

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: LEGISLATIVE BRIEFING ITEMS

DEPARTMENT: _____ **DIVISION** _____

Steve Lee EXT. 5741

AUTHORIZED BY: Kevin Grace **Contact:** Sally A. Sherman EXT 7224

Agenda Date <u>03/23/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

New Items for Discussion/Position

A. FRS CONTRIBUTION RATE CHANGE BILL (SB2230) – (No House companion bill). Revises payroll contribution rates for membership classes of FRS for state fiscal years effective July 1, 2004, & July 1, 2005; revises payroll contribution rates for Institute of Food & Agricultural Sciences effective July 1, 2004; provides declaration of important state interest. Amends 121.71.40. Effective Date: Upon becoming law.

Committee Reference

On Committee agenda—SENATE Governmental Oversight and Productivity

B. AMENDMENT OR REVISION VOTING

SJR 2392 (Related Bills SB 2398 & 304, HJR 13 & 239) by Sen. Jeff Atwater (R-Palm Beach) and Sen. Rod Smith (D-Alachua) requires that all constitutional amendments, regardless of how proposed, be enacted only if three-fifths (60 %) of the electors voting on the measure approve it. **SB 2398** would place this measure before the electors at a special election on August 31, 2004. **SB 2398** passed Senate Ethics & Elections and is also headed to Senate Judiciary.

Committee References – The Senate Joint Resolution passed the Senate Committee on Ethics and Elections; the next stop for the Senate Joint Resolution is the Senate Judiciary Committee.

• DEADLINE FOR FILING/INITIATIVES

SJR 2394 by Sen. Jeff Atwater (R-Palm Beach) and Sen. Rod Smith (D-Alachua) requires that all signatures of a citizen initiative petition be filed with the Secretary of State no later than February 1st of the year the proposal is to be on

the general election ballot. The Senate Joint Resolution also requires the Supreme Court to complete its review of the proposal and issue its opinion no later than April 1st of the year the proposal is to be on the general election ballot. Current law allows the signatures to be filed up to 91 days before the general election and the Supreme Court is required only to review the measure "expeditiously." The Senate Joint Resolution passed Senate Ethics & Elections on Thursday and is headed to Senate Judiciary Committee. **SB 2400** by Sen. Jeff Atwater (R-Palm Beach) and Sen. Rod Smith (D-Alachua) would place this measure before the electors at a special election on August 31, 2004. **SB 2400** passed Senate Ethics & Elections.

Committee References – The Senate Joint Resolution is in the Senate Judiciary Committee.

- **SUPREME COURT REVIEW OF CITIZEN INITIATIVES**

SJR 2396 (Related bill SB 2402) by Sen. Jeff Atwater (R-Palm Beach) and Sen. Rod Smith (D-Alachua), limits the scope of constitutional amendments and revisions that can be placed on the ballot by citizen initiative to include only those proposed measures that: (1) alter, amend, or repeal an existing article or amendment to the Constitution; (2) address a fundamental right of a citizen of Florida; or (3) seek to create, implement, or otherwise change a basic structure of state government, as determined by the Supreme Court. Current law only allows the Supreme Court to review initiatives to determine whether the petition contains only a single subject and whether the ballot title and summary are printed in clear and unambiguous language. The Senate Joint Resolution passed Senate Ethics & Elections. **SB 2402** by Sen. Jeff Atwater (R-Palm Beach) and Sen. Rod Smith (D-Alachua).

Committee References –The Senate Joint Resolution is in the Senate Judiciary Committee.

C. WEKIVA PARKWAY BILLS

CS/SB1214/HB849 (Constantine/Brummer) These bills implement the task force recommendations. The Senate bill appropriates \$25,000,000 to FDOT to buy property while the House version appropriates \$7,750,000 to DCA to fund the cost of comprehensive plan amendments and \$4,000,000 to DEP to implement wastewater collection facilities in Seminole County (specifically along Wekiva Park Drive and in the Wekiva River Oaks subdivision) and Lake County. The House bill assigns route selection in Seminole County to the Seminole County Expressway Authority, FDOT and the Turnpike Enterprise. The Senate bill is silent in that regard. Both bills create a 19 member Wekiva River Basin Commission; voting members (9) are a Commissioner from Orange, Lake and Seminole Counties, an elected municipal official from each county and three citizens (1 from an environmental organization, 1 property owner and 1 at-large who must be the chair). The 10 non voting include 1 each from MetroPlan Orlando, SCEA and

OOCEA, the balance from various State agencies. All are appointed by the Governor. The Commission is to monitor and ensure the implementation of the various elements of the Wekiva River effort.

Committee References

SENATE Referred to Natural Resources; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; Rules & Calendar

03/16/04 SENATE CS by Natural Resources YEAS 5 NAYS 1

03/17/04 SENATE Now in Comprehensive Planning

HOUSE Referred to Local Government & Veterans' Affairs; Natural Resources; Appropriations

03/16/04 HOUSE CS by Local Government and Veterans Affairs YEAS 19 NAYS 0

D. ARTICLE V "GLITCH" BILLS

Bills have been filed in both houses (SB2962/HB113A) to further clarify and implement the Revision to Article V during the next State fiscal year. FAC is analyzing the bills and we will report on same as soon as that analysis is received.

Committee References

SENATE Referred to Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; Appropriations

03/16/04 HOUSE Favorable by- Appropriations; YEAS 42 NAYS 0

03/18/04 HOUSE Placed on Special Order Calendar

E. WIRELESS EMERGENCY TELEPHONE SYSTEM (SB2774/HB 1495)

The bills provide legislative intent regarding emergency wireless telephone system; provides standards for local governments to follow when regulating placement, construction, or modification of wireless communications facility; provides that any moratorium affecting wireless communications facility must be adopted as if it were zoning ordinance & may continue for no longer than 6 months after moratorium's adoption.

