



2008

*State  
Legislative  
Final  
Report*



BOARD OF COUNTY  
COMMISSIONERS

**BOARD OF COUNTY COMMISSIONERS**



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# SECTION ONE: LEGISLATIVE ISSUES

## ***Bills That Passed***

### **Autism**

The House Select Committee on Autism & Development Disorders appointed by the Speaker at the beginning of April was directed to study issues of autism and insurance coverage and report back to the House with recommendations. Autism parity bills HB 1291/SB 2654 by Rep. Porth/Sen. Geller had been heard in their first committees of reference at the time this committee was created. The Select Committee recommended insurance coverage for all children with autism, and extended that coverage to other developmental disabilities. HB 1291, containing these recommendations, passed the House. However, the Senate refused to concur with amendments extending coverage to additional disorders, although the lifetime cap on services was increased to \$200,000 over the original \$108,000. The autism legislation, named the Steven A. Geller Autism Coverage Act, was the last bill passed by the Legislature on May 2<sup>nd</sup>. **Chapter No. 2008-30; Effective Date July 1, 2008.**

### **Beach Renourishment/Inlet Management**

CS/HB 1427 provides legislative intent to direct and commit the state's beach management efforts to address beach erosion caused by Florida's inlets, and declares that it is in the public interest to replicate the natural flow of sand at inlets. The bill directs that all beach quality sand associated with inlet construction and maintenance dredging, including at federal inlets, be placed on adjacent beaches, and that Florida Department of Environmental Protection (DEP) maintain current estimates of the natural net annual transport volume of sand at all inlets and ensure that these volumes be placed on adjacent eroding beaches.

Seaports are required to follow their port master plans and DEP permits in demonstrating their reasonable efforts to place beach quality sand from dredging and construction projects on eroding beaches. The bill encourages studies and assessments for determining the cost-sharing responsibilities among entities associated with the extent of erosion caused by inlets.

Seaports are required to follow their port master plans and DEP permits in demonstrating their reasonable efforts to place beach quality sand from dredging and construction projects on eroding beaches. The bill encourages studies and assessments for determining the cost-sharing responsibilities among entities associated with the extent of erosion caused by inlets.

DEP must protect the state's investment in beach nourishment projects within an inlet's zone of influence by taking all reasonable action to reinstate the natural flow of sand in disputes between beneficiaries of the inlet, local governments, or adjacent inlet property owners, regarding how much sand should be by-passed. Lastly, the bill creates a new of law addressing inlet management. It addresses plan development, establishes annual funding priorities for studies, projects, or other activities relating to inlet management, requires separate ranking criteria exclusively for inlet management and specific funding provisions, and provides for the designation of an Inlet of the Year. **Chapter No. 2008-242; Effective Date: July 1, 2008.**

### **Building Codes/Energy Efficiency**

HB 697 requires that local comprehensive plans consider and incorporate energy efficiency strategies within the land use, transportation, and conservation elements, including strategies to reduce greenhouse gas emissions, energy-efficient land use patterns for electric power systems, factors affecting energy efficiency, and use of renewable energy resources. The Florida Building Commission must select the International Energy Conservation Code as a foundation code for the state, but must modify the code to maintain the efficiencies in the Florida Energy Efficiency Code for Building Construction. The bill encourages trade and building associations to submit a list of qualified candidates for consideration in selecting the categorical appointments to the Florida Building Commission. Lastly, the bill requires that local governments consider refunding fees for services provided by private plans examiners or building inspectors and that are not provided by local government. **Chapter No. 2008-191; Effective Date: July 1, 2008.**

## **Cemetery Property – Eminent Domain**

CS/HB 853 by Rep. Troutman provides that, except for a road system, transportation corridor or right-of-way purposes, a condemning authority may not take property dedicated for cemetery purposes and licensed pursuant to Chapter 497, Florida Statutes. The property must also be one contiguous acre or greater in size, unless the condemning authority determines at a public hearing that there are no reasonable alternatives available other than to utilize the cemetery property. The bill further prohibits a governmental entity from requiring the transfer of dedicated and licensed cemetery property as a condition of obtaining regulatory approval under Chapter 497. **Chapter No. 2008-83; Effective Date: July 1, 2008.**

## **Clean Ocean Act**

CS/CS/SB 1094 by Sen. Haridopolos and Sen. Constantine requires owners or operators of gambling vessels operated in coastal waters to register vessels with the DEP. The owner of each waterfront-landing facility that is registered as a gambling vessel's berth location must establish procedures for the release of waste from gambling vessels at the facility and make available a waste management service to handle and dispose of the facility's waste. The bill provides that, if a gambling vessel releases any waste into coastal waters, the owner or operator must, no later than 24 hours after the release, notify DEP of the release and provide certain specified information. DEP is required to establish and collect fees that are adequate to cover the entire cost of developing and implementing its responsibilities, including registration of gambling vessels, tracking of releases, compliance, and enforcement. The bill does not apply to any gambling vessel that annually verifies to DEP that it operates a marine waste treatment system that produces sterile, clear, and odorless reuse water without generating solid waste and that eliminates the need to pump out or dump wastewater. **Chapter No. 2008-231; Effective Date: July 1, 2008.**

## **Department of Revenue Form 219**

HB 7019 eliminated the Return for Transfers of Interest in Real Property Form DR-219, commonly referred to as DR-219, which had been required to transfer interest in real property. Section 201.022, F.S., requires sellers, buyers, or agents to file a return containing certain information when submitting a deed to county clerks to transfer interest in real property. To carry out the law, DR-219 was created to include information relating to transactions, including the sale price of the property, the date of the sale, the type of property, whether the sale included any tangible personal property, if mineral rights were involved, and whether the sale was due to foreclosure. In 1992, the Legislature amended the law to allow the agency processing the form (in Broward, the County Records Division) to retain 1% of the documentary stamp tax collections pertaining to the deed proportion on each property to cover the cost of processing the forms. In Broward, that amounted to \$1.35M in 2007. **Chapter No. 2008-24; Effective Date: June 1, 2008.**

## **Elderly Persons & Disabled Adults/Abuse & Neglect**

SB 366 allows for criminal reclassification of offenses of aggravated abuse of an elderly person or disabled adult from a second-degree felony to a first-degree felony. **Chapter No. 2008-160; Effective Date: July 1, 2008.**

## **Electronic Tax Deed Sales**

The Clerk of Courts' legislation, HB 773, amended Florida Statutes to permit electronic foreclosure and tax deeds sales. Broward and Orange are the only two counties where clerks do not conduct all of such types of sales, and the bill was amended to allow charter counties to participate. HB 773 also adds a revenue source for Broward's county tax collector when conducting tax deed sales electronically using newly purchased software. Charter counties are now permitted to receive electronic deposits from the winning bidder and subject that person to a fee, consistent with the schedule in sec. 28.24(10), which is 3% of the first \$500 and 1.5% of each \$100 thereafter. **Chapter No. 2008-194; Effective Date: July 1, 2008.**

## **Employee Leave for Victims of Sexual Violence**

HB 489 extends specified leave benefits, currently available to victims of “domestic violence” under F.S. 741.313, to victims of sexual violence and their immediate family as defined in F.S. 784.046. An enforcement mechanism in the bill allows aggrieved employees to bring civil actions for damages and/or equitable relief against employers who fail to provide leave as proscribed. HB 489 requires employers with 50 or more employees to offer at least 3 working days of leave with or without pay within a 12-month period to employees who have been employed for at least 3 months. Leave should be granted where employees seek:

- an injunction for protection against sexual violence;
- to obtain medical care or mental health counseling;
- to obtain services from a victim-services organization;
- to secure a home or to seek new housing; or
- legal assistance to address issues arising from the act of sexual violence and to attend and prepare for court-related proceedings arising from the act of sexual violence.

An employee requesting an excused absence under this new law must: use all other available leave before using this specialized leave (unless waived by the employer); notify the employer of their planned absence (except in cases of imminent danger), and; provide documentation of the sexual violence, if requested by an employer.

The employer: must keep information relating to the employee’s leave confidential; may not interfere with or retaliate against the employee’s use of this leave; may discipline or terminate employees for any other reason. The bill expands an existing public records exemption covering personal identifying information submitted by state agency employees who are victims of domestic violence to include those who are victims of sexual violence as well. Florida’s constitution requires public records exemptions be passed in legislation containing only the exemption by two-thirds vote. HB 1141, which is linked to this bill, was also signed into law on July 1, 2008. **Chapter No. 2008-253; Effective Date: July 1, 2008.**

## **Energy**

HB 7135 is comprehensive legislation intended to address Florida’s energy diversity, reliability, affordability, and response to global climate change concerns. The bill provides a 10-year ad valorem tax exemption for improved property upon which a renewable energy source device is installed and operated. The exemption applies to devices installed on or after January 1, 2009, and is limited to the cost of the device plus any installation costs. The bill requires that all new buildings designed and constructed after July 1, 2008, be built in accord with a nationally recognized green building rating system specified in the bill, such as LEED, United States Green Building Council (USGBC), or the Florida Green Building Coalition standards. Except for emergency vehicles, local governments acquiring vehicles from the state purchasing plan must select vehicles with greatest fuel efficiency available when fuel economy data is available.

The bill encourages MPOs to consider strategies that integrate transportation and land use planning to provide sustainable development and reduce greenhouse gas emissions. The bill creates the Florida Green Government Grants Act to assist local governments with the development and implementation of programs designed to achieve green standards. The bill also creates the Florida Climate Protection Act to document greenhouse gas emissions and implement a market-based emissions abatement program designed to reduce greenhouse gases. The bill amends several provisions of the Florida Electrical Power Plant Siting Act including §403.50665 relating to land use and zoning consistency. As modified, an applicant seeking to site power plants or associated facilities must submit a statement regarding the consistency of the site and any associated facilities that constitute a “development” under §380.04, F.S. Under this statute, the construction of electrical power lines, towers, poles, or similar type facilities (transmission lines and substations) do not constitute “development.”

