

2006 LEGISLATIVE SUMMARY



LEGISLATIVE COMMITTEE ON
INTERGOVERNMENTAL RELATIONS

FOREWORD

Each year the staff of the Legislative Committee on Intergovernmental Relations (LCIR) tracks the progress of select legislation that may affect the state's local governments during session. This session 379 bills passed both chambers and went on to the Governor for approval. Of these bills, the Governor approved 363 bills and vetoed 14 bills. One bill, H 113, concerning Circuit and County Judges, became law without the Governor's signature. Another, H 209, repealing provisions of the intangible personal property tax, has not been presented to the Governor for action. Attached please find a summary of the bills that were tracked this year along with each bill's outcome and its Chapter law cite, if appropriate. The summary is divided into several sections, including:

- I. Select Bills that Passed, divided into subsections A – G, by topic;
- II. Task Forces;
- III. Local Bills; and
- IV. Select Bills that Failed.

If further information is desired you may contact Cristina Martinez, LCIR Attorney, or Rip Colvin, Executive Director, at (850) 488-9627.

The LCIR Legislative Summary can be accessed online at: <http://www.floridalcir.gov>.

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I. Select Bills that Passed.

A. Environment.

H 1249 Funding for Oyster Management and Restoration Programs in Apalachicola Bay and Other Areas (Kendrick). Repeals the 50 cent surcharge on oysters harvested from Apalachicola Bay which is distributed for oyster management and restoration programs in the bay. Provides for a \$300,000 annual documentary stamp distribution to the Department of Agriculture and Consumer Services' General Inspection Trust Fund for oyster management and restoration programs throughout the state. Prohibits the Department of Revenue from collecting uncollected surcharge revenues. Effective July 1, 2006, except where indicated otherwise. Approved by the Governor on June 12, 2006 (Ch. 2006-185, L.O.F.).

H 1299 Areas of Critical State Concern (Sorensen). Authorizes the continued levy of the tourist impact tax for certain period of time in areas of critical state concern removed from designation. Provides requirements, procedures, and criteria for the Administration Commission's removal of the Florida Keys Area as a designated area. Requires review of proposed comprehensive plans and amendments to existing plans after removal of such designation and provides review criteria. Amends Ch. 380 and ss.125.0108 and 212.055, F.S. Effective July 1, 2006. Approved by the Governor on June 14, 2006 (Ch. 2006-223, L.O.F.).

B. Property and Land Use.

H 683 Growth Management (Traviesa). Revises provisions for filing certain interlocal agreements and amendments. Encourages local governments to adopt recreational surface water use policies. Removes waterport and marina developments from development-of-regional-impact review. Provides that vesting provisions regarding authorized developments of regional impact are not applicable to certain projects. Requires the Department of Community Affairs to adopt rules to streamline the Application for Development Approval for Developments of Regional Impact (DRIs). Provides additional exemptions from DRI review and increases the threshold that triggers such a review. Effective July 1, 2006. Approved by the Governor on June 14, 2006 (Ch. 2006-220, L.O.F.). See also, S1194 (Ch. 2006-218, L.O.F.) in Section D.

S 1112 Development Permits/Denial (Bennett). Provides that permit denials must be in writing. Effective October 1, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-88, L.O.F.).

H 1363 Affordable Housing (M. Davis). Provides for disposition of county and municipal properties and state lands for affordable housing. Decreases age and increases income threshold required for eligibility of ad valorem property tax deferral. Authorizes district school boards to provide affordable housing for teachers and other district personnel. Creates the Community Workforce Housing Innovation Pilot Program (CWHIPP) which provides grants and incentives to affordable housing programs that

target high-cost or high-growth counties, work force housing, essential service personnel, public-private partnerships, and innovative projects. Contains a similar provision to S1268 concerning the homestead tax deferral program. Appropriates approximately \$384 million for housing-related programs. Effective July 1, 2006, except where otherwise provided. Approved by the Governor on June 1, 2006 (Ch. 2006-69, L.O.F.). See also, S1268 (Ch. 2006-47, L.O.F.) in Section D.

