill is October 1, 2011.

HB 11 Crimes Against Homeless Persons by Rep. Porth

Currently, s. 775.085, F.S., provides that the penalty for any felony or misdemeanor offense must be reclassified if the commission of the offense evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim. This is commonly known as the "hate crime" statute.

HB 11 provides that the penalty for any felony or misdemeanor offense must be reclassified if the commission of the offense evidences prejudice based on the homeless status of the victim. The bill was approved by the Governor on May 12, 2010. The effective date of this bill is October 1, 2010.

CS/CS/HB 119 - Sexual Offenders and Predators by Glorioso and CS/SB 1284 by Sen. Aronberg

CS/CS/HB 119 creates restrictions for a person convicted of an offense listed in the sexual offender statute where the victim was under the age of 18 as follows:

The bill makes it a first degree misdemeanor if a person convicted of such an offense commits loitering or prowling within 300 feet of a place where children were congregating;

The bill makes it a first degree misdemeanor for a person convicted of such an offense to knowingly approach, contact or communicate with a child under 18 years of age in any public park or playground with intent to engage in conduct of a sexual nature or to make a communication containing content of a sexual nature;

The bill also makes it a first degree misdemeanor for a person convicted of such an offense to:

- Knowingly be present in any child care facility or pre-K-12 school without consent
- Fail to notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school
- Fail to remain under the direct supervision of a school official or designated chaperone when present in the vicinity of children.

CS/CS/HB 119 adds a definition of the term "transient residence" to the sexual predator and sexual offender registration statutes and requires an offender to provide information regarding his or her transient residence during the registration process.

The bill specifies that an offender may not be forced to move if he or she is living in a residence that complies with the statutory sex offender residency restrictions and a child care facility, park, playground or school is subsequently established within 1,000 feet of the offender's residence.

The bill specifies that a person convicted of s. 827.071, F.S. (sexual performance by a child), may be considered for removal of the requirement to register as a sexual offender or sexual predator if the person was no more than four years older than the victim and the victim was at least 14 years of age.

The bill prohibits offenders on supervision for specified sexual offenses from visiting schools, child care facilities, parks and playgrounds without prior approval of the offender's supervising officer. The bill also prohibits such offenders from distributing candy to children on Halloween, wearing specified costumes, or entertaining at children's parties without prior approval of the sentencing authority. This bill was approved by the Governor on May 26, 2010 and is effective immediately.



Other Legislation That Passed in 2010

2010 Final State Legislative Report

ECONOMIC DEVELOPMENT

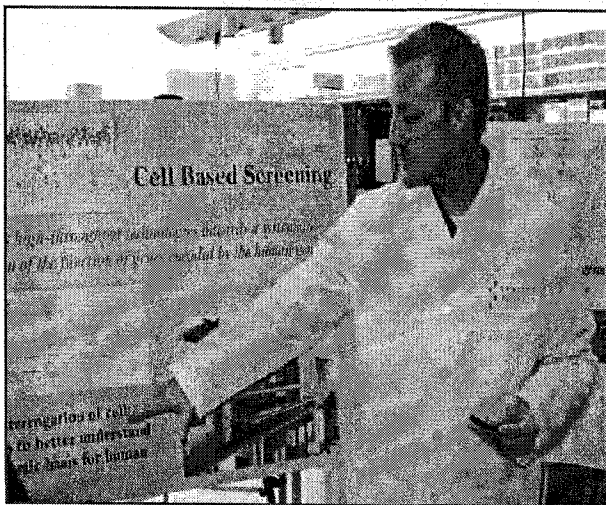
CS/SB 1752 - Economic Development by Sen. Gaetz

To continue encouraging the state's economic recovery and position the state for the future, the bill addresses several key issues: business expansion and retention; focused incentives for the space and film industries; assisting small and medium-sized businesses; providing incentives to hire the unemployed; encouraging and assisting local governments, including rural areas, with business retention and recruitment; and regulatory streamlining. This legislation was signed into law by the Governor on May 28, 2010.