DEP is directed to conduct an analysis of the need to regulate auxiliary containers, wrappings and plastic bags and to report its recommendations to the Legislature no later than February 1, 2010. Until the Legislature acts upon the department's recommendations, local governments may not enact any regulations concerning such items. Counties are encouraged to form multicounty regional solutions to capture and reuse or sell methane gas from landfills and wastewater treatment facilities. By 2020, local governments must comply with a 75% statewide goal for reducing the amount of recyclable solid waste disposed in landfills, waste management facilities, or incineration facilities. The department is required to develop a recycling program to meet this goal and report back to the Legislature by January 1, 2010. By July 1, 2010, each county is mandated to develop and implement a plan to achieve a composting goal of 10%, but not less than 5%, of organic material within the county, including all municipalities within the county boundaries. Counties are also encouraged to consider plans for mulching organic material that would otherwise be disposed in a landfill. Mulching plans must address partnerships with the private sector. **Chapter No. 2008-227; Effective Date: July 1, 2008, except as otherwise provided.**

## **Ethics and Elections**

CS/CS/SB 866 by Senator Constantine is an omnibus elections package that addresses numerous issues. Some of the bill's provisions are summarized as follows:

- Investigatory Authority of Secretary of State - The bill clarifies that the Secretary of State has authority to conduct preliminary investigations into fraud or irregularities involving candidate petition activities.
- Voter Registration Applications - The bill amends the acceptance process for voter registration applications by providing when a completed voter registration application is received by the book-closing deadline, but the driver's license number, Florida ID card number, or the last four digits of the applicant's social security number cannot be verified, the applicant shall be notified that the number cannot be verified rather than receiving notification that his or her application is incomplete. Moreover, rather than the applicant providing verification of the authenticity of the number provided on the application, the applicant can provide verification of either his or her driver's license number, Florida ID card number, or the last four digits of his or her social security number regardless of which number was initially provided on the application. These changes are effective upon becoming law.
- Identification - The bill removes employee badge identification and buyer's club identification from the list of acceptable forms of identification for voter registration applicants who wish to vote in-person or by absentee and who registered by mail, have never previously voted in Florida, and have not been issued a current and valid Florida driver's license, Florida identification card, or social security number.
- Voting History Information/Precinct-Level Results - Effective July 1, 2008, the bill amends s. 98.0981, F.S., to shorten the time frame within which supervisors must report voting history information to the department from 75 days to 45 days after a general election. The report must be in a uniform electronic format specified by the department, with updated voting history information for each qualified voter who voted. The department then must transmit its report within 60 days after the general election to the President of the Senate, the Speaker of the House of Representatives, the Senate Minority Leader, and the House Minority Leader. The bill repeals the existing statute governing precinct-level reporting (s. 101.573, F.S.) and prescribes revised requirements in s. 98.0981(2), F.S. Within 45 days of an election, compared to 35 in current law, the supervisors shall submit precinct-level election results to the department in a uniform electronic format. The bill eliminates a requirement in existing law for such results to be submitted following a municipal election or runoff. The bill requires the data to include the aggregate total of all ballots cast. Further, the department must compile statistical information regarding each precinct after the book-closing deadline. The bill specifies that the public may access the reports relating to voting history, precinct-level results, and precinct-level book-closing statistics.

- Early Voting and Bond Referenda - The bill provides that a county, district, or municipality does not have to offer early voting for a bond referendum if the election is not held in conjunction with a state or county election.
- Charter County and Municipal Recall - The bill clarifies the charter county and municipal recall provisions of the election code. It provides that each signed and dated petition form must be filed simultaneously and no later than 30 days after the first signature is obtained. The supervisor of elections must verify signatures in accordance with s. 99.097, F.S. The bill clarifies that the supervisor must determine in writing if the requisite number of signatures is obtained for the purposes of the recall petition and the recall petition and defense. The bill clarifies that the clerk must make the petition and all subsequent forms and papers available in alternative formats when requested. The bill removes the prohibition that any campaigning for or against the officer facing recall before the date of the election is announced to the public.
- Initiative Petitions - Effective July 1, 2008, the bill prohibits an initiative petition form circulated for signature from being attached to or coupled with another initiative petition form. The bill removes the requirement that the supervisors record initiative petition information in the statewide voter registration system. Rather, it allows for the Department of State to prescribe the manner in which this information must be recorded. Since supervisors must no longer record this information in the statewide voter registration system, the bill removes the requirement that the Secretary of State base his or her determination of the number of verified and valid signatures and the distribution of such signatures upon information contained in the statewide voter registration system. This change becomes effective July 1, 2008. Furthermore, the bill provides that an elector may complete and submit a standard petition revocation form directly to the supervisor. This change also becomes effective July 1, 2008.
- Voter Challenges - The bill gives registered electors and poll workers the right to challenge a voter in a specific county if the poll watcher or registered elector lodging the challenge is of that same county. The bill clarifies that a challenge can be lodged at either the polling place on the day of election or in advance with the supervisor. If the challenge is lodged in advance, the bill provides that the supervisor must provide a copy of the challenge to the election board in the challenged voter's precinct.
- Municipal Elections - Effective July 1, 2008, the bill gives municipalities the ability to change, by ordinance, election dates to correspond to any statewide or countywide election. The bill also removes date specific language regarding the ability of municipalities to move any scheduled March 2008 election to concur with the presidential preference primary election.
- Exit Polling - Effective July 1, 2008, the bill provides that the terms "solicit" and "solicitation" are synonymous and that these terms shall not be construed to prohibit exit polling.
- Canvassing Returns - Effective July 1, 2008, the bill requires that the canvassing board "compare" rather than "reconcile" the number of persons who voted with the number of ballots counted.
- Candidate Electronic Filing - The bill allows local governments to develop electronic filing requirements for local officers and candidates that do not conflict with the current electronic filing process for candidates who file reports with the Division of Elections. The bill also provides that the expenditure of public funds for electronic filing requirements is a valid public purpose.
- Telephone Electioneering Communications - Effective upon becoming law, the bill provides for a shorter sponsorship disclaimer for electioneering communication telephone calls and exempts these calls from obtaining written approval of the candidate the call supports. Furthermore, any electioneering communication phone call paid for with public money must state the name of the government entity paying for the phone call.
- Florida Elections Commission - The bill provides that the Commission is the head of the agency, rather than the executive director.

- Candidates for Circuit Judge - Effective upon becoming law, candidates for circuit judge shall be listed on the ballot in alphabetical order rather than determining ballot position for these offices by lot.

**Chapter No. 2008-95; Effective Date: January 1, 2009, except as otherwise provided.**

### **Everglades Restoration Bonds**

CS/CS/SB 1552 by Sen. Saunders and others extends the term for issuing Everglades restoration bonds by an additional 10 years from 2009-2010 to 2019-2020. In addition to funding the implementation of the Comprehensive Everglades Restoration Plan, the Lake Okeechobee Watershed Protection Plan, the Caloosahatchee River Watershed Protection Plan, and the St. Lucie River Watershed Protection Plan, the bill provides that Everglades restoration bonds may be used to fund and implement water management projects, including wastewater management projects identified in the "Keys Wastewater Plan," under the Florida Keys Area of Critical State Concern protection program. The bill authorizes an additional \$50 million in Everglades restoration bonds each fiscal year, for no more than four years, to fund the Florida Keys Area of Critical State Concern protection program. **Chapter No. 2008-49; Effective Date: July 1, 2008.**

### **Firearms/Concealed Weapons at Work**

HB 503, *The Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008*, allows employees maintaining concealed weapons permits to keep guns locked in their vehicles at work, even if the employer has a ban of such practices. Employers (either public or private) are prohibited from making verbal or written inquiries regarding the presence of a firearm in a vehicle while in the parking lot, or searching a private vehicle while in a private parking lot in an effort to locate or seize a firearm. Employment cannot be terminated, nor can an employee be disciplined, for bringing a firearm onto an employer's premises and locking same in a private motor vehicle. An entity cannot discriminate against customers or invitees for exercising the right to keep and bear arms within a private motor vehicle. An employer is not liable based on actions or inactions taken in furtherance of compliance with the bill.

The bill provides for several exceptions, including allowing defense and military contractors, areas where explosive materials are warehoused, as well as corrections facilities and schools (but not child care properties) to continue to ban weapons. Broward County sought amendments that were sponsored by Senator Deutch, but were never heard in committee. **Chapter No. 2008-7; Effective Date: April 15, 2008.**

### **Florida Forever/State Land Management**

CS/CS/SB 542 makes various changes to state law relating to the state's land acquisition and management programs, including revising and reauthorizing the Florida Forever Act. As passed, the bill extends the deadline for retiring Florida Forever Act bonds until December 31, 2040, and increases the bonding authority to finance or refinance the cost of acquiring property under the Florida Forever program from \$3 billion to \$5.3 billion. The bill requires that state land management plans contain short- and long-term goals with measurable objectives for several activities, including habitat restoration and improvement, public access and recreational opportunities, cultural and historical resources, and hydrological preservation and restoration. The Division of State Lands is required to contract for an inventory of all lands acquired through Preservation 2000 and Florida Forever to determine the value of carbon capture and carbon sequestration on such lands. The inventory must be completed and presented to the State Board of Trustees by July 1, 2009.

With respect to the Florida Forever Act, the bill revises legislative intent to promote a more efficient use of land, ensure opportunities for viable agricultural activities on working lands, promote communities with development patterns that are consistent with natural resource protection, and to protect uplands and springsheds critical to ensuring the water quality and water quantity of aquifers and springs. The bill further expresses legislative intent that Florida play a major role in the recovery and management of imperiled species, including those plants and animals listed under the federal Endangered Species Act.

The Florida Forever distribution formula is modified to reduce from 35% to 30% funds allocated to the water management districts for priority projects developed in accord with the Florida Forever Water Management District Work Plan. The bill requires a minimum 3%, up to 10%, of the funds allocated to DEP for land acquisition and capital infrastructure projects be used for capital expenditures meeting land management planning activities to provide public access. The bill reduces the distribution of funds to the Florida Communities Trust from 22% to 21% and provides that emphasis be given to projects that provide areas for direct water access and water dependent activities to the public. The bill allocates 2½% of Florida Forever funds to the Department of Community Affairs to implement the new Stan Mayfield Working Waterfronts Program that is created within the Florida Communities Trust.

The bill provides that lands purchased under the Florida Forever program must be managed for multiple-use purposes which include carbon sequestration, carbon mitigation, and carbon offsets. The Board of Trustees is required to adopt rules for the use of state lands for these purposes and other climate-change related benefits. Finally, the bill designates the Gopherus Polyphemus (i.e., the Gopher Tortoise) as the state’s official tortoise. **Chapter No. 2008-229; Effective Date: July 1, 2008.**

**Florida Retirement System**

HB 5063, Florida Retirement System/Contribution Rates by the Government Efficiency and Accountability Council and Representative Grant, establishes the payroll contribution rates of the membership classes of the Florida Retirement System for state fiscal year 2008-2009 effective July 1, 2008, and projects the contribution rates for fiscal year 2009-2010 at actual costs. Contribution rates are proposed to remain the same as the 2007 rates.

The rates are as follows:

FRS Actual and Proposed Contribution Rates

Membership Class	Current Law		House Bill (Proposed Law)	
	Effective July 1, 2007	Effective July 1, 2008 (Normal Cost Rates)	Effective July 1, 2008	Effective July 1, 2009 (Blended Normal Cost Rates)
Regular	8.69%	9.59%	8.69%	9.55%
Special Risk	19.76%	22.01%	19.76%	21.93%
Special Risk Administrative	11.39%	11.90%	11.39%	11.94%
Elected State Officers	13.32%	14.99%	13.32%	14.20%
Elected Justices, Judges	18.40%	20.46%	18.40%	20.30%
Elected County Officers	15.37%	17.15%	15.37%	16.94%
Senior Management	11.96%	13.35%	11.96%	12.92%
DROP	9.80%	10.89%	9.80%	10.96%

**Chapter No. 2008-139; Effective Date: July 1, 2008.**

**FRS Special Risk**

HB 531, Relating to the Florida Retirement System/Forensic Discipline Members by the Government Efficiency & Accountability Council and Representatives Weatherford and Homan, revises the eligibility criteria for medical examiners and forensic employees that were added to the Special Risk Class in 2005. Employees of a local government law enforcement agency or a medical examiner’s office must spend at least 65 percent of their time performing duties such as collection or examination of human tissues or fluids in order to be eligible for the special risk category. Eligible members may purchase additional retirement credit and upgrade that credit to Special Risk Class service. The employer may purchase upgraded credit on behalf of the eligible member if that employer has employed him or her for at least three years. Additionally, membership in the Special Risk Class is revoked for those members who do not meet the revised criteria.