H 7131 Brownfields Redevelopment (Environmental Regulation and Needelman). Contains a provision allowing local governments to call a referendum to grant ad valorem tax exemptions for new or expanding businesses in a brownfield area. Effective July 1, 2006. Approved by the Governor on June 22, 2006 (Ch. 2006-291, L.O.F.).

C. Business Regulation.

H 167 Moving and Storage Services (Hays). Increases consumer protection regarding moving and storage services. Effective July 1, 2006. Approved by the Governor on April 24, 2006 (Ch. 2006-4, L.O.F.).

H 273 Outdoor Advertising (Mayfield). Creates "view zones" for billboards and provides regulations. Effective upon becoming law. Approved by the Governor on June 20, 2006 (Ch. 2006-249, L.O.F.).

H 483 Nursing Services (Garcia). Specifies staffing requirements for hospital operating rooms. Effective July 1, 2006. Approved by the Governor on June 9, 2006 (Ch. 2006-133, L.O.F.).

S 888 Energy (Ways and Means Committee and Constantine) Addresses six general subjects: (1) the Florida Energy Commission; (2) nuclear power plant siting; (3) alternative energy incentives; (4) energy-related reporting requirements; (5) streamlining power plant and transmission lines siting acts; and (6) water projects. Effective upon becoming law, except as otherwise provided. Approved by the Governor on June 19, 2006 (Ch. 2006-230, L.O.F.).

H 1031 Pawnbroking, Local Ordinances, and Fees (Kyle). Prohibits local governments from imposing transaction fees on pawnbroking transactions. Effective July 1, 2006. Approved by the Governor on June 9, 2006 (Ch. 2006-143, L.O.F.).

H 1079 Exemption from the Tax on Sales, Use, and Other Transactions (Altman). Creates a new exemption from the sales and use tax, for advertising materials such as individual coupons or other individual cards, sheets, or pages of printed advertising, that are distributed free of charge by mail in an envelope for ten or more persons on a monthly, bimonthly or other regular basis. Effective July 1, 2006. Approved by the Governor on June 9, 2006 (Ch. 2006-144, L.O.F.).

H 1139 Construction Defects (Murzin). Revises provisions to expand application to construction defects in any property other than public transportation projects. Deletes language limiting application to only residential property. Revises provisions regarding

required notices for construction defect claims under certain construction contracts. Authorizes the use of the alternative dispute resolution process, currently available for residential construction projects, to be used for commercial and public construction projects. Effective October 1, 2006. Approved by the Governor on June 22, 2006 (Ch. 2006-281, L.O.F.).

S 1980 Property and Casualty Insurance (Garcia). Amends Citizens Property Insurance Corporation's coverage, costs, and oversight policies. Effective May 16, 2006. Approved by the Governor on May 16, 2006 (Ch. 2006-12, L.O.F.).

S 2728 Economic Development Incentives (Fasano). Expands and creates additional economic development incentives for certain businesses. Effective July 1, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-55, L.O.F.).

D. Finance and Tax.

H 47 Hurricane Preparedness/Sales Tax (Greenstein). Creates a sales tax holiday on hurricane related preparedness items from May 21 until June 1, 2006. Effective upon becoming law. Approved by the Governor on April 27, 2006 (Ch. 2006-7, L.O.F.).

H 69 Sales Tax Exemptions/Machinery (Meadows). Creates the Florida Manufacturing Global Competitiveness Act. Expands three existing sales tax exemptions for: (1) industrial machinery and equipment purchased for an expanding facility engaged in spaceport activities or for use in an expanding manufacturing facility; (2) machinery and equipment purchased for use by new or expanding solid minerals, mining, and processing operations; and (3) machinery and equipment purchased by an expanding business pursuant to federal regulations. Provides legislative findings regarding the importance of a competitive manufacturing business climate in Florida. Effective July 1, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-56, L.O.F.).

