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April 20-24, Eighth Week of Session

Growth Management

After weeks of inaction, the House this week took up CS/CS/SB 360 as passed in the Senate and substantially amended the bill with much of its package from HB 7127. While the bill has many provisions, some of the major changes are discussed below.

The bill creates transportation concurrency exception areas (TCEAs) in counties and cities which qualify as “dense urban land areas”. Although Broward County is a dense urban land area under the bill, the County's transit concurrency districts are specifically exempted from the bill's TCEA provisions. The financial feasibility requirement for the capital improvements element of a local government's comprehensive plan is extended until December 1, 2011. The bill eliminates the DRI process within counties defined as dense urban land areas.

The bill provides that a project included in the first three years of a county's adopted capital improvement plan or DOT's work program, along with a high performance transit system, and which project is also included in the county or DOT's long-range plan is considered a committed facility for purposes of determining transportation concurrency. The costs of improvements made to a regionally significant transportation facility by a developer of a DRI must be credited toward the developer's proportionate fair share contribution.

To meet school concurrency, the bill allows for consideration of portable classrooms so long as they meet the requirements for long-term use in state law. The bill creates a new section of law preempting local governments from imposing standards for security cameras which financially affect businesses; however, Broward County

obtained an amendment to ensure the preemption does not impact the County's ability to implement security standards at its public facilities or apply to businesses operating at County facilities such as the airport or seaport. The bill requires DCA to complete its mobility fee studies and provide a report to the Legislature by December 1, 2009.

Subject to certain exceptions, the bill provides a two-year extension for permits issued by DEP and the water management districts, and for local government development orders and building permits, expiring during the period of September 1, 2008 through January 1, 2012. The bill rolled over to third reading, but continued disagreement between the House and Senate over some of the bill's provisions may delay passage by the House.

Prescription Drug Tracking

SB 462, by Sen. Fasano, passed in the Senate by a unanimous vote. The companion, HB 897 by Rep. Llorente, has met with some resistance, but was withdrawn from its final committee of reference on Friday and appears poised to be taken up on the House floor.

Area Agencies on Aging

On Friday, an amendment to SB 770 was filed by Sen. Fasano. The amendment offered additional protections to Community Care for the Elderly (CCE) lead agencies when resolving disputes with Area Agencies on Aging. The amendment was adopted and the bill passed the Senate.

Juvenile Justice

HB 173, by Rep. Adams, scheduled to be heard on the House Floor yesterday afternoon, was temporarily postponed after its Senate companion was defeated in the Criminal Justice

committee. SB 654, which was TPd last week in Senate Criminal Justice, after a committee member asked that Department of Juvenile Justice's (DJJ) Secretary Peterman appear to speak to the bill's substance, was scheduled for a re-hearing the last day of regularly scheduled committee meetings. No one from DJJ appeared to speak and the bill failed by a 4-3 vote. As a result, HB 173 and SB 654 are hopefully "dead" for the Session.

HB 1211, a juvenile justice bill amended by Rep. Adams with language from HB 173 (expanding judicial discretion and the availability of pre-adjudicatory secure detention), was heard on the floor Friday. The problematic language from HB 173 was stripped, and HB 1211 continues through the process, "clean".

Homelessness

Rep. Clarke-Reed's Homelessness bill was read a second time on Thursday and placed on third reading. The bill is in furtherance of Broward legislative policy positions by:

- Authorizing voluntary contributions in the amount of \$1 to be added to the issuance and renewal of motor vehicle registrations and drivers licenses to aid the homeless.
- Replacing the existing Emergency Financial Assistance for Housing program with a homeless prevention grant program to provide emergency financial assistance to families facing the loss of their current home due to financial or other crises.
- Expanding the definitions of homelessness.
- Encouraging local coalitions for the homeless to adopt the Housing-First approach to ending homelessness.
- Encouraging DCF and community-based care lead agencies to develop and implement procedures to address youth aging out of foster care.

The bill is expected to result in a savings of approximately \$200,000 in administrative costs

for the Office on Homelessness, which may be used to provide additional prevention grants, and may generate an indeterminate amount of revenue from voluntary donations for grant programs to help the homeless.