**Chapter No. 2008-77; Effective Date: July 1, 2008**

## **KidCare**

SB 2534 expands the Florida insurance program, KidCare, over FY 2007-2008 levels, with an additional 38,417 slots, while also removing the 10% cap on enrollment for the MediKids and Healthy Kids. Early estimates show that this will allow coverage for approximately 548,000 uninsured children. \$28M total statewide dollars were allocated, of which \$13M was from non-recurring sources. The utilization of trust funds to maintain or expand many social services programs, including KidCare, will jeopardize the program in the next budget cycle. Reimbursement rate freezes for health plans contracting with the Healthy Kids Corporation partially pay for the expansion. Although SB 2534 received an additional \$1.5 million, KidCare must offset losses to the federal match, known as the FMAP, which was reduced in October 2007 from 69.78% to 68.78%, thus requiring additional funds from the state to cover the gap. **Chapter No. 2008-32; Effective Date: May 21, 2008.**

## **Library (State Aid) Formula Grants**

SB 82 amends the State Aid to Libraries grant program by revising eligibility criteria and changing the formula for multicounty and equalization grants. While Broward County will initially see a loss in funding as the formula redistribution levels occur, testimony indicated that future operating grant levels for the County could increase. Most (but not all) libraries receiving only operating grants, such as municipal libraries, would see an increase in the amount of their estimated operating grant. **Chapter No. 2008-158; Effective Date: July 1, 2008.**

## **Ocean Outfall**

SB 1302 eliminates the discharges of domestic wastewater through ocean outfalls as a viable effluent disposal practice in Florida. The bill prohibits the construction of any more ocean outfalls in Florida as of July 1, 2008. Broward County, Miami-Dade County and the cities of Hollywood, Delray Beach and Boca Raton are required to meet advanced wastewater treatment and management standards by December 31, 2018, in order to continue discharging wastewater through their respective ocean outfall facilities. In addition, by December 31, 2025, discharges through ocean outfalls are prohibited except as part of a functioning reuse system that reclaims a minimum of 60% of the plant's actual wastewater flow through the ocean outfall for reuse purposes. The DEP must determine the baseline actual flow from monitoring data for calendar years 2003 through 2007.

Broward County must submit reports to DEP beginning December 31, 2009, explaining the actions taken to meet the requirements of the act, and must also submit detailed plans for all infrastructure improvements necessary to implement the advanced water treatment and management requirements and the functioning reuse system requirements. The bill establishes funding priorities for infrastructure projects designed to eliminate discharges through ocean outfalls, and establishes the Leah Schad Memorial Ocean Outfall Program that authorizes the state to fund ocean outfall infrastructure projects using future available funds within the Ecosystem Management and Restoration Trust Fund. **Chapter No. 2008-232; Effective Date: July 1, 2008.**

## **Paratransit Services**

CS/SB 2224 by the Senate Governmental Operations Committee and others reenacts and expands the public records exemption for personal identifying information regarding an application for paratransit services. The exemption is expanded to include all personal identifying information rather than simply health information, and includes information about individuals receiving services in addition to persons applying for paratransit services. Also, the exemption applies to information held by an agency instead of a local government entity which means that personal identifying information is exempt when provided to private providers contracting with a unit of local government to provide paratransit related services. **Chapter No. 2008-57; Effective Date: October 1, 2008.**

## **Pretrial Release/Citizens' Right-to-Know Act**

CS/CS/SB 2676 by Sen. Crist and others prescribes reporting requirements for pretrial release programs and changes state law regarding the posting of bail. Each pretrial release program must prepare a register and provide accurate and detailed information about defendants interviewed and released through the program. A copy of the register must be maintained at the clerk of the circuit court's office and must be updated weekly. Additionally, no later than March 31<sup>st</sup> of each year, pretrial release programs must submit an annual report to the Board of County Commissioners and the Clerk of the Circuit Court which details specific information concerning defendants released through the program and budgetary matters.

The definition of "bail" and "bond" is amended to include that any monetary component of pretrial release may be met by a surety bond and prohibits differing amounts from being set for cash bonds, surety bonds, or other forms of pretrial release. Cash bond forms are required to "prominently" display a notice explaining that a cash bond may be subject to forfeiture and withholding by the clerk of the court to pay court fees, court costs, and criminal penalties, regardless of who posts the cash bond. The Office of Program Policy Analysis and Government Accountability is directed to conduct and annually evaluate the effectiveness and cost-efficiency of the state's pretrial release programs. This annual study must be reported to the presiding officer of the Legislature on January 1<sup>st</sup> of each year. **Chapter 2008-224; Effective Date: July 1, 2008.**

## **Suspension vs. Termination of Medicaid Health Benefits for Eligible Incarcerated**

Modeled after similar legislation in Minnesota and Oregon, HB 525/SB 1456 requires that persons being discharged from jails who were receiving Medicaid health benefits upon entry, have their benefits immediately reinstated upon exiting, if still eligible. While the bill met resistance and was in this fiscally-constrained year because of conflicting state impact assessments, the bills received support from the Department of Corrections, Department of Children and Families, Agency for Health Care Administration and Florida Association of Counties. **Chapter No. 2008-217; Effective Date: July 1, 2008.**

## **Taxation**

SB 1588, dealing primarily with real property taxation, successfully passed in 2008. Language was included that will require property appraisers, when calculating highest and best use, to take into consideration "the legally permissible use of the property...including any zoning changes, concurrency requirements, and permits necessary to achieve highest and best use." Additionally, the voters will have before them in November an amendment to the Constitution approved by the Taxation and Budget Reform Commission that will tax waterfront properties based on how the property is actually used, rather than on the best use of the land, such as the potential for highly profitable condominiums. **Chapter No. 2008-173; Effective Date: upon becoming law except as otherwise provided.**

## **Underground Utilities**

CS/SB 794 by Sen. Bennett prohibits counties and cities from charging fees associated with the marking of underground facilities to comply with the Florida One-Call notice requirements. **Chapter No. 2008-230; Effective Date: upon becoming law.**

## **Value Adjustment Boards**

HB 129 and HB 7147 related to property appraisal and assessment, a property appraiser's (PA) presumption of correctness, and the overall structure and operational processes of Value Adjustment Boards (VAB). Both would have required the VAB to consist of six or four members, respectively, and be comprised solely of non-elected officials. Citizen members of VABs would not be required to have specialized knowledge in the area of real property. Both of these bills were defeated.

HB 909 by Rep. Nehr, which passed both houses, requires that the State (1) develop uniform policies and procedures for VABs which will be placed on a website, (2) deliver quarterly trainings for special magistrates (training will also be open to the public) and (3) charge tuition and fees to cover the State's costs (to be paid by the counties). Furthermore, the bill places into statute the legislature's intent that no PA will ever enjoy a presumption of correctness in a challenge to assessed value, and that PAs maintain the burden of proving the methodology used to value property meets uniform standards and guidelines. HB 909 reduces the level of presumption of correctness enjoyed by the property appraiser and eliminates a specific burden of proof placed on property owners.

The VAB will continue to have five members, with two citizen members replacing a County Commissioner and a School Board member. Citizen members will be appointed; one from the Board of County Commissioners who must have homesteaded property in the county and one from the School Board who must be a business owner with a business within the District. **Chapter No. 2008-197; Effective Date: September 1, 2008.**

## **Workplace Safety**

CS/CS/HB 967 by Rep. A. Gibson creates the Florida Public Task Force on Workplace Safety within the University of South Florida Safety Florida Consultation Program. The task force is comprised of 15 members appointed by the Governor, President of the Senate, and the Speaker of the House of Representatives and will include academia, business and labor representatives, health and safety professionals, and representatives from the Florida Association of Counties and Florida League of Cities. The task force is charged with finding innovative ways the state may ensure that state agencies, counties and municipalities comply with the OSHA Standards, 29 C.F.R. s. 1910, as revised July 1, 1993. The task force must address the differences in the workplace safety needs of private sector and public sector employers; the relationship between federal and state workplace safety activities; and the impact of public-sector workplace safety and health on the economic-development efforts of the state. The task force must submit a report and recommendations to the Governor, Chief Financial Officer and Legislature by January 1, 2009. **Chapter No. 2008-128; Effective Date: June 10, 2008.**

## **Bills That Failed**

### **Affordable Housing**

None of the bills related to affordable housing that were proposed during the 2008 Session successfully passed.

- HB 699: The bill would have provided a special assessment for property receiving low-income housing tax credit; defined the term "community land trust"; and provided for assessment of structural improvements, condominium parcels, and cooperative parcels on land owned by community land trusts and used to provide affordable housing. Additionally, the bill would have provided for an ad valorem taxation exemption for not-for-profits providing affordable housing, as well as additional criteria for determining whether affordable housing property owned by certain exempt organizations would be entitled to tax exemptions.
- HB 561/ SB 2014: The bills by Representative Vana and Senator Deutch would have authorized local governments to include an affordable senior housing element in comprehensive plans.
- HB 1471/SB 1020: The proposed legislation would have increased the amount of documentary stamp tax distributed to the State Housing Trust Fund in order to fund loans to veterans for affordable housing through the Florida Homeownership Assistance Program.
- HB 0005/SB 0074/SB 0080: All would have removed the cap on the amount of proceeds deposited into the Sadowski Affordable Housing Trust Funds, but to the disappointment of many, these three bills died in committee.

## **Bert Harris Act – Property Rights**

HB 881 by Rep. Precourt would have provided that a moratorium on “development,” as defined in §380.04, in effect for longer than one year is not a temporary impact to real property for purposes allowing owners to bring an “inordinate burden” claim under the Bert J. Harris Property Rights Act. The bill also reduced the timeframe (from 180 days to 120 days) an owner needed to file a written claim and valid appraisal of the property’s fair market loss with the affected governmental entity prior to filing suit. Additionally, payment of compensation was added to the list of remedies the governmental entity could offer in a written settlement offer. The bill modified the Act’s ripeness provisions and extended the statute of limitations for causes of action from one year to two years after the burdening law or regulation was first applied to the property. Lastly, the bill clarified that sovereign immunity for liability was waived for actions subject to the Harris Act.

When considered on the House Floor, an amendment was adopted that allowed for a case-by-case judicial determination as to whether a moratorium constituted an “inordinate burden;” provided that the passage of time between the local law or regulation’s enactment and an owner’s filing of a claim was a factor in determining whether property was inordinately burdened; clarified the waiver of sovereign immunity to eliminate liability for permitting decisions; and restored the one-year statute of limitations for actions under the Act. Despite passing the House, HB 881 died in Senate Messages. Its companion, SB 1578, died in the Senate Judiciary Committee.

## **Day Treatment Pilot Matching Program**

Broward County sought funding to develop a pilot program to encourage the use of hospital-based day treatment for chronic illnesses which have been traditionally treated on an inpatient basis. The County was proposing to use federal or private funds raised for these programs to draw matching funds from the Agency for Health Care Administration (AHCA) to support hospital-based day treatment. Meetings were held with the Chair of the Healthcare Council to seek funding from within the Health and budget to further the projects goals. Due to this year’s budget restrictions, the effort was unsuccessful.

