

**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

<p>Agenda Date <u>04/27/04</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/></p> <p>Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/></p>
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**RECAP AND/OR UPDATE**

**1. DEPARTMENT OF JUVENILE JUSTICE FUNDING - SB 2564** by Sen. Victor Crist (R-Hillsborough) provides for the implementation of the Dept. of Juvenile Justice cost shifts to the 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. The bill passed the Senate Committee on Appropriations by a vote of 13-5.

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

**2. 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.

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

### **3. 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 heard that this provision will be removed from the bill.

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.

**4. 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.

### **5. 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.

## **6. 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.

## **7. 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).

## **8. 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.

#### **9. 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.

#### **10. 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.

#### **11. 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.

#### **12. 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.

**13. 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.

**14. 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

14. 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.

**15. 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.

16. 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.

17. 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.

**18. 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.**

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.**

#### **19. H 3558 – Wireless 411 Privacy Act- (HR 3558)**

Cellular-phone industry is expected to launch a wireless directory assistance service that seeks to include more than 70% of the nation's 156 million cellular numbers in its database.

The Wireless 411 Privacy Act, states that -

“Opt In” for Existing Users - wireless carriers must have clear preauthorization from all existing wireless users before including the user's name and phone number in the Wireless Directory Assistance database.

“Opt Out” for New Users - at the time of entering into an agreement with wireless users, wireless carriers must allow all new users a clear conspicuous mechanism to decline to participate in the Wireless Directory Assistance database.

No fees for being unlisted - No fees can be charged to consumers for being unlisted in the database.

Hearings will be held this Spring. Concerns about privacy will be the main reason Congress takes action on this issue. Concerns about profit not privacy are driving the issue. It is anticipated that the wireless directory could generate \$3 billion in additional revenue for providers.

#### **20. FUNDING REQUEST**

The Senate version of the budget has included the following:

SR 46 4 lane \$750,000 (request 2,000,000)  
415 4 lane \$3,700,000 (request \$2,500,000)  
I-4 Interchange @ SR 46 \$3,000,000 (request \$10,000,000)

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