Fast Track Economic Stimulus for Small Businesses

HB 485, by Rep. Weatherford, creates the Florida New Markets Development Program (NMDP) to provide state tax credits for investments in low-income communities. Tax credits allocated may be used to offset corporate income or insurance premium tax liabilities. The program is designed to make the state more attractive to national investors who are deciding where to invest funds raised under the federal New Markets Tax Credits program by creating a state NMDP similar to the federal program. The bill was read a second time on Friday and was rolled to third reading.

Campaign Financing Set to Pass

SB 216 by Sen. Justice has failed in two previous Sessions to garner support sufficient to pass. This Session things are different, and the bill is poised to pass the Florida Senate.

The bill prohibits local governments from expending, or authorizing any expenditure, of public funds for political advertisements or electioneering communications that seek to support or oppose an issue, referendum, or amendment that is the subject of voter approval. The prohibition does not apply to electioneering communications providing factual information, and elected officials are not prohibited from expressing their opinions on any issue, as long as that opinion does not violate the restrictions in the bill. The bill also prohibits a person from accepting funds from a local government for political advertisements or electioneering communications prohibited under the bill. The bill's provisions do not apply to state officials or state agencies.

The companion measure, HB 591, is still in the House Criminal and Civil Justice Policy Committee and is unlikely to be revived since the committee is no longer meeting. However, because the bill did pass its first committee of

reference, the House could potentially take up the Senate bill when it is received to the House next week. The Florida Association of Counties, Florida League of Cities, and other interested local governments are engaged in efforts to avert possible House action on SB 216.

Expedited Permitting Ready for Final Passage

After many years of effort, Rep. Schenck and Sen. Fasano are one step away from seeing their expedited permitting bill pass the full Legislature. HB 73 by Rep. Schenck was considered and passed by the House this week. The bill was amended to include Broward County's language which provides the County Commission with the sole authority to determine whether a particular project (regardless of geographic location within Broward County) meets the definition of a target industry business to qualify for expedited permitting. On Friday, the Senate took up CS/SB 852, the companion measure, substituted the HB 73, and placed HB 73 on third reading for final passage next week.

Florida KidCare

Senator Nan Rich's KidCare bill was withdrawn from its last committee of reference on Thursday, and placed on the calendar for second reading. The bill modifies eligibility determination by requiring family income to be verified electronically. The bill also removes administrative barriers to the program by: decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days; reducing the waiting period from 6 months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health insurance and increasing the number of "good cause" reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period.

Oil Drilling

HB 1219, which was debated extensively on the floor on Friday, provides for redirecting royalties on oil exploration activities to support

environmental restoration and beach renourishment. The bill eliminates local government input into the granting of leases, and removes restrictions on drilling for gas and oil in coastal waters, except for mandating that emergent structures must be at least three miles offshore. Since three (land) miles (nine nautical miles) is easily visible from the shoreline. While drilling is anticipated to occur off Florida's more northern Atlantic or Gulf shores, this legislation creates the potential for drilling off Broward's coastline.

Public Construction Legislation

CS/CS/HB 611 by Rep. Hukill rolled over to third reading on Friday, putting the bill on course to pass the House early next week. The bill was amended on second reading to reflect the compromise reached between local governments and the construction industry.

The bill amends §255.20, Florida Statutes, relating competitive procurement for public construction works. It raises the thresholds for projects subject to competitive award to \$300,000 for construction and \$75,000 for electrical work on public buildings, structures and facilities. The terms "repair" and "maintenance" are defined and the scope of such activities is also established to address alleged abuses by some local governments. Airport, seaport and transit repair and maintenance projects are exempt from the section's provisions. The public best interest exception is strengthened by delineating transparency requirements when a local government desires to forego competitively awarding a project in favor of utilizing its in-house employees. Last, the Consumer Price Index is replaced with the Engineering News Records Building Cost Index for adjusting the referenced thresholds each year.

CS/SB 616 by Sen. Haridopolos is on the Senate's second reading calendar and should be scheduled for final floor consideration once the house bill passes next week.