## **Developmentally Disabled Managed Care**

Inclusion of this item in the legislative program was based on Medicaid Reform expansion efforts that might have included the Agency for Persons with Disabilities. No such proposal was ever put forth during the session, although the budget conforming bill, HB 5085, requires that Medicaid reimbursement levels for hospitals, nursing homes, community intermediate care facilities for the developmentally disabled, are frozen, resulting in no automatic cost-based expenditure increase for two fiscal years beginning July 1, 2009. Further, the bill would require the creation of a working group to evaluate alternate payment methods and submit a report by November 1, 2009.

## **Expedited Permitting for Economic Development**

CS/HB 147 by Rep. Schenck would have required that DEP and water management districts a 45-day expedited permitting program for businesses seeking wetland resource and environmental resource permits. Economic development projects identified by resolution of a county or municipality as meeting the definition of target industry business pursuant to §288.106, F. S., would be eligible for expedited permitted. The bill also required permit applicants to participate in a pre-application review process in order to reduce any permit conflicts and provide guidance to applicants about the permits and process applicable to each project. CC/HB 147 passed the House but died in Senate messages. Its companion bill, CS/SB 402 by Sen. Fasano, died in Senate General Government Appropriations Committee.

## **Fertilizer**

Legislation to implement the recommendations of the Florida Consumer Fertilizer Task Force's Final Report failed to pass. HB 1267 and SB 2352 would have imposed stricter requirements on local governments seeking to regulate the non-agricultural use of fertilizer than recommended by the Task Force. In addition to requiring the adoption of the Task Force's model fertilizer ordinance, the bills required local governments to conduct scientific studies before imposing stricter standards and to obtain the input of DEP and the Department of Agriculture and Consumer Services (DACs) regarding whether stricter standards were necessary. The comments of these state agencies were mandated to be part of any record concerning the local government's decision to impose stricter regulations.

## **Growth Management**

While the House and Senate's growth management packages failed to pass in the final days of session, CS/SB 1706 passed. It provides a statutory development of regional impact (DRI) exemption for any development located within a county with a population greater than 1.25 million, with at least two uses one of which is as an office or laboratory appropriate for research and development of medical technology, biotechnology, or life science applications and meets the specified criteria in the bill. Following legislation passed last year that automatically extended the development orders for DRIs by three years, the bill provides a similar three-year extension for the permits, agreements, and certificates associated with the development order. Governor vetoed on June 25, 2008.

## **Hurricane Preparedness Sales Tax Holiday**

The original bill, SB 86 by Senator Baker, was discussed by the revenue estimating conference on February 1<sup>st</sup>, but never heard in committee. As a result, its House companion HB 111, which made it through all committees of reference, died on the calendar.

## **Juvenile Justice**

HB 273/SB 792 were efforts to cost-shift to counties disguised as "tough on crime" bills aimed at extending the length of time youth would be permitted to remain in pre-adjudicatory secure detention (at a cost to local government). These bills were defeated. HB 7087, containing many of the Blueprint Commission's recommendations, died in messages on the last day of the Session.

## **Local Government Budgets/Revenue Reserve Limitations**

SB 2648 would have required counties and cities with budgets exceeding \$1 million and special districts with budgets over \$250,000 to disclose financial details to residents in the form of budget summaries. SB 2648 and HB 7123 provided for caps on the annual unreserved, undesignated fund balances of local governments and provided that fund balances generated in a single fiscal year must be carried forward and not be used to increase recurring expenditures within the budgets. Tentative and final budgets approved by the local governments' governing bodies would have been posted to their websites or otherwise filed at a designated public office. SB 2648 died in committee. HB 7123 died in Senate Messages.

## **Local Government Issue Advocacy**

SB 532 by Senator Justice would have prohibited a local government from expending public funds for a political advertisement or an electioneering communication concerning any issue, referendum or amendment subject to a vote of the electors. Individuals and groups were also prohibited from accepting public funds from a local government intended for such purposes. Although workshopped, the bill was not scheduled for a hearing and died. The companion measure, HB 195 by Rep. Long, also died.

## **Local Government Spending/Transparency**

HB 181 and SB 392 would have required cities and other local governments to disclose spending activities of contracts with a value of \$5,000 or more. SB 392 successfully passed through all Senate committees of reference. HB 181 died in committee and, thus SB 392 died in Returning Messages.

## **Meetings with Local Government Attorneys**

SB 1510 by Sen. Geller would have clarified the term “pending litigation,” with respect to shade meetings held between a governmental body and its attorneys pursuant to §286.011(8), Florida Statutes, to include any matter that is the subject of the mandatory 6-month notice of intent to initiate a tort action lawsuit provided to a governmental entity under §768.28 and for which a lawsuit had not yet been filed. The bill died.

## **Mental Health/Substance Abuse Parity**

HB 19 passed the House unanimously two weeks before the 2008 Session ended. The legislation would have required insurers in Florida to provide coverage for treatment of serious mental illness, as it was narrowly defined. The Senate companion, SB 164 by Sen. Crist, never received a hearing in the General Government Appropriations committee and, as a result, HB 19 died in Senate Messages marking another unsuccessful year for parity policy—an issue proposed for over a decade in the Florida Legislature.

## **Mining of Aggregate Materials**

Several bills filed during the 2008 Session, sought to severely restrict or preempt local governments from enforcing environmental or land use ordinances, rules, regulations and policies relating to aggregate mining operations, failed to pass. In a rare occurrence, a coalition of local governments and environmental groups were able to muster sufficient votes in the Senate Environmental Preservation and Conservation Committee to defeat SB 2406 and SB 774.

## **Moving Services**

SB 530 relating to Household Moving Services sought to expressly preempt local government authority to regulate moving companies. The bill was heard and passed in two committees but died in the Senate Judiciary Committee. HB 611, the companion measure, was not heard in the House and died in the Committee on Agribusiness.

## **Online Travel Companies**

SB 2788, a general tax administration bill, included provisions which sought to exempt online travel companies (OTCs) like Expedia.com, Travelocity.com, Hotels.com and others from collecting and remitting state sales taxes, tourist development taxes, and convention development taxes based upon the full consideration paid by a customer for a hotel room rental online. Local governments opposing the legislation argued that full consideration includes any markup imposed by OTCs to the discounted rates they negotiate with hoteliers. The bill passed the Senate Finance and Tax Committee, but was not heard in its next committee, Regulated Industries, where it died.

However, supporters of the measure did not halt their efforts to pass this legislation. Several attempts were made to amend other Senate bills notably, CS/SB 1838 and CS/HB 1059, but these efforts were rejected when several Senators called points of order and filed amendments to remove the OTC provisions. Senate OTC supporters went as far as to amend CS/HB 1059 to include the repeal of the current sales tax exemption on NFL championship game tickets, NCAA championship tournament game tickets, and Major League Baseball All-Star game tickets in an effort to open the door for OTC amendments by the House. However, this effort failed when the House refused to concur with the Senate amendments and the Senate eventually receded.

In the House, HB 7147, the companion to CS/SB 2788, passed during the last meeting of the House Governmental Efficiency and Accountability Council, with only three minutes of consideration, and exclusion of public testimony. Although the bill went straight to the House Calendar, it was not heard by the House. Late in the evening of May 1st, the bill’s sponsor attempted to have the House introduce the bill for Second Reading but the measure failed to obtain the 2/3 vote needed to be heard on the House Floor, based largely on a party line vote. A subsequent reconsideration of the issue that night also failed. The OTCs’ last ditch effort to pass this legislation came in the final moments of the Session when an attempt to amend HB 601, the business and professional regulation package, was made. However, there was no desire by House leaders to add the controversial OTC issue to a bill with broad support.

## **Public Construction Works**

HB 683 and HB 2148 substantially amended state law relating to the competitive award of local government public construction projects. The bill would have required the competitive award of repair and maintenance projects exceeding \$200,000; eliminated the use of “no damages for delay” clauses in public contracts; required specific findings by local government governing bodies when deciding to utilize government employees and services to accomplish a public construction project after obtaining competitive bids; removed the authority of county governing bodies to employ labor and provide equipment for constructing new roads or bridges or repairing and maintaining existing roads and bridges; and placed new limitations on government employees and services to repair and maintain existing roads and bridges. Due to the extent of opposition from local governments, the bills died in committee. However, a provision in the bills to prohibit local governments from owning or operating asphalt plants, or portable or stationary concrete batch plants with independent mixers, did pass as part of the transportation package, with a narrow grandfather clause for Highlands County, the only local government known to own an asphalt plant.

## **Red Light Camera Legislation**

CS/SB 816 by Sen. Bennett would have authorized the use of traffic infraction camera technology to reduce red-light signal violations. The bill preempted to the state the regulation and use of cameras for enforcing red-light signal traffic violations. The Florida Department of Transportation (FDOT), counties and municipalities were authorized to use traffic infraction detectors (i.e. cameras) to enforce red-light signal traffic violations and to authorize traffic infraction enforcement officers to issue citations violations. The bill prescribed a \$60 fine for the first three violations and \$125 for each violation thereafter. Proceeds from the fines were to be distributed pursuant to §318.21 and, after the third violation, \$65 of the fine is distributed to the Department of Health. The bill required FDOT to adopt and publish minimum uniform specifications for traffic infraction detectors and prohibit the operation of any detector device that failed to meet such specifications. CS/SB 816 and its companion, CS/HB 351, died.

## **Regional Conflict Counsel**

HB 1179 by Rep. Galvano would have repealed the Offices of Criminal Conflict and Civil Regional Counsel the Legislature created in the 2007 Regular Session. Though referred to the House Safety and Security Council, the bill never received a hearing and died in the Council. No companion measure was filed in the Senate.

An attempt to add \$1 to the \$15 surcharge currently authorized on certain traffic violations to fund facilities, communication services, and other mandated costs associated with regional conflict counsel failed to materialize due to opposition from House and Senate leadership in the final days of the Legislative Session. The additional \$1, however, would not have provided sufficient funds to cover the 4<sup>th</sup> District Regional Conflict Counsel’s costs for facilities in Broward County. Accordingly, until otherwise clarified by the courts, counties continue to be mandated under current law to fund the costs of facilities and other items described in §29.008, F.S., for Regional Conflict Counsel Offices.

## **TRIM (Property Tax) Notices**

HB 177 and its companion bill, SB 664, would have required millage rates to be included in Truth in Millage (“TRIM”) notices. HB 177 successfully passed the House, but its Senate companion was not heard; therefore, the house bill died in Senate Messages.