Business Expansion and Retention:

Entertainment Industry Financial Incentive Program

This program creates a five-year, \$242 million transferable tax credit incentive program for Florida's film and entertainment industry. \$242 million in transferable tax credits are intended to induce over \$1.2 billion in direct spending by productions choosing Florida for their projects. Motion pictures, television series, television pilots, and digital media projects would be allowed to qualify. The bill provides that credits awarded may be used to offset corporate income tax or sales and use tax liabilities. The total amount of tax credits authorized under this bill is \$53.5 million for FY 2010-11, \$74.5 million for FY 2011-12, and \$38 million per year for FYs 2012-13, 2013-14, and 2014-15.



Qualified Target Industry Tax Refund Program

The bill enhances the incentives provided through the Qualified Target Industry Tax Refund program by providing \$2,000 per-job tax refunds for high-impact businesses or businesses that increase exports of goods through Florida seaports or airports, and a \$1,000 per-job tax refund for businesses receiving matching support from a local government.

High Impact Performance Incentive Grants

The bill revises the High Impact Performance Incentive Grants to reduce the eligibility threshold for high impact businesses to a cumulative investment in the state of at least \$50 million and, at minimum, the creation of 50 new full-time jobs, which may qualify a business for a total performance grant of \$500,000 to \$1 million. The qualifying amount required for research and development facilities is also reduced from \$75 million and 75 jobs, to at least \$25 million and 25 new full-time jobs, which may qualify a business for a total performance grant of \$700,000 to \$1 million.

Sales Tax on Boats

The bill caps sales tax on boats at \$18,000.

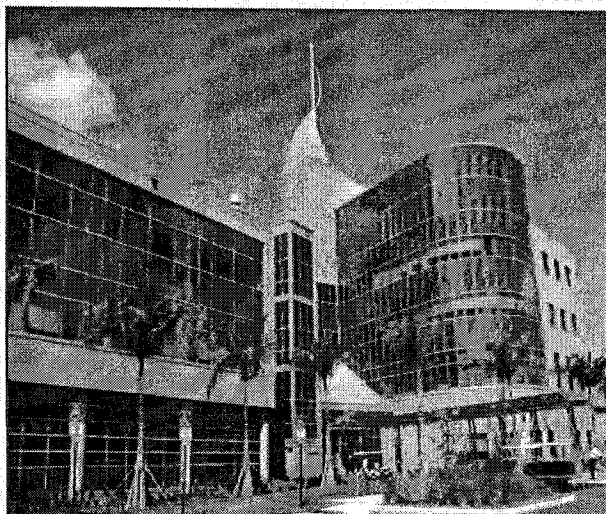
Small and Medium-Sized Businesses:

Research Commercialization Matching Grant Program

This new grant program provides \$3 million in grants to assist small businesses seeking federal research and development funding through the Small Business Innovation Research and Small Business Technology Transfer programs. Phase I grant applicants may receive up to \$50,000 per award, and Phase II grants up to \$250,000.

Early Stage Seed Capital

Through the State University Research Commercialization Assistance Grant Program, the bill dedicates \$2 million to increase commercialization of products and technologies that emerge from research taking place at state universities in Florida.



ECONOMIC DEVELOPMENT, cont'd

Preference for Florida Residents

The bill requires public construction contractors to provide a preference in hiring Florida residents.

Florida Homebuyer Opportunity Program

The bill extends the Florida Homebuyer Opportunity Program to July 1, 2011. The extension of this program is contingent on the U.S. Congress reauthorizing the state-assisted federal program that expired April 30, 2010.

Regulatory Streamlining:

Permit Extension

The bill provides a two-year extension of permits issued by local governments, the Department of Environmental Protection, or a water management district that expire between September 1, 2008, and January 1, 2012.

Online Self-Certification

The bill directs the Department of Environmental Protection to expand the use of online self-certification for certain exemptions and permits. A local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit under chs. 161, 253, 373, or 403, F.S. This limitation of local government authority extends to Internet-based department programs that provide for self-certification.

