



## **FUNDING REQUEST UPDATE**

The Senate version of the budget has included the following:

- |    |                          |             |
|----|--------------------------|-------------|
| 1. | Four lanes on SR 46      | \$750,000   |
| 2. | Four lanes on SR 415     | \$3,700,000 |
| 3. | I-4 Interchange at SR 46 | \$3,000,000 |

Information on the House version is not available at this time.

**DEPARTMENT OF JUVENILE JUSTICE FUNDING – CS/SB 2564** by Sen. Victor Crist (R-Hillsborough) implements the Department of Juvenile Justice cost shift to counties. The bill creates Chapter 985.2155, F.S., and provides for shared county and state responsibility in funding pre-disposition detention costs for juveniles. On April 2, 2004, the Senate passed the bill by a vote of 27-12 (meeting the 2/3<sup>rd</sup> requirement for an unfunded mandate). It was immediately sent to the House. All four (4) Seminole County Senators voted in favor of the bill despite e-mails from staff and a personal visit by our Tallahassee lobbyist.

**The negative impact to the County is \$1.6 Million per year.**

**CODIFYING IMPACT FEES - SB 2874** by Sen. Mike Bennett (R-Manatee). This bill would codify the impact fee process. Such codification would eliminate county home rule authority to impose impact fees. The bill also appears to put in question whether impact fees may be imposed for school facilities. Additionally, the bill would mandate the application of certain credits for other state and federal funds received as well as other taxes paid by the new development. The bill also authorizes real estate transfer surtax by local option, however, FAC has advised that this provision will probably be removed from the bill due to opposition from several different industry groups.

Seminole County Impact Fee Ordinances currently contain many of the elements proposed and more. The County's Impact Fee Ordinances are better defined than what is being proposed by the bill and provides better management tools.

### **Committee References**

- 03/16/04 SENATE Introduced, referred to Comprehensive Planning; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; Rules and Calendar
- 03/24/04 SENATE On Committee agenda-- Comprehensive Planning, 03/29/04, 2:00 pm, 412-K --Not considered

## **ARTICLE V / REVISION 7**

The Senate Judiciary Committee heard **SB 2962** by Sen. Rod Smith (D-Alachua) this week. More than fifty amendments to the bill were adopted, none of which addresses the county's main concerns with Chapter 29, F.S. FAC testified and informed the committee that FAC's primary issues are unresolved and are not included in the bill; ongoing negotiations are taking place with Sen. Smith; and that significant changes would need to be made to the bill.

The main provisions amended into the bill do the following:

- a. reinstate the court improvement fund in s. 939.18, F.S. and expand the allowable uses of the fund to include legal aid programs and law libraries;
- b. adds a county obligation for funding sign-language interpreters when not constitutionally required;
- c. creates a statewide technology board to examine issues relating data integration, standards, etc.;
- d. authorizes state attorneys to spend state funds on computer systems and support staff;
- e. adds to the counties' communications funding obligation by including fax machines, pagers, cell phones, video conferencing equipment, etc.;
- f. authorizes a county to charge fees for local requirements funded by the county from those who are able to pay; and designates \$0.50 of court costs assessed on traffic infractions to be used for criminal justice selection and assessment centers and designates \$2.50 of those court costs to be used by counties for law enforcement education and training.

### **Committee References**

- 03/16/04 SENATE Introduced, referred to Judiciary; Appropriations Subcommittee on Article V Implementation and Judiciary; Appropriations
- 03/22/04 SENATE CS by Judiciary; YEAS 7 NAYS 0. CS read first time on 03/25/04
- 03/24/04 SENATE Now in Appropriations Subcommittee on Article V Implementation and Judiciary; On Committee agenda-- Appropriations Subcommittee on Article V Implementation and Judiciary, 03/29/04, 4:30 pm, 309-C
- 03/29/04 SENATE CS/CS by Appropriations Subcommittee on Article V Implementation and Judiciary; YEAS 4 NAYS 0
- 03/31/04 SENATE Now in Appropriations

## RECAP AND/OR UPDATE

1. **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.