## Taxation

- HB 421: Also primarily addressing property taxation, this bill created an additional Homestead Exemption. HB 421 would have created the avenue to bring a ballot initiative and amend the Constitution (s. 6, Art. VII of State Constitution) to provide for additional homestead exemption equal to the greater of 40 percent of just value of homestead property between \$75,000 & \$500,000 or accumulated benefit provided under Save Our Homes. Like several similar bills that were proposed in the House and enjoyed relatively widespread support, HB 421 died on the Calendar.
- HB 805: This bill proposed to amend the Florida Constitution (ss. 3, 4, 6, & 9, Art. VII & s. 1, Art. VIII) and sought to alter not only property taxation, but also create revenue caps and the constitutional requirement that property appraisers be elected. The bill, which died in committee, required specified exemptions from ad valorem taxation for tangible personal property, as well as provided for transfer of accrued benefit from limitation on assessed value of homestead property. Many of the issues addressed in the bill were revisited from the 2007 Special Session on property taxes and related to affordable housing, additional senior exemptions, limitations on non-homesteaded assessment increases, additional homestead exemption for first-time homebuyers, and working waterfronts. With respect to revenue and expenditure caps, the bill would have permitted the Legislature to limit county, municipality, and special district authority to increase ad valorem taxes. The bill failed.
- HB 715/SB 2412: These bills would have required a supermajority vote (3/5 or a majority plus one, whichever was greater) of the local governing body to (1) levy new, (2) increase existing, (3) expand the tax base or area subject to, or (4) to eliminate any exemptions from taxes, special assessments, non-ad valorem assessments, or impact fees. The bills would have required a 3/5 vote of the electors voting in any referendum regarding the same. The requirements would not apply to any tax, fee or assessment increased for the exclusive purpose of repairing or replacing public infrastructure damaged in a disaster that resulted in a declaration of emergency by the Governor. Further, the bills would not have applied to ad valorem taxes, fees other than impact fees, license fees, penalties, fines or other charges for services. Both bills died in committee.
- HB 1381: This legislation, which died in committee, would have sought a ballot initiative to prohibit ad valorem taxes on real estate and tangible personal property (TPP), along with revising, by general law, the present state sales and use tax rate to generate revenues to offset the elimination of these property and TPP taxes. Our Office of Management and Budget estimated the impact of this bill, if it had passed, to be approximately \$83M in the first year. Similar proposals were made in the Taxation and Budget Reform Commission.
- HB 1279/SB 2506: Both bills sought to clarify s. 193.155(1), F.S., by adding language requiring: (a) if the just value has decreased from the prior year, the assessed value shall be decreased by the same percentage as the percentage decrease in just value; (b) if the just value of the homestead property remains the same from the prior year, the assessed value does not change; and (c) if the just value of the homestead increases from the prior year, the just value assessed shall not exceed the lower of three percent of the assessed value for the prior year or the percentage change in the CPI. By reducing the assessed value of property subject to ad valorem taxation, the bills reduced the authority that cities and counties had to raise revenues. Both bills died in committee.
- HB 7003, a committee bill by Government Efficiency and Accountability Council, SJR 2384, and SB 2368, all would have increased homestead exemptions for various classes of property owners, such as veterans or deployed military veterans. These bills failed.
- HB 7005, HB 129, SB 626, SB 2334, and HB 1283 would have made changes to the method in which a property appraiser determined the "just value" of property, changes to the burdens of proof in taxpayer challenges to property assessments, and changes to value adjustment board processes. While none of these bills were successful, HB 909 passed successfully and addresses similar issues.

- HB 7125: Another Government Efficiency and Accountability Committee bill, which proposed an amendment to the state constitution creating revenue caps and revising local government's taxation practices. Local government revenues would have been capped at the amount of revenue for FY 2008-09 plus a growth factor based on population and inflation plus one percentage point. It directed the legislature to determine how the local government cap would be implemented, what revenues would be included or excluded, and what types of local government entities would be included or excluded. The bill enjoyed widespread support and passed successfully in the House. The bill died in Senate Messages.
- HB 949: As a proposed amendment to the Florida Constitution, the joint resolution commonly referred to as the "1-3-5 bill," would have limited the amount of ad valorem taxes collected by counties, school districts, municipalities, and special districts on any parcel of real property. Each entity authorized to levy property taxes could have continued to do so, but the combined amount of property taxes collected on an individual parcel of property would not have exceeded 1.35 percent (or 13.5 mills) of the parcel's highest taxable value. The 1.35 percent limit would not have applied to: (1) ad valorem taxes levied for the payment of bonds maturing more than 12 months after issuance that are issued to finance or refinance capital projects authorized by law with the approval of the voters; or (2) ad valorem taxes levied for periods not longer than two years when authorized by a vote of the electors. By applying the millage rate to the "taxable value," rather than to the "just value" (market value) of each parcel, the proposed amendment preserved the full value of all exemptions, exceptions, and differentials available (including Save Our Homes and portability). The Revenue Estimating Conference determined the fiscal impact of the bill to property tax collections at a decrease of \$6.258 billion in Fiscal Year 2009-10, assuming 2007-08 millage rate consistency and no other policy changes.

The bill failed; however, a statewide petition drive is underway to obtain the requisite number of signatures to place the item on the ballot. With more than 400,000 required signatures remaining, it is unlikely the ballot initiative will be successful prior to 2010. In the meantime, because of the bill's substantial support in the House, it is reasonable to expect to see similar legislation in the future.

## **Tower Crane Regulation**

CS/HB 609 by Rep. Evers would have created a new section of law regulating tower cranes operated in this state. A tower crane is defined as a nonmobile, power-operated hoisting machine that has a power-operated winch, load line, boom moving laterally and is used for specified construction related activities. The bill further defined a tower crane as a temporary structure not subject to the building codes, ordinances, or other laws applicable to permanent structures.

Tower cranes were to be certified under the standards of the American Society of Mechanical Engineers and operators are required to be certified by the National Commission for the Certification of Crane Operators. Contractors employing the use of tower cranes in construction projects were required to maintain a list of the certified cranes and crane operators. The bill provided penalties for persons licensed under Chapter 489 who violated the provisions of the bill and sets forth requirements for crane operator trainees. The bill preempted the regulation of tower cranes to the state, and prohibited counties, cities, or other political subdivisions from enacting or enforcing any ordinances regulating tower cranes.

House Bill 609 passed the House after an amendment to exempt "high wind velocity areas" failed. If passed, the amendment would have removed Broward, Miami-Dade, and Monroe Counties from under the preemption provisions of the bill. Nevertheless, the Senate companion measure, SB 1316 by Sen. Gaetz, was never heard before the Senate Community Affairs Committee and died in the Committee. The House Bill died in Messages after the Senate failed to take action on the bill.

## **Transportation**

In the final day of the 2008 Session, CS/CS/SB 682 by Sen. Bullard became the Legislature's transportation package. Previous transportation packages, CS/CS/HB 1399 and CS/CS/CS/SB 1978 failed to garner sufficient support because of the controversial central Florida commuter rail project. As passed, the CS/CS/SB 682 prohibits local governments from owning or operating asphalt or concrete plants. If FDOT proposes to delete or defer the construction of a capacity project in the 5-year work program, the department must provide written notice to each affected county, city, and MPO who will then have 14 days to provide the department with comments as to any impacts that may be caused by the deletion or deferral of the project. The bill revises requirements for comprehensive plans to address airport land use compatibility by June 30, 2011. The bill authorizes transportation concurrency backlog authorities to issue bonds and allows the statutory 25% ad valorem tax increment limitation for funding such authorities to be exceeded by interlocal agreement between an authority and all the taxing authorities within a backlog area. FDOT is directed to complete a study of transportation alternatives for the travel corridor parallel to Interstate 95.

In addition, the bill authorizes Florida expressway authorities to index tolls based on the consumer price index. Facilities determined by the Department of Community Affairs and the applicable general purpose local government to be port-related industrial or commercial projects are exempt from the DRI process if located within three miles of a port and rely upon the utilization of port and intermodal transportation facilities or are in a port master plan area. The bill directs FDOT to establish a transportation methodology which recognizes that large mixed use developments of regional impact will likely achieve an internal capture rate greater than 30 percent when fully developed. The bill revises provisions relating to outdoor advertising. The sunset of the Strategic Aggregate Task Force is extended until June 30, 2009. The bill also authorizes FDOT to implement variable toll rates on high-occupancy toll and express lanes on I-95 in Broward and Miami-Dade Counties. Governor vetoed on June 17, 2008.

### **Transportation Worker Identification Credentialing Program**

HB 7119 directed the Department of Highway Safety and Motor Vehicles to accept the federal Transportation Worker Identification Credential (TWIC) card in lieu of the Florida Uniform Port Access Credential (FUPAC) card for unescorted port access. The bill also authorized the department to charge a fee for entering the cardholder's information into the FUPAC system, not to exceed the department's actual costs. However, a cardholder would still have been subjected to a second criminal background check for Florida disqualifying offenses. Several members expressed concerns over this unnecessary duplicity and its impact on Florida's seaports and businesses, particularly, the potential loss of business for the ports and the additional monetary costs imposed on businesses seeking access to our state ports.

Amendments to require the acceptance of the federal criminal history and threat assessment conducted on individuals holding a TWIC card were filed to the bill preventing its passage on Third Reading. Similar amendments were also filed to the department's legislative package, CS/CS/CS/SB 1992, which also caused this bill's final passage to be deferred for several days. The sponsors eventually withdrew their amendments and CS/CS/CS/SB 1992 passed both houses without any language addressing the TWIC/FUPAC dispute. However, HB 7119 was not considered on Third Reading and died on the calendar. Its companion measure, CS/SB 1470, also died in the Senate Transportation and Economic Development Appropriations Committee.

This summer, the Office of Program Policy Analysis and Government Accountability (OPPAGA) will be conducting a review of the relevancy of the state's seaport security requirements in light of current federal laws and regulations. Moreover, funding to implement FUPAC was eliminated for FY 2009 over concerns with imposing duplicative costs on port businesses and users seeking unescorted port access.

## **Tribal Gaming Compacts**

SB 980 by Senator Geller would have designated the Governor as the state official with responsibility to negotiate and execute tribal-state gaming compacts on behalf of the State of Florida. The Governor was required to submit a tribal-state compact to the Legislature for ratification by majority vote of the House and Senate and to the Secretary of State. Once ratified by the Legislature, the Secretary of State would then submit the compact to the U.S. Secretary of the Interior for review and approval. The bill could have impacted pending litigation between the Governor and House of Representatives concerning which the Florida Supreme Court has yet to issue decision. Despite passing its first committee of reference, the bill received no subsequent hearings and died in the Senate Governmental Operations Committee.

## **Vox Populi – Citizen Participation in Public Meetings**

CS/HB 991 by Representative Hukill would have imposed uniform requirements for citizen participation in public meetings. The bill mandated public meeting decorum standards by requiring that locally elected officials maintain a commitment to the principles of civility, honor, and dignity during all “formal” governmental meetings. The bill required that non-agenda and “citizen-participation order of business” items be scheduled towards the beginning of a public meeting, and required local governments to allocate at least 15 minutes to this order of business. In addition, local governments were required to grant a minimum of three minutes to each citizen who desired to make a request, voice a complaint, express an opinion, or express recognition to the local governing body. If a citizen required more time to present their item or if staff research was necessary to allow the governing body to make a decision, then the specific item had to be rescheduled for a future meeting.

The bill imposed specific requirements for public hearings conducted by local governments and requirements regarding citizen participation on regular agendas, including consent and non-consent agenda items, including mandating that there be an agenda item for each meeting during which the local governing body must report on matters of the various boards, committees and groups on which the local government is represented. Local governments were required to adopt the bill’s requirements in a written policy no later than October 1, 2008, and to post the policy at local government’s meeting sites and its website within 30 days of its adoption.

The bill was amended in Council to provide an “opt out” provision for local governments, if a local government adopted a written policy with regard to public participation in meetings no later than October 1, 2008, and the local government conducted at least one public workshop to consider suggestions from the public. CS/HB 991 passed the House and died in Senate Messages. SB 2276, the companion measure by Sen. Lynn, died in the Senate Community Affairs Committee, its first committee of reference.