Local Government Delegation

The bill creates a process for the Governor and Cabinet to review local government delegation requests that have been denied by the Department of Environmental Protection for environmental resource permitting.

Reenact Provisions of Chapter 2009-96, LOF

The bill protects those actions taken in good faith under the law created by SB 360 during the 2009 legislative session (ch. 2009-96, LOF) by reenacting the provisions relating to permit extensions, DRI exemptions, and comprehensive plan amendments relating to transportation concurrency exception areas.

Underground Fuel Tanks

The bill extends the date by which certain fuel service station facilities must upgrade their fuel tanks. These facilities must be in compliance with Department of Environmental Protection standards by September 30, 2011.

Local Government:

Local Government Reporting of Economic Development Incentives

In order to better assess the state's economic development efforts, the bill requires local governments to report annually to the Legislature on their economic development incentives.

Economic Development Ad Valorem Tax Exemption

The bill allows local governments to extend economic development ad valorem tax exemptions in 10-year increments. This provision is subject to referendum for each 10-year period.

Admissions Tax

The bill re-enacts an admissions tax exemption for certain events sponsored by government and non-profit entities. Further, the bill provides an admissions tax exemption for certain professional sporting events if such events are held in the state.



Other Legislation That Passed in 2010

ECONOMIC DEVELOPMENT, cont'd

Local Government Matching Grants

The bill funds a \$3 million local government matching grants program which provides a 50-percent match of local government expenditures, up to \$50,000, that are used to attract and retain businesses in Florida.

Regional Rural Development Grants Program

The bill authorizes economic development organizations to use regional rural development matching grants to provide technical assistance to businesses located in rural counties and communities.

Sales Tax Exemption

The bill exempts from sales tax on rental of commercial property any percentage-based rental by persons providing certain telecom services at civic centers or public meeting places in public lodging establishments.

CS/HB 7109 - Tax Refund Program for Qualified Target Industry Businesses by Rep. Carroll

The tax refund program for qualified target industry (QTI) businesses was designed to encourage the recruitment or creation of higher-paying, higher-skilled jobs for Floridians. The QTI program awards eligible businesses tax refunds on certain state or local taxes. The amount of the refund awarded is based on the wages paid, number of jobs created, and where in the state the eligible business chooses to locate or expand. The minimum is \$3,000 per employee over the term of the incentive agreement signed by the business and the Governor's Office of Tourism, Trade, and Economic Development (OTTED).

The bill makes the following changes to the QTI program to increase its efficiency and maximize its value, including: extending the program until June 30, 2020; creating a definition of return on investment; allowing leased employees to be included in the job count; directing OTTED to begin a review of terminated QTI projects to determine the reason for termination; requiring a review of the targeted industry list every three years in cooperation with economic development partners and universities; extending to 2012 the date by which QTI businesses may request economic recovery extensions; and exempting renewable-energy economic development projects from the requirement that qualified target industries must be independent of Florida resources and markets. Unless reenacted by the Legislature, the QTI program sunsets on June 30, 2010. The Governor signed this into law on May 28, 2010. It becomes effective on July 1, 2010.

LOCAL GOVERNMENT

CS/CS/SB 1004 - Local Government by Sen. Gelber

The bill allows the county commission to lease county real property for less than five years without going through the competitive bidding process. The change provides greater flexibility in addressing issues that may be time sensitive. Expanding the use of temporary leases provides greater flexibility to manage emergencies, short term revenue generating ventures, and replace vendors in government buildings.

Additionally, the bill allows government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located. This change decreases the length of time that the transfer of title process requires under current law.

HB 1279 - Assessment of Property for Back Ad Valorem Taxes by Rep. Rivera

The bill provides that the requirement to assess and collect for three years of back ad valorem taxes, if such taxes may have been lawfully assessed and have not been collected, is not applicable if:

The owner of a building, structure or improvement that has not been previously assessed complied with all necessary permitting requirements when the improvement was completed; or The owner of real property voluntarily discloses to the property appraiser the existence of the property before January 1 of the year the property is first assessed. The bill was approved by the Governor on May 12, 2010. The effective date of this bill is July 1, 2010.