**On April 2, 2004, the Senate passed the bill 38-0 and immediately certified it to the House.**

### 2. **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.

**On April 1, 2004, the Senate passed the bill by a vote of 34-4 and it is now in House messages.**

- **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." **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.

**On April 1, 2004, the Senate passed the Joint Resolution by a vote of 38-1. It is now in House messages. SB 2400 was passed by a vote of 35-4. It is also in House messages.**

- **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. **SB 2402** 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.

**On April 1, 2004, the Senate passed the Joint Resolution by a vote of 35-4. It is now in House messages. SB 2402 was passed by a vote of 35-4. It is also in House messages.**

### **3. WEKIVA PARKWAY BILLS**

**CS/CS/SB1214/HB849** (Constantine/Brummer) These bills implement the task force recommendations. Both bills have been substantially amended and now substantially mirror each other. The bills now create a study area, authorize land acquisition, subject to funding by local entities and an appropriation by the Legislature, specify the parameters of the Wekiva Parkway, including the number of interchanges and require various studies to be performed and reported back to the Legislature at different times. They also require several agencies to engage in rule making regarding water recharge and quality, require local governments to amend their comprehensive plans for interchange land uses, and provide criteria to DCA for review of those amendments. Both bills now include the same wording regarding route selection in Seminole County (the Seminole County Expressway Authority is specifically included in the decision). The House bill 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 Senate bill does not make any specific appropriations.

#### **Committee References**

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

The bill has passed out of Natural Resources and Comprehensive Planning. It is now in the Appropriations Subcommittee on Transportation and Economic Development.

HOUSE The bill has passed out of all Committees.

#### **4. 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**

03/16/04 SENATE Introduced, referred to Communication and Public Utilities; Comprehensive Planning; Home Defense, Public Security, and  
03/23/04 Passed by Communication and Public Utilities  
03/25/04 SENATE Now in Comprehensive Planning

03/09/04 HOUSE Referred to Telecommunications (BR); Business Regulation; Local Government & Veterans' Affairs  
03/29/04 HOUSE Recommendation: Favorable with 1 amendment(s) by Telecommunications (BR); YEAS 8 NAYS 0  
03/29/04 HOUSE Recommendation favorable by Business Regulation; YEAS 34 NAYS 1

#### **5. 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 twenty per cent (20%) of the money going to the Trauma Service Trust Fund.

##### **Committee References-**

01/28/04 SENATE Referred to Transportation; Criminal Justice; Finance and Taxation; Appropriations Subcommittee on Transportation and Economic Development; Appropriations  
02/17/04 SENATE CS by Transportation; YEAS 8 NAYS 0  
03/02/04 Now in Criminal Justice  
03/19/04 SENATE Temporarily postponed.

##### **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 most of the money going into the trauma trust fund.

##### **Committee References-**

HOUSE referred to Transportation; Finance & Tax

02/17/04 Favorable with CS amendment by Transportation; YEAS 21 NAYS 0  
03/08/04 HOUSE Now in Finance & 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 –**

01/08/04 HOUSE Referred to Finance & Tax; Appropriations

03/02/04 HOUSE Introduced, referred to Finance & Tax; Appropriations

6. **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

03/15/04 Temporarily postponed in Finance and Taxation

03/22/04 Temporarily postponed in Finance and Taxation

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

7. 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

03/24/04 SENATE Withdrawn from Regulated Industries. Now in Appropriations

#### Subcommittee on General Government

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

03/16/04 HOUSE Favorable with CS amendment by Local Government & Veterans' Affairs; YEAS 19 NAYS 0

03/25/04 HOUSE Favorable with CS amendment by Agriculture; YEAS 13 NAYS 0

04/02/04 HOUSE Recommendation: Favorable with 3 amendment(s) by Agriculture & Environment Appropriations (AP) YEAS 14 NAYS 0.

8. 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

03/29/04 HOUSE Favorable with CS amendment by Business Regulation; YEAS 35 NAYS 1

9. **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

03/23/04 SENATE Favorable by Comprehensive Planning; YEAS 5 NAYS 2

03/24/04 SENATE Now in Finance and Taxation -SJ 00377

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