Committee References

SENATE Referred to Communication and Public Utilities; Comprehensive Planning; Home Defense, Public Security, and Ports.

HOUSE Referred to Telecommunications (BR); Business Regulation; Local Government & Veterans' Affairs

F. TRAUMA CENTERS –

Fla Driver Responsibility Law -SB1496 – no House companion bill.

This is a Senate Transportation Committee Bill that is modeled after Texas legislation that passed last year, increasing various traffic penalties that would penalize habitually bad drivers, with the money going to trauma.

Committee References- Criminal Justice.

Highway Safety - HB65 – Related Bills SB 2784, SB 682, and SB 2842.

This is the “red light bill” sponsored by Representative Gardiner and Harrington. It would increase the penalty for running a red light, with the money going into the trauma trust fund.

Committee References-Transportation and Finance and Tax

Driving Privilege - HB183 – Related Bill SB 1528. The Doris Slosberg Act – This bill provides for additional penalties on various driving offenses, and the money generated would go to trauma.

Committee References – Finance and Tax and Appropriations

RECAP AND/OR UPDATE

1. **STRATEGIC INTERMODAL SYSTEMS (SIS)** bill (HB1477—no Senate companion). This proposal shifts between \$220-300 million from arterial roads to the SIS system. Staff has analyzed the proposed bill and has a report regarding same. FAC advises that Representative Gardiner and FDOT are anxious to work out the issues in order to gain FAC's support.

Committee References

HOUSE Referred to Transportation Systems (TR); Transportation; Finance & Tax; Transportation & Economic Development Appropriations (AP); Appropriations
03/17/04 HOUSE Transportation Systems AYES 18 NAYS 1

2. There is an **IMPACT FEE CODIFICATION** bill (SB 2874—no House companion bill) which seeks to codify the law regarding impact fees. It also adds a local document transfer surtax which can be adopted by super majority or referendum and which applies to the **second** transfer of property. If adopted then there can be no new impact fees levied as long as the tax is in place. FAC estimates that the new tax would generate \$50 on the transfer of a \$200,000 property.

Committee References

SENATE Referred to Comprehensive Planning, Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; Rules and Calendar

3. **CHARITABLE EXEMPTION FROM LANDFILL TIPPING FEES** (SB1400C1/HB1015). This bill mandates a landfill tipping fee exemption for charitable organizations that have a recycling rate greater than fifty per cent (50%). Any revenue shortfall cannot be made up by an increase in tipping fees. The bill does not apply to disposal of construction and demolition debris or manufacturing byproducts. It also exempts any jurisdiction with a bonding covenant against providing free service.

Committee References

SENATE Referred to Comprehensive Planning; Finance and Taxation
03/08/04 SENATE CS by Comprehensive Planning; YEAS 6 NAYS 1
03/09/04 SENATE Now in Finance and Taxation

HOUSE Referred to Local Affairs (LGV); Local Government & Veterans' Affairs; Natural Resources; Finance & Tax -HJ 00190

4. The **AGRICULTURAL ENCLAVES/COMPREHENSIVE PLANNING/BERT HARRIS** bill (SB1712/HB1161) creates new claims procedures for agricultural lands under the Bert Harris act, defines an agricultural enclave (essentially, an area surrounded by developed property) requires a finding of comp plan consistency if an application is made to change the land use to any of the land use designations applicable to one of the adjoining properties. The pari-mutuel provisions have been removed.

Committee References

SENATE Referred to Agriculture; Natural Resources; Regulated Industries; Appropriations Subcommittee on General Government; Appropriations
03/04/04 SENATE CS by Agriculture; YEAS 6 NAYS 0
03/16/04 SENATE Natural Resources YEAS 5 NAYS 0
03/17/04 SENATE Now in Regulated Industries

HOUSE Referred to Local Government & Veterans' Affairs; Agriculture; Agriculture & Environment Appropriations (AP); Appropriations

5. There are proposed bills to **REQUIRE GOVERNMENT OWNED UTILITIES TO PAY TAXES** (SB2780/HB1217). They require payment of intangible personal property, communications services, documentary, fuel, and sales taxes by the governmental utility when providing service that duplicates or replaces IOU utility services or when the utility moves into a new service area. The amendment prohibits local governments from providing telecommunication services.

Committee References

SENATE Referred to Communications and Public Utilities; Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations.

HOUSE Referred to Energy (BR); Business Regulation; State Administration; Finance & Tax; Appropriations

03/15/04 HOUSE Favorable by Energy with an amendment AYES 7 NAYS 0

6. **HB 1167 - PROPOSAL WILL PLACE NEW CONSTRUCTION INTO THE "ROLLED-BACK RATE" CALCULATION (SB 2298)**. A small group of property appraisers are seeking bill sponsors to file a bill that would cause new construction to be included into the calculation of the "rolled-back rate" pursuant to the Truth In Millage law (TRIM). **March 9, 2004 – Board unanimously opposed.**

Committee References

SENATE Introduced, referred to Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on General Government; Appropriations -SJ 00201 - 03/03/04

HOUSE Referred to Local Government & Veterans' Affairs; Subcommittee of Local Affairs; Finance and Tax.

7. On February 13, 2004, the County received a letter from Congressman John Mica requesting a listing of potential projects Seminole County may have for the FY 2005 Federal Budget. The Proposed Request for Federal Budget – Fiscal Year 2005 for submission. **March 9, 2004 – Board unanimously approved.**