## **Waiver of Sovereign Immunity for Excess Judgment Amounts**

SB 2292 by Sen. Villalobos sought to waive sovereign immunity for payment of judgments in excess of current statutory caps. Under present law, the state has waived governmental (sovereign) immunity for tort liability claims or judgments up to \$100,000 per claim or judgment, or \$200,000 per incident or occurrence. As proposed, the bill preserved the statutory caps if a claim or judgment were to be paid from the General Revenue Fund of the state. If a claim or judgment, however, would be paid directly from a source other than the state’s General Revenue Fund, the bill provided for the claim to be settled and paid without regard to the statutory cap limits under current law.

The bill authorized the court with jurisdiction over the case to order payment of the excess amount, in full or in part, when a final judgment awarded amounts in excess of the statutory caps and the government did not agree to settle or pay the excess judgment. Prior to ordering payment, however, the court was required to take and consider evidence from the parties regarding whether the excess judgment should or should not be paid. The state, its agencies and subdivisions (including local governments) were not deemed to have waived the defense of sovereign immunity or to have increased their liability limits because they have obtained insurance coverage for tortuous acts in excess of the statutory. The bill was referred to four Senate committees and died without receiving a hearing.

## **SECTION TWO: LOCAL BILLS**

### **Hillsboro Inlet District**

HB 1073 by Rep. Seiler amends the Hillsboro Inlet District's charter to revise language relating to appointment of members of its board, and reduce the number of board members required for a quorum. **Chapter No. 2008-283; Effective Date: June 17, 2008.**

### **Municipal Annexation Special Act**

HB 1069 by Rep. Seiler repeals Chapter 74-442, Laws of Florida, which prohibited the governing board of a Broward County municipality from annexing any property unless the municipality has first adopted a land use plan. **Chapter No. 2008-281; Effective Date: June 10, 2008.**

### **Municipal Boundary Corrections**

HB 1071 by Rep. Seiler adjusts the corporate limits of the cities of Lauderhill, Plantation, and Fort Lauderdale in Broward County with regard to a specified parcel, portions of certain rights-of-way, and to remedy the creation of an enclave. The bill also provides for the transfer of public roads and rights-of-way, municipal powers with regard to the annexed area, and continuation of contracts. **Chapter No. 2008-282; Effective Date: June 10, 2008.**

### **Platting Special Acts**

HB 1065 by Rep. Seiler repeals Chapter 28946, Laws of Florida, and the subsequent special acts which amended the original law, i.e., Chapter 30626, Laws of Florida, Chapter 61-1964, Laws of Florida, and Chapter 63-1179, Laws of Florida that established varied requirements for platting lands located in Broward County and recording such plats. **Chapter No. 2008-279; Effective Date: June 10, 2008.**

### **South Broward Utility Advisory Board**

HB 1063 by Rep. Seiler amends Chapter 98-521, Laws of Florida, to transfer the Broward County Commission's two appointments to the South Broward Utility Advisory Board to the Town of Southwest Ranches. **Chapter No. 2008-278; Effective Date: June 30, 2008.**

### **Tax Assessor Plats Special Act**

HB 1067 by Rep. Seiler repeals Chapter 61-1960, Laws of Florida, which authorizes the Broward County tax assessor (i.e. property appraiser) to make, reproduce, or procure plats of lands that were previously subdivided but for which no plat had been recorded. **Chapter No. 2008-280; Effective Date: June 10, 2008.**

### **Tindall Hammock Irrigation and Soil Conservation District**

CS/HB 1365 by Rep. Seiler makes various changes to the governing charter of the Tindall Hammock Irrigation and Soil Conservation District. The bill provides for election of supervisors in September 2008 and every other year thereafter. It changes office of president to chair and creates office of vice chair, provides for calling of special meetings and requires the district's meeting place to be in Broward County. In addition, the bill increases the competitive bidding threshold to \$150,000 and authorizes alternative competitive bidding procedures including purchases from state term contracts. The bill increases the maximum allowable interest on the district's obligations not to exceed the maximum rate authorized by general law and also revises the district's bond criteria and approval processes. The district is designated an independent improvement district with the authority to own, acquire, construct, operate and improve water and sewer systems. **Chapter No. 2008-293; Effective Date: June 30, 2008.**

# **SECTION THREE: APPROPRIATIONS**

## **BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS**

### **STATE APPROPRIATION REPORT**

#### **FISCAL YEAR 2008-2009**

##### **TABLE OF CONTENTS**

EDUCATION BUDGET	SECTION I
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GENERAL GOVERNMENT BUDGET	SECTION V

# SECTION I – EDUCATION

## 1. Public Schools/ Operations

### A. Broward County Public Schools/Total Potential Funding

FY 2008-2009 Appropriation	\$1,775,748,230
FY 2007-2008 Appropriation	\$1,877,211,769

**Approx. (2.98%) decrease**

### B. Broward County Public Schools/ Total Funds per Unweighted FTE

FY 2008-2009 Appropriation	\$7,023.66
FY 2007-2008 Appropriation	\$7,361.85

**Approx. (1.71 %) decrease**

### C. State Categorical Programs/Broward County Schools

1. Instructional Material	\$24,594,613
2. Student Transportation	\$34,678,401
3. Reading Allocation	\$10,444,374
4. Class Size Reduction	\$279,318,007
5. Teacher Read Program	\$3,540,562

### D. Pre-kindergarten Education

Voluntary Pre-K

Item #79

**Broward County** **\$36,396,554**

### E. Special Categories – Autism Program U of M

Item #100

**Includes \$297,250 for activities in Broward County through  
Nova Southeastern University**

**\$1,302,030**

## 2. Community Colleges

### A. Aid to Local Governments –Grants & Aids Community Colleges Program Fund

Item #124

**Broward Community College** **\$67,049,353**

### B. Aid to Local Governments –Grants & Aids

Community College Baccalaureate Programs

Item # 125

**Broward Community College** **\$75,000**

### C. Community College Fixed Capital Outlay

Item #20

#### **Broward Community College**

**Gen ren/rem, HVAC, fires alarm sys, ADA, roofs Bldgs 3-31, site impr.** **\$6,541,845**

**Rem/rem Public Safety Bldg 22 & Bldg 6 w/addition – Cent part** **\$5,106,716**

**Health Sciences Simulation Lab Fac – Central part (spce)** **\$4,960,550**

# SECTION II – HEALTH & HUMAN SERVICES

## 1. Agency for Health Care Administration (AHCA)

### A. Florida KidCare

- 1) Program/Operating Budget
  - FY 2008-2009 Appropriation \$471,945,857 - Statewide
  - FY 2007 – 2008 Appropriation \$418,847,259 – Statewide
  - Item # 176-179
- 2) KidCare Enrollment Expect an additional 38,000 enrollment during 2008-2009 fiscal year - Statewide

### **Florida Health Choices Program - KidCare**

The bill expands eligibility by eliminating the 10 percent cap on full-pay enrollees in MediKids (ages 1-5) and Healthy Kids (ages 6-19) with a family income greater than 200 percent of the federal poverty level. Healthy Kids Corporation is required to submit a report to the Legislature and Governor, by February 1, 2009, on the premium impact to the subsidized portion of KidCare from the increase of full-pay enrollees, and make recommendations on how to eliminate or mitigate any premium impact.

### B. Medicaid Program - Statewide

- 1) Total Funding
  - FY 2008-2009 Appropriation \$15.8B – Statewide
  - FY 2007-2008 Appropriation \$16 B - Statewide
  - (Overall cut 7.3%)

Medicaid Cuts and the impact on Broward County Hospitals:

<b><i>N BROWARD HOSP DIST/BROWARD GEN MED</i></b>	<b><i>(\$5,308,535)</i></b>
<b><i>MEMORIAL REGIONAL HOSPITAL</i></b>	<b><i>(\$4,534,162)</i></b>
<b><i>PLANTATION GENERAL HOSPITAL</i></b>	<b><i>(\$2,007,033)</i></b>
<b><i>SOUTH BROWARD HOSP DISTRICT</i></b>	<b><i>(\$1,137,647)</i></b>
<b><i>NORTH BROWARD HOSPITAL</i></b>	<b><i>(\$1,048,070)</i></b>
<b><i>NORTH BROWARD HOSPITAL DISTRICT</i></b>	<b><i>(\$714,481)</i></b>
<b><i>MEMORIAL HOSPITAL MIRAMAR</i></b>	<b><i>(\$621,554)</i></b>
<b><i>D/B/A IMPERIAL POINT MEDICAL CTR</i></b>	<b><i>(\$506,224)</i></b>
<b><i>FMC HOSPITAL LTD.</i></b>	<b><i>(\$367,288)</i></b>
<b><i>NORTHWEST MEDICAL CENTER, INC</i></b>	<b><i>(\$384,810)</i></b>
<b><i>HOLY CROSS HOSP INC</i></b>	<b><i>(\$343,338)</i></b>
<b><i>SOUTH BROWARD HOSP DISTRICT</i></b>	<b><i>(\$355,956)</i></b>
<b><i>COLUMBIA HOSP CORP OF S BROWARD</i></b>	<b><i>(\$195,468)</i></b>
<b><i>UNIVERSITY HOSPITAL AND MEDICAL CTR</i></b>	<b><i>(\$118,938)</i></b>
<b><i>AMISUB (NORTH RIDGE HOSPITAL), INC</i></b>	<b><i>(\$90,277)</i></b>
<b><i>DOCTORS HOSPITAL</i></b>	<b><i>(\$76,426)</i></b>
<b><i>HEALTHSOUTH OF FT. LAUD. LTD PTNSHP</i></b>	<b><i>(\$61,877)</i></b>
<b><i>TCC PARTNERS</i></b>	<b><i>(\$26,802)</i></b>
<b><i>VENCOR HOSPITAL - FT. LAUDERDALE</i></b>	<b><i>(\$11,231)</i></b>
<b><i>VENCOR HOSPITAL – HOLLYWOOD</i></b>	<b><i>(\$3,522)</i></b>
<b><i>TENET HLTHCARE CORP</i></b>	<b><i>\$ -0-</i></b>
<b>BROWARD</b>	<b>Total (\$17,913,641)</b>

**2. Agency for Persons with Disabilities (APD)**

**A. Applied Behavioral Analysis Therapy – Broward, Miami-Dade, Palm Beach \$200,000**

Item #262

**3. Department of Children and Families (DCF)**

A. Grants to Sheriffs for Protective Investigations

FY 2008-2009 Appropriation \$47,491,157 – Statewide

FY 2007-2008 Appropriation \$50,471,143 - Statewide

Item #346

**Broward County Sheriff \$12,565,623**

B. Special Categories – Children’s Mental Health

Item #379

**Juvenile Co-Occurring Addictions Receiving Facility-  
Miami-Dade, Broward, Monroe \$50,000**

**4. Elder Affairs**

A. Community Care for the Elderly

FY 2009-2009 Appropriation \$54,553,804 – Statewide

FY 2007–2008 Appropriation \$54,636,284 - Statewide

Item #485

B. Grants and Aids to Local Governments – FCO

Senior Citizen Centers \$10,000,000 – Statewide

Item # 496A

Funds in specific appropriation 496A are provided for grants to construct, repair and maintain Florida’s Senior Centers. The Department of Elder Affairs shall establish criteria for grant awards that shall include a minimum 25 percent local match requirement. Proviso provides for \$500,000 to Bradford County Senior Center and Nassau County Senior Center.