Other Legislation That Passed in 2010

LOCAL GOVERNMENT, cont'd

CS/HB 1157 - Local Government Prompt Payment Act by Eisnaugle

The bill revises provisions in Florida's Local Government Prompt Payment Act relating to the timely payment for purchases of construction services, the notification and completion of the list of items required to satisfactorily complete the construction services purchased by a local government (generally known as a "punch list"), and the resolution of disputes.

The bill requires local governments to provide notification to contractors to facilitate the payment for construction services.

The bill requires that a single punch list be compiled by the local government. The bill provides that the final contract completion date must be at least 30 days after the delivery of the punch list. In addition, damages may not be assessed against a contractor for failing to complete a project within the time required by the contract, unless the contractor failed to do so within the contract period as extended.

Under this bill, items not included in the punch list may not be used to withhold final payment of retainage. Unless the local government has provided a written notice specifying the failure of the contractor to meet contract requirements in the development of the punch list, the final, undisputed retainage payment is due within 20 business days after receipt of a proper invoice or payment request, less any amount withheld for incomplete or uncorrected work.

The bill provides that contractors may trigger a four-business-day response by local governments by issuing a notice that the local government is overdue on a payment or has failed to begin dispute resolution within the timeframes provided by law or contract.

This bill removes language related to court proceedings, which broadens the ability of the prevailing party to be awarded court costs and attorney's fees. The Governor signed this bill into law on May 27, 2010 and it becomes effective on October 1, 2010.

TRANSPORTATION

CS/CS/CS/HB 631 - Motor Vehicles by Rep. Burgin

The bill revises provisions relating to parking vehicles on public property for the purpose of displaying the vehicles for sale, hire, or rental (a process known as "curbstoning"). The bill authorizes local governments to adopt ordinances that allow code enforcement officers to issue citations for curbstoning, and allows law enforcement officers and code enforcement officers to have certain "curbstoned" vehicles towed immediately. The bill provides a mandatory fine of \$100 for violations of these provisions. The bill was signed by the Governor on June 3, 2010.

CS/CS/HB 971 - Highway Safety & Motor Vehicles by Rep. Aubuchon

This bill amends several sections of the state traffic control laws for the purpose of authorizing the use of various motorized devices on bicycle paths, sidewalks, and sidewalk areas. The bill authorizes local governments to enact ordinances allowing vehicles, golf carts, mopeds, and motorized scooters to be operated on sidewalks and sidewalk areas. The bill also allows the use of motorized wheelchairs on sidewalks and bicycle paths. The bill currently awaits the Governor's signature.

CS/CS/CS/HB 1271 - Transportation by Rep. Horner

Charter County Transportation System Surtax

The Charter County Transportation System Surtax allows charter counties, as well as a county that is consolidated with one or more municipalities, to levy a maximum 1 percent sales surtax to finance certain transportation projects, subject to a referendum.

The bill expands the ability to levy the Charter County Transportation System Surtax to all counties within or under an interlocal agreement with a regional transportation or transit authority. Imposition of this tax requires referendum approval. In addition to currently authorized transportation uses, the bill provides that revenue from this tax may be used for on-demand transportation services. The bill currently awaits the Governor's signature.



Other Legislation That Passed in 2010

EDUCATION

CS/HB 105 - Civics Education by Rep. McBurney; Hudson; and Kelly

The bill requires students entering grade 6 in the 2012-2013 school year to successfully complete a one- semester civics education course in order to meet the middle school promotion requirements. In addition, the bill phases in the administration of an end-of-course (EOC) assessment over a three year period. Beginning with the 2014-2015 school year, a student must pass the EOC assessment in order to receive course credit. Student scores on the civics education EOC assessment will be considered in designating a school's grade.