**5. Department of Health**

A. County Health Departments

1) Total Funding to County Health Units Funding includes state, federal and local sources

FY 2008-2009 Estimated Appropriation \$1,157,946,903 – Statewide

FY 2007-2008 Estimated Appropriation \$1,142,959,504 - Statewide

B. Aid to Local Governments – EMS County Grants \$6,211,675 – Statewide

Item #602

**\* The allocation for Broward County has not been calculated for FY2008-2009  
In FY2007-2008 the county received \$285,088**

C. Aid to Local Governments – EMS County Matching Grants Item # 603	\$4,681,461 – Statewide
D. <b><i>Darrell Gwynn Foundation’s Spinal Cord Injury Wheelchair Donation Program – Broward</i></b> Item # 594	<b><i>\$90,000</i></b>
E. <b><i>Islet Cell Transplantation to Cure Diabetes, Diabetes Research Foundation - Broward</i></b> Item #545	<b><i>\$90,000</i></b>
F. <b><i>Joe DiMaggio Children’s Hospital Craniofacial Program</i></b> Item #621	<b><i>\$350,000</i></b>
G. <b><i>Nova Nurses</i></b> Item #650	<b><i>\$250,000</i></b>
H. <b><i>Broward County Health Department</i></b>	<b><i>\$3,630,000</i></b>

## **SECTION III– CRIMINAL JUSTICE & JUDICIAL**

### **1. State Attorney/Public Defender and State Court System**

#### A. State Attorney's Office – 17<sup>th</sup> Judicial Circuit

Salary and Benefits

FY 2008-2009 Appropriation \$33,207,546

**Total Positions 516**

FY 2007-2008 Appropriation \$34,509,413

**Total Decrease in Positions (6)**

Item #916-921

#### B. Public Defender – 17<sup>th</sup> Judicial Circuit

Salary and Benefits

FY 2008-2009 Appropriation \$16,858,167

**Total Positions 226**

FY 2007-2008 Appropriation \$17,217,365

**Total Decrease in Positions (12.5)**

Item #1005 - 1008

#### C. Guardian Ad Litem

FY 2008-2009 Appropriation \$33,210,530 – Statewide

FY 2007-2008 Appropriation \$35,756,045 - Statewide

Item #829-835

### **2. Department of Juvenile Justice**

#### A. Sheriffs' Training and Respect (STAR)

FY 2008-2009 Appropriation \$1,241,985 - Statewide

FY 2007-2008 Appropriation \$4,318,242 - Statewide

Item #1129

#### B. PACE Centers for Girls

FY 2008-2009 Appropriation \$10,915,831 – Statewide

FY 2007-2008 Appropriation \$11,578,997 - Statewide

Item #1152

### **3. Department of Corrections**

#### A. Fixed Capital Outlay/Prison Beds

FY 2008 -2009 Appropriation \$305,137,551 – Statewide

FY 2007-2008 Appropriation \$164,400,000 - Statewide

(Funded approximately 10,224 new prison beds statewide)

Item #760

# SECTION IV – NATURAL RESOURCES/ENVIRONMENT/ GROWTH MANAGEMENT & TRANSPORTATION

## 1. Department of Agriculture

A. Mosquito Control Grants to Local Governments	
FY 2008-2009 Appropriation	\$2,166,168 – Statewide
FY 2007-2008 Appropriation	\$2,166,168 – Statewide
Item #1416	
B. Support for Food Banks	
FY 2008-2009 Appropriation	\$200,000 – Statewide
FY 2007-2008 Appropriation	\$400,000 - Statewide
Item #1449A	

## 2. Department of Community Affairs

A. State Housing Initiative	
FY 2008-2009 Appropriation	\$166,183,500 – Statewide
FY 2007-2008 Appropriation	\$167,183,500 - Statewide
Item #1617	

<b>Broward County – Total Allocation</b>	<b>\$15,580,489</b>
<b>Broward</b>	<b>\$3,307,737</b>
<b>Coconut Creek</b>	<b>\$425,347</b>
<b>Coral Springs</b>	<b>\$1,145,166</b>
<b>Davie</b>	<b>\$824,208</b>
<b>Deerfield Beach</b>	<b>\$668,403</b>
<b>Fort Lauderdale</b>	<b>\$1,587,652</b>
<b>Hollywood</b>	<b>\$1,262,020</b>
<b>Lauderhill</b>	<b>\$567,130</b>
<b>Margate</b>	<b>\$490,785</b>
<b>Miramar</b>	<b>\$986,245</b>
<b>Pembroke Pines</b>	<b>\$1,349,270</b>
<b>Plantation</b>	<b>\$752,538</b>
<b>Pompano Beach</b>	<b>\$892,762</b>
<b>Sunrise</b>	<b>\$791,489</b>
<b>Tamarac</b>	<b>\$529,737</b>

## 3. Department of Environmental Protection

A. Florida Recreation & Development Assistance Grants (FRDAP)	
FY 2008-2009 Appropriation	\$24,474,875 - Statewide
FY 2007-2008 Appropriation	\$33,165,471 - Statewide
Item #1839	
<b>City of Hollywood – Oak Lake Park</b>	<b>\$135,199</b>
<b>City of Weston – Weston Regional Park Improvements</b>	<b>\$135,199</b>
<b>Town of Davie – Sunny Lakes Bird Sanctuary</b>	<b>\$135,199</b>
<b>Town of Davie – SW 8<sup>th</sup> Street Park</b>	<b>\$84,499</b>
<b>City of Hollywood – Jefferson Park</b>	<b>\$135,199</b>
<b>City of Pompano Park – Pompano Community Park Amenities</b>	<b>\$135,199</b>
<b>City of Parkland – Pine Trail Park Enhancements</b>	<b>\$135,199</b>
<b>City of Parkland – Pine Trails Park Amenities</b>	<b>\$135,199</b>

<b>City of Miramar – Ansin Sports Complex Facilities</b>	<b>\$135,199</b>
<b>City of Tamarac – Water’s Edge Park</b>	<b>\$135,199</b>
<b>City of Coconut Creek – George S Gerber Memorial Park</b>	<b>\$135,199</b>
<b>City of Miramar - Ansin Sports Complex</b>	<b>\$135,199</b>
<b>City of Lauderhill – St. George Community Park</b>	<b>\$135,199</b>
<b>City of Sunrise – Oakland Park Blvd. Park</b>	<b>\$135,199</b>
<b>City of Sunrise – NW 44<sup>th</sup> Street Passive Park</b>	<b>\$135,199</b>
<b>City of Plantation – Plantation Woods</b>	<b>\$135,199</b>
<b>City of Fort Lauderdale – Flagler Village Park</b>	<b>\$135,199</b>
<b>City of Coral Springs – Wet Deck Play Area</b>	<b>\$86,527</b>

B. Water Projects – Restoration Projects  
 FY 2008-2009 Appropriation \$65,500,000 – Statewide  
 FY 2007-2008 Appropriation \$153,350,000 - Statewide  
 Item # 1772C

<b>Broward County Initiative</b>	<b>\$100,000</b>
<b>Fort Lauderdale River Oaks Stormwater Park</b>	<b>\$2,250,000</b>
<b>Lauderdale Lakes Stormwater Improvement Project Phase 3</b>	<b>\$300,000</b>
<b>Oakland Park Floranada C-14 Canal Project</b>	<b>\$300,000</b>
<b>Pompano Beach Chlorine System Conversion</b>	<b>\$125,000</b>
<b>Southwest Ranches Public Safety Facility Drainage</b>	<b>\$39,867</b>
<b>Tamarac SCADA Radio Communication Project</b>	<b>\$200,000</b>
<b>Tamarac Stormwater Improvement Project</b>	<b>\$300,000</b>
<b>West Park SR 7/US 441 Stormwater Improvements</b>	<b>\$250,000</b>
<b>Weston Stormwater Management</b>	<b>\$100,000</b>

C. Beach Projects  
 FY 2008-2009 Appropriation \$21,935,695 - Statewide  
 FY 2007-2008 Appropriation \$30,566,188 - Statewide  
 Item #1748

Post-Construction Monitoring – Statewide	\$2,062,573
<b>Broward County Beach Nourishment, Segment III</b>	<b>\$459,257</b>
Priority Project List – Statewide	\$11,656,267
<b>Broward County Beach Nourishment, Segment III</b>	<b>\$124,325</b>
<b>Broward County Beach Nourishment, Segment II</b>	<b>\$371,165</b>
New Projects – Feasibility Design – Statewide	\$1,656,025
<b>Port Everglades IMP Implementation – Sand By-Pass</b>	<b>\$300,000</b>
Alternate Project List - Statewide	\$3,000,000

**4. Department of Transportation**

A. Transportation Disadvantaged Grants  
 FY 2008-2009 Appropriation \$40,395,709 – Statewide  
 FY 2007-2008 Appropriation \$40,395,709 - Statewide  
 Item #2068

B. Transportation Disadvantaged Medicaid Services  
 FY 2008-2009 Appropriation \$72,939,505 – Statewide  
 FY 2007-2008 Appropriation \$72,939,505 - Statewide  
 Item #2069

C. Aviation Development Grants	
FY 2008-2009 Appropriation	\$216,016,689 – Statewide
FY 2007-2008 Appropriation	\$170,867,892 - Statewide
Item #2071	
<b>Fort Lauderdale – Hollywood Intl Runway 9R/27L Extension</b>	<b>\$8,760,000</b>
<b>Fort Lauderdale Airport D Deck Terminal Rdway</b>	<b>\$2,782,000</b>
<b>North Perry Airport Overlay &amp; Install Lights</b>	
<b>Runway 9L/27R &amp; Taxiway</b>	<b>\$1,629,600</b>
D. Public Transit Development Grants	
FY 2008-2009 Appropriation	\$296,668,405 – Statewide
FY 2007-2008 Appropriation	\$387,510,448 - Statewide
Item #2072	
<b>Broward County Block Grant Operating Assistance</b>	<b>\$8,813,115</b>
E. Seaport – Economic Development	
FY 2008-2009 Appropriation	\$15M – Statewide
FY 2007-2008 Appropriation	\$15M - Statewide
Item #2074	
F. Seaport – Access Program	
FY 2008-2009 Appropriation	\$10M-Statewide
FY 2007-2008 Appropriation	\$10M-Statewide
Item #2075	
<b>Port Everglades Port-wide Dredging</b>	<b>\$3,397,500</b>
G. Seaport Grants	
FY 2008-2009 Appropriation	\$31,877,045 – Statewide
FY 2007-2008 Appropriation	\$152,804,345-Statewide
Item #2076	
<b>Port Everglades McIntosh Rd Realignment</b>	<b>\$2,000,000</b>
<b>Port Everglades New Bridge over FPL Canal</b>	<b>\$1,214,160</b>
H. Rail Development Grants	
FY 2008-2009 Appropriation	\$265,343,649 – Statewide
FY 2007-2008 Appropriation	\$491,690,448 - Statewide
Item #2077	
<b>SFRC-Deerfield/ Deerfield Station Repairs &amp; Restoration</b>	<b>\$1,456,406</b>
<b>SFRTA/New River BR New River Bridge</b>	
<b>Maintenance &amp; Dispatching</b>	<b>\$1,300,000</b>
I. Intermodal Development Grants	
FY 2008-2009 Appropriation	\$17,329,270 – Statewide
FY 2007-2008 Appropriation	\$62,271,886 - Statewide
Item #2078	