The middle school civics education course must address the roles and responsibilities of federal, state, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, Declaration of Independence, and Constitution of the United States.

Beginning with the 2011-2012 school year, the reading portion of the language arts curriculum must include civics education content for all grade levels.

The bill was approved by the Governor on May 12, 2010. The effective date of this bill is July 1, 2010.

CS/SB 436 - Community Colleges by Rep. Baker

Current law permits an institution in the Florida College System to change its name and use the designation "college" or "state college" if the name change has been approved by the institution's district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting.

The bill renames "Palm Beach Community College" as "Palm Beach State College."

The bill was approved by the Governor and became effective on April 21, 2010.

HB 1581 Florida Atlantic University by Hasner

The bill authorizes a doctor of medicine degree program at Florida Atlantic University, subject to the approval of the Board of Governors. The program was unanimously approved by the Board of Governors on April 7, 2010. This bill was signed by the Governor on May 15, 2010 and becomes effective date of this bill is July 1, 2010.

HEALTH CARE

HB 5311 - Department of Health by Rep. Grimsley

The bill requires the DOH to develop a plan to treat contagious tuberculosis in private and nonstate public hospitals and requires the plan include a strategy to move patients from AG Holley Hospital in Lantana to these locations. The DOH must submit the plan to the Governor and the Legislature by November 1, 2010. The bill was signed by the Governor on May 28, 2010.



Other Legislation That Passed in 2010

FINANCE AND TAX

CS/HB 483 & HB 469 - Tax on Sales, Use, and Other Transactions by Rep. Rivera and Flores

The bill establishes a three-day sales tax holiday occurring August 13-15, 2010. During the sales tax holiday, the following items that cost \$50 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Books (defined as a set of printed sheets bound together and published in a volume, but does not include newspapers, magazines, or other periodicals);
- Clothing and Footwear (defined as an "article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body," but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);
- Wallets; and
- Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

During the sales tax holiday, the bill also exempts school supplies that cost \$10 or less per item. School supplies exempted during the sales tax holiday are "pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators, binders, lunch boxes, construction paper, markers, folders, and poster board."

The bill provides that the sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. Thus, sales in these locations will be subject to taxation during the sales tax holiday.

HB483 was signed by the Governor on May 26, 2010.

CS/HB 7203 - Community Development Districts by Rep. Bogdanoff

This bill creates s. 212.0315, F.S., to allow CDDs without qualified electors to levy an optional tax of up to one percent on all commercial real property rental transactions occurring in the district that are subject to sales tax under s. 212.031, F.S. Also, transactions that are exempt from the state sales tax imposed under s. 212.031, F.S., are exempt from the tax authorized by this bill. The amount of local option tax is not itself subject to sales tax.

Approval to levy such a tax requires the approval of four of the five members of the elected board of the CDD, and at least two-thirds of the landowners within the CDD at a special meeting held solely for this purpose.

The proceeds of this tax must be used to:

- Promote and support commercial activity within the district;
- Promote and support those festivals, special events, and other activities within the district that enhance commercial activity;
- Provide public services as deemed necessary by the district's board to support commercial activities, including but not limited to law enforcement, fire protection, emergency services, and sanitation services to support festivals and special events.

The bill requires approval of the CDD's board prior to expenditure of the proceeds of the tax.

Other Legislation That Passed in 2010

2010 Final State Legislative Report

ENVIRONMENT

HB 7243 - Environmental Control by Rep. T. Williams

The bill strengthens provisions related to the statewide comprehensive recycling program by requiring state agencies, K-12 public schools, public institutions of higher learning, community colleges, and state universities, including all buildings occupied by municipal, county, or state employees and entities occupying buildings managed by the Department of Management Services (DMS), to report recycling rates to their respective counties. Exceptions are provided for local governments meeting specific population and per capita taxable income criteria.