**J. DOT WORK PLAN – MAJOR PROJECTS WITHIN BROWARD COUNTY FUNDED FOR FY 2007-2008**

<b>Griffin Rd from SW 172th Ave to SW 188th Ave</b>	<b>\$4,500,000</b>
<b>I-595/P3/R/W from I-75 to W. of I-95(ROW)</b>	<b>\$30,921,623</b>
<b>I-595/P3/R/W from I-75 to W. of I-95(ROW)</b>	<b>\$17,000,000</b>
<b>I-595/SR-862 from E. of Nob Hill Rd to E. of University Dr.</b>	<b>\$12,312,944</b>
<b>I-595/SR-862 from W. of I-95 to E. of I-95</b>	<b>\$3,474,771</b>
<b>NW 7th Ave/NW 9th Ave Realignment Connector</b>	<b>\$2,666,666</b>
<b>Palm Ave from Stirling Rd to Griffin Rd</b>	<b>\$5,000,000</b>
<b>Resurface Broward County, MP47.2-47.9, County Line to Miramar Pkwy</b>	<b>\$4,424,207</b>
<b>SR-25/US-27 from Griffin Rd to Broward/Palm Beach C/L</b>	<b>\$19,130,525</b>
<b>SR-5/US-1 from Young Circle N to S of Sheridan Street</b>	<b>\$2,441,734</b>
<b>SR-7/US-441 from N of Hallandale Beach to N of Fillmore Street</b>	<b>\$26,859,990</b>
<b>SR-814/Atlantic Blvd from E of I-95 to W of SR-5/Less Except</b>	<b>\$3,526,291</b>
<b>SR-817/University Dr from S of C-13 Canal to C-14 Canal</b>	<b>\$6,406,689</b>
<b>SR-820/Hollywood Blvd from E of SR-5 to W of SR-A1A</b>	<b>\$5,833,842</b>
<b>SR-834/Sample Rd from W of Rock Island Rd to E of SR7/US441</b>	<b>\$5,391,832</b>
<b>SR-84/Trail/Greenway from Markham Park to University Dr</b>	<b>\$2,371,021</b>
<b>SR-845/Poweline Rd from Milepost 2.044 to Milepost 2.884</b>	<b>\$1,660,369</b>
<b>SR-93/I-75 from .5MI E of Toll Plaza to MP 30.76</b>	<b>\$19,912,439</b>
<b>SR-93/I-75 from MP 30.76 to MP 35/4 MI W of Canal</b>	<b>\$5,145,245</b>
<b>SR-A1A from S Beach Lot Entra to Sunrise Blvd</b>	<b>\$3,000,000</b>
<b>SR-A1A/Ocean Drive from NE 18 St to Oakland Pk Blvd</b>	<b>\$1,623,448</b>
<b>Widen NB to Tpk from Peters Rd to SR 838(Sunrise Blvd)</b>	<b>\$37,220,283</b>
<b>Andrews Ave Ext NW 18th Street Copans Rd</b>	<b>\$1,500,000</b>
<b>Broward Co ITS Power Upgrade</b>	<b>\$3,074,765</b>
<b>Canal Protection on Sawgrass Xway (SR869) MP 8-21</b>	<b>\$2,829,782</b>

# SECTION V – GENERAL GOVERNMENT

## 1. Administered Funds

A. Strengthening Domestic Security	
FY 2008-2009 Appropriation	\$186,739,442 - Statewide
FY 2007-2008 Appropriation	\$182,024,496 - Statewide
Item #2174A	

**Urban Security Initiative – Fort Lauderdale** **\$13,160,011**

## 2. Department of State

A. State Aid to Libraries	
FY 2008-2009 Appropriation	\$26,719,200 – Statewide
FY 2007-2008 Appropriation	\$31,900,000 - Statewide
Item #3174	

**\* A new funding formula was developed based on the passage of SB82 – the estimated funding for Broward County is \$1,968,814. Last year Broward County received \$1,851,812. Final appropriations will be determined in December 2008**

B. Library Cooperative Grant Program	
FY 2008-2009 Appropriation	\$1,500,000 – Statewide
FY 2007-2008 Appropriation	\$2,400,000 - Statewide
Item #3173	

**Southeast Florida Library Network (SEFLIN)** **\$250,000**

C. Cultural Institutions	
FY 2008-2009 Appropriation	\$2,474,108 – Statewide
FY 2007-2008 Appropriation	\$6,495,872 – Statewide
Item #3193	

**\* the legislature did not fund a particular list for the above program area – the final list will be provided by the Department of State, Division of Cultural Affairs.**

## 3. Department of Financial Services

A. Funds in Specific Appropriation 2531, \$410,058 from the Insurance Regulatory TF is provided for transfer to the Justice Administration Commission for the prosecution of insurance fraud in **Broward, Palm Beach, and Duval Counties \$410,058**

## **SECTION FOUR: TAXATION AND BUDGET REFORM COMMISSION**

The Taxation and Budget Reform Commission was formally appointed in February 2007 to examine the state's budgetary processes, revenue and expenditure processes, tax structure, and governmental productivity and efficiency. The Commission met over a 14 month period, during which it conducted public hearings and considered over 50 constitutional and statutory proposals. At its meeting of April 24, 2008, the Commission met to approve the following constitutional proposals that will appear on the November 2008 General Election Ballot.

- **CS/CP 4, 2<sup>nd</sup> Engrossed** – This proposal allows the Legislature to prohibit the consideration of wind-damage-resistance changes or improvements and the installation of renewable energy source devices as factors in assessing the value of residential real property for ad valorem taxes effective January 1, 2009. The proposal also deletes the existing exemption for renewable energy source devices which is no longer in effect. The amendment takes effect upon voter approval.
- **CS/CP 15 & 16, 2<sup>nd</sup> Engrossed** – The proposal requires the Legislature to provide an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes as defined by general law. The proposal also requires that land used for conservation purposes be classified and assessed solely on the basis of character or use for the purposes of ad valorem taxation. The amendment takes effect upon voter approval and must be implemented by January 1, 2010.
- **CS/CP 2, 2<sup>nd</sup> Engrossed** – This proposal prohibits the Legislature, beginning FY 2010-2011, from requiring that local school district levy ad valorem taxes as a condition of obtaining state education funding and requires that an equivalent amount of state revenues be generated from one or more of the following options: 1) repeal of sales tax exemptions that do not serve a public purpose; 2) an increase of up to one percentage point in the state's sales and use tax; 3) spending reductions; or 4) other revenue options created by the Legislature. The proposal places limits the subject matter of laws creating future tax exemptions; reduces the maximum annual increase in the assessed value of non-homestead property from 10 percent to five percent effective January 1, 2009; and lowers from 10 mills to five mills the maximum property tax millage rate for schools beginning January 1, 2010.
- **CS/CP 6, 8, & 24, 2<sup>nd</sup> Engrossed** – The proposal provides for following working waterfront properties to be assessed based upon the property's current use: 1) land used predominantly for commercial fishing purposes; 2) land that is accessible to the public and used to launch vessels into navigable waters; 3) marinas and drystacks open to the public; 4) water-dependent marine manufacturing facilities, commercial fishing facilities, and marine vessel construction and repair facilities and their support activities. The assessment limitation is subject to the conditions, limitations, and reasonable definitions established by the Legislature. The amendment takes effect upon voter approval and will apply to assessments for the tax years beginning January 1, 2010.
- **CS/CP 20, 1<sup>st</sup> Engrossed** – This proposal repeals the provision that prohibits the state, political subdivisions and their agencies from using public revenues to aid directly or indirectly any church, sect, or religious denomination or any sectarian institution. It also provides that an individual or entity may not be barred from participating in any public program because of religion. If approved, the amendment takes effect January 6, 2009.
- **CP 35, 2<sup>nd</sup> Engrossed** – This proposal requires that the Legislature authorize counties to levy local option sales tax to supplement funding for public community colleges. The tax may not be levied unless approved in each county the community college serves and the tax is subject to a five year sunset, but may be reauthorized by voters as provided by law. If approved, the amendment takes effect January 6, 2009.

- **CS/CP 26 & 40, 2<sup>nd</sup> Engrossed** – This proposal establishes that the Florida Constitution’s mandate for the state to provide a “uniform, efficient, safe, secure, and high quality system of free public schools” is a minimum, nonexclusive duty. The proposal also reverses legal precedent prohibiting public funding of private school alternatives to public school programs without creating an entitlement to publicly financed private programs. In addition, the proposal requires that 65 percent of school funding that school districts receive be spent on classroom instruction rather than administration. Classroom instruction and administration must be defined by law and the Legislature may address differences in administrative expenditures for necessary services among the state’s school districts.

In addition to the constitutional proposals above, the Taxation and Budget reform Commission also made a series of statutory recommendations for implementation by the Florida Legislature. The recommendations were submitted to the President of the Senate and the Speaker of the House of Representatives and are briefly summarized below.

- **CS/SR 5** – This proposal is the implementing legislation for CS/CP 4 which prohibits the consideration storm-hardening improvements and the installation of renewable energy source devices in assessing the value of residential real property for ad valorem taxes.
- **SR 11** – This proposal recommends the Legislature amend §101.161(1) to exempt constitutional amendments proposed by the Constitutional Revision Commission or Taxation and Budget Reform Commission from the 75-word ballot summary limitation.
- **SR 13** – This proposal expands the factors a property appraiser must consider in deriving just value for ad valorem purposes, including: 1) consideration of the legally permissible uses of a property; 2) zoning changes, concurrency requirements, and permits necessary to achieve highest and best use; 3) consideration of a property’s external obsolescence; and 4) the property’s physical deterioration and functional obsolescence. The recommendation also addresses the burden of proof in valuation proceedings.
- **SR 17** – This statutory proposal makes changes to the state’s sales and use tax laws to permit Florida to become a party to the Streamlined Sales and Use Tax Agreement. Participation in this multi-state agreement is intended to facilitate the payment sales taxes owed due to out-of-state retailer sales to Florida residents.
- **SR 19** – This proposal authorizes and encourages the expansion of faith and character-based programs at correctional institutions. The proposal also expresses the intent that savings derived through faith and character-based programs should be used to transition ex-offenders back into the community.
- **CS/SR 29** – This statutory recommendation proposes the creation of an 18-member joint legislative committee to conduct comprehensive, periodic reviews of all state sales and use tax exemptions.
- **CS/SR 36** – This proposal changes the state’s transportation funding laws to provide additional revenues for transportation-related infrastructure needs. The statutory recommendation includes indexing many of the state fuel taxes and local option fuel taxes to increases in the Consumer Price Index.

**CS/SR 49** – Except for property appraisers and tax collectors, this proposal requires that county officers, boards and taxing authorities receiving ad valorem taxes appropriated by the board of county commissioners for the operation of their offices submit to the county commission a line-item, zero-based budget prior to the commission’s budget hearings.



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