The bill directs DMS to modify its procurement system to track the state's purchases of green and recycled materials and requires the Department of Environmental Protection (DEP) to create a Recycling Business Assistance Center (center) to develop new markets for recyclable materials. The bill outlines incremental recycling benchmarks for the state, counties, and cities that must be reached by December 31, 2020. To attain said goals, counties must include a program to recycle construction and demolition (C&D) debris. The bill requires all materials recovery facilities to report to the DEP and the counties. DEP is:

- Directed to investigate and report to the Legislature programmatic changes that can assist in achieving the recycling goals;
- Authorized to direct counties that have not met the recycling goals to expand recycling programs to existing commercial and multifamily dwellings; and
- Required to report to the Legislature the state's recycling rates every two years.



The bill requires new commercial and multifamily construction projects, where counties have established recycling programs, to provide for recycling. The bill allows renewable energy facilities to count a certain amount of the megawatts they produce towards the state recycling goal and incentivizes renewable energy producing counties that maintain a program that recycles in a traditional manner at least 50 percent of its municipal solid waste. The bill requires the reporting of processed C&D debris and if economically feasible, the processing of C&D debris prior to disposal at permitted facilities, and exempts materials that have already been processed for recycling.

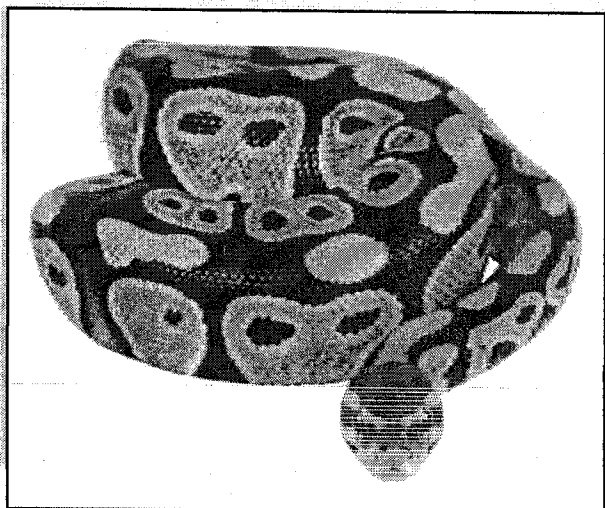
The bill reduces the scope of the solid waste management grant program, eliminating the competitive innovative grant program. The bill requires the Florida Building Commission to develop recycling recommendations and repeals s. 288.1185, F.S., the outdated Recycling Markets Advisory Committee. This legislation was signed into law by the Governor on May 28, 2010. It will be effective beginning July 1, 2010.

CS/SB 318 - Wildlife Management / Reptiles

This bill prohibits any person from possessing, importing, selling, trading, or breeding certain reptile species, including any reptile species designated as a reptile of concern by the Florida Fish and Wildlife Conservation Commission (commission). As of December 31, 2007 in addition to the venomous reptiles referenced in s.379.372, F.S., these species are:

- Indian or Burmese python (*Python molurus*)
- Reticulated python (*Python reticulatus*)
- African rock python (*Python sebae*)
- Amethystine or Scrub python (*Morelia amethystinus*)
- Green anacondas (*Eunectes murinus*)
- Nile monitor (*Varanus niloticus*)

The bill was signed by the Governor on June 3, 2010.



ENVIRONMENT, cont'd

CS/CS/CS/SB 550 - Environmental Protection

SB550 was signed by the Governor on May 21, 2010. This is the comprehensive (171 page) bill dealing with a wide-ranging series of issues related to water and environmental protection. In addition to conforming and cross-reference changes, some of the highlights of the bill are as follows:

Section 29 – § 373.1961, F.S., Water Production

Adds “conservation projects that result in quantifiable water savings” to alternative water supply development for which the water management districts and the state shall share a percentage of revenues to supplement other funding sources.

Adds the fact that a municipality or county has implemented a high-water recharge protection tax assessment program to those factors that governing boards must give significant weight in determining project funding.

Section 31 - § 378.901, F.S. – Limestone Mining

Contains provisions regarding life-of-the-mine permits for limestone mining.

Provides that this does not limit the authority of a local government to approve, approve with conditions, deny, or impose a permit duration that is different from the duration issued by the bureau.

Section 38 – §403.086 F.S. - Sewage disposal facilities; advanced and secondary waste treatment

Clarifies that wastewater facilities contributing flow to another wastewater facility that discharges to an ocean outfall must meet the 60-percent reuse requirement for any diverted quantity of wastewater flow. The percentage of the diverted flow processed as reuse will be applied to the facility discharging to an ocean outfall.

Section 51 - § 373.079, F.S. - Members of governing board; oath of office; staff

Removes the delegation of Part II (consumptive use) permit reviews from the governing board to the executive director and staff. Now, only environmental resource permits under Part IV shall be delegated.

Section 58 - Nutrient Water Quality Standards

The bill provides legislative findings with respect to nutrient water quality standards and the United States EPA's proposed numeric nutrient criteria, including: i) proposed standards fail to take into account the unique characteristics of the state's many thousands of rivers, streams, and canals; ii) standards fail to incorporate, and may undermine, the state's science-based total maximum daily loads program; iii) standards will have severe economic consequences on the state's agriculture, local governments, wastewater utilities, economically vital industries, small businesses, and residents living below the poverty level or on fixed incomes.

Section 62 - § 403.973 Expedited permitting; comprehensive plan amendments

Projects resulting in the production of biofuels cultivated on lands that are 1,000 acres or more or in the construction of a biofuel or biodiesel processing facility or a facility generating renewable energy, as defined in s. 366.91(2)(d), are eligible for the expedited permitting process.

CS/CS/HB 1385 - Petroleum Contamination Site Cleanup

The bill allows the Department of Environmental Protection (DEP) to establish a long-term “natural attenuation monitoring” category for sites in the Petroleum Cleanup Program. The DEP is required to utilize natural attenuation monitoring strategies and, when cost-effective, transition sites eligible for restoration funding assistance to long-term natural attenuation monitoring where a site meets certain criteria. The bill requires DEP to evaluate whether higher natural attenuation default concentrations for natural attenuation monitoring or long-term natural attenuation monitoring are cost-effective and will adequately protect public health and the environment..

Further, the bill provides that a local government may not deny a building permit based solely on the presence of petroleum contamination for any construction, repairs, or renovations performed in conjunction with tank upgrade activities - if the facility was fully operational before the building permit was requested and if the construction, repair, or renovation is performed by a licensed contractor.

Other Legislation That Passed in 2010

ENVIRONMENT, cont'd

CS/HB 569 – Landfills

This bill amends s. 403.708, F. S., to allow the disposal of yard trash in Class I landfills that use an active landfill gas collection system and provide or arrange for beneficial reuse of the gas.

The bill provides that a Class I landfill may also accept yard trash for the purpose of mulching and using the yard trash to provide landfill cover for municipal solid waste disposed at the landfill. The bill also provides that the DEP shall, by rule, develop and adopt a methodology to award recycling credit. Further, if the landfill is located in a county that owns and operates a compost facility, waste-to-energy facility, or biomass facility that sells renewable energy to a public utility and that is authorized to accept yard trash, the department shall provide the county with notice of, and opportunity to comment on, the application for permit modification.

The bill retains the existing language that allows source separated yard trash to be accepted at a solid waste disposal area if separate composting facilities are provided and maintained, and provides that this limited exception applies to all units of local government, including municipalities, counties, and special districts with the exception of Miami-Dade County.

CS/SB 1118 – Docks

This bill currently awaits the Governor's signature and:

Amends s. 258.42, F.S., regarding aquatic preserves, to provide that slips in those preserves at private residential single-family docks which contain boat lifts or davits that do not float in the water when loaded may not, in whole or in part, be enclosed by walls, but may be roofed if the roof does not overhang more than one foot beyond the footprint of the lift and the boat stored in the lift. Such roofs are not included in the square-footage calculation of a terminal platform. The bill also provides that structures permitted under this section of law or chapter 253 may not be prohibited solely because a local government fails to adopt a marina plan or other policies dealing with the siting of structures in its local comprehensive plan.

Amends s. 403.061(29) to provide that the DEP may adopt special criteria to protect Class III shellfish harvesting waters, in addition to the Department's existing powers to do so for Class II shellfish waters. Rules adopted may include special criteria for approving docking facilities that have 10 or fewer slips if the construction and operation of such facilities will not result in the closure of shellfish waters.

Amends s. 403.061(40) to provide that DEP may maintain a list of projects or activities, including mitigation banks, which applicants may consider when developing proposals in order to meet the mitigation or public interest requirements of chapter 403, chapter 253, or chapter 373, F.S. The bill provides that the contents of any such list are not a rule as defined in chapter 120, and listing a specific project or activity does not imply department approval for such project or activity. The bill provides that each county government is encouraged to develop an inventory of projects or activities for inclusion on the list by obtaining input from local stakeholders in the public, private, and nonprofit sectors, including local governments, port authorities, marine contractors, other representatives of the marine construction industry, environmental or conservation organizations, and other interested parties. The bill also provides that a county may establish dedicated trust funds for depositing public interest donations to be used for future public interest projects, including improving on-water law enforcement capabilities.



Other Legislation That Passed in 2010

ENERGY

CS/HB 7179 - Qualifying Improvements to Real Property by Rep. Precourt

Qualifying Improvements to Real Property

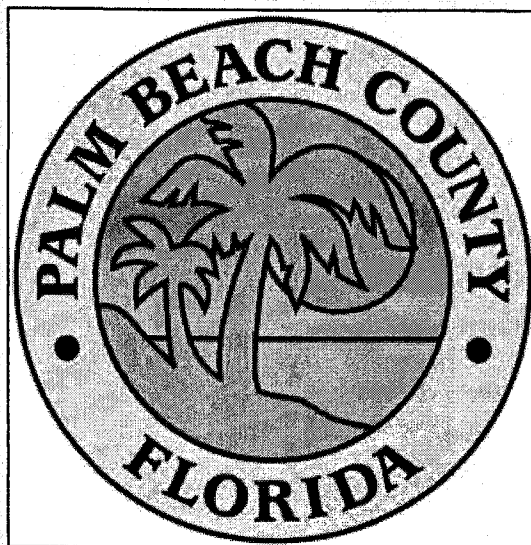
CS/HB 7179 creates s. 163.08, F.S., providing supplemental authority to local governments regarding qualifying improvements to real property. Specifically, the bill authorizes a property owner to voluntarily enter into a financing agreement with a local government, which is defined in the bill as a county, a municipality, or a dependent special district, for the purpose of providing financing for qualifying improvements to residential, commercial, or industrial property. A local government may also partner with one or more local governments for the purpose of providing and financing qualifying improvements.

A “qualifying improvement” includes any:

- Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or more efficient use of:
 - Electricity, natural gas, propane, or other forms of energy on the property.
- Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources:
 - Hydrogen, solar energy, geothermal energy, bioenergy, or wind energy.
- Wind resistance improvement, which includes, but is not limited to:
 - Improving the strength of the roof deck attachment, creating a secondary water barrier to prevent water intrusion, and installing wind-resistant shingles, gable-end bracing, roof-to-wall connections, storm shutters, or opening protections.

A qualifying improvement must be affixed to a building or facility that is part of the property. Any work requiring a license must be performed by a properly certified or registered contractor, pursuant to Part I or Part II of ch. 489, F.S. The program does not cover wind resistance improvements in buildings or facilities under new construction.

Under the program, the local government would provide the upfront funding for the qualifying improvement project through proceeds of revenue bonds or other lawful debt, which would be repaid through voluntary non-ad valorem assessments on participating property owners' tax bills. The Governor signed this legislation into law on May 28, 2010.



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