H 209 Intangible Personal Property Tax (Brummer). Repeals the .5 mill annual (recurring) tax imposed on stocks, bonds, notes, and other intangible property. Makes no changes to the 2 mill nonrecurring tax imposed upon obligation secured by liens on Florida property, nor to the .5 mill annual tax imposed upon governmental leaseholds. Effective January 1, 2007, except as otherwise provided. Ordered enrolled on April 27, 2006.

S 264 Homestead Assessments (Fasano). Provides that a transfer of title to a trustee is not a taxable transaction. Effective July 1, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-38, L.O.F.).

HJR 353 Homestead Exemption Increase (Lopez-Cantera). Proposes a constitutional amendment to increase the maximum additional homestead exemption that a county or city may grant to low income seniors from \$25,000 to \$50,000. Effective if approved by voters. Signed by Officers and filed with the Secretary of State on June 20, 2006.

H 415 Sales Tax/Research or Development (Quinones). Exempts machinery and equipment used predominantly for research and development from the state sales and use tax. Provides criteria, definitions, and process for obtaining the exemption. Effective July 1, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-57, L.O.F.).

H 421 Tax on Sales, Use, and Other Transactions (Reagan). Extends or removes repeal dates for exemptions on tax on sales, use, and other transactions for certain public venues and facilities. Effective July 1, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-101, L.O.F.).

H 573 Disabled Veterans (Bilirakis). Expands exemption from certain local government fees and permits related to structural improvements for wheelchair accessibility to include any dwelling owned or occupied by a disabled veteran. Effective July 1, 2006. Approved by the Governor on June 20, 2006 (Ch. 2006-250, L.O.F.).

HJR 631 Homestead Exemptions from Ad Valorem Taxation (Sansom). Proposes a constitutional amendment to allow certain disabled WWII veterans to receive a discount from the Ad Valorem Tax. Conditions for receiving the discount include: (1) that the person applying for the discount was a Florida resident when they entered the military; (2) that the disability was combat-related; and (3) that the veteran was honorably discharged. The discount is a percentage equal to the percentage of the veteran's permanent, combat-related disability, as determined by the Veterans' Administration. No action is necessary by a local government for the veteran to receive the discount. Effective if approved by voters. Signed by Officers and filed with the Secretary of State on June 20, 2006.

S 692 Sales Tax/School Supplies and Clothing (Webster). Creates a sales tax holiday on school supplies, books, and clothing from July 22 through July 30, 2006. Effective July 1, 2006. Approved by the Governor on June 1, 2006 (Ch. 2006-63, L.O.F.).

H 737 Tax Benefits Related to Catastrophic Emergencies (Grant). Provides for the use of local option sales tax revenues to improve private facilities used as shelters and staging areas during catastrophic emergencies. Effective June 1, 2006. Approved by the Governor on June 1, 2006 (Ch. 2006-66, L.O.F.).

H 821 Community Contribution Tax Credit Program (Goodlette). Increases the amount of available tax credits against sales tax, corporate income tax, and insurance premium tax, for projects under community contribution tax credit program and provides separate annual limitations for certain projects. Revises requirements and procedures for the Office of Tourism, Trade and Economic Development in granting tax credits under the program. Effective July 1, 2006. Approved by the Governor on June 6, 2006 (Ch. 2006-78, L.O.F.).

S 1194 Impact Fee Act; Interlocal Services Boundary Act (Constantine). Addresses service delivery and annexations. Creates the Florida Impact Fee Act which requires local governments imposing impact fees to meet specific requirements regarding:

calculations, accounting and reporting, administrative charges, notice, and audit affidavit. Effective upon becoming law. Approved by the Governor on June 14, 2006 (Ch. 2006-218, L.O.F.).

S 1268 Deferral of Ad Valorem Taxes (Brummer). Decreases the minimum age, from 70 to 65, and increases the income threshold, from \$12,000 to \$23,463, for participation in the Homestead Tax Deferral Program. Lowers the interest rate that may be charged from 9.5 to 7 percent. May include deferral of all ad valorem taxes and non ad valorem assessments. Requires that a participant maintain their homestead and be current on homeowners and fire insurance. Effective July 1, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-47, L.O.F.). See also, H1363 (Ch. 2006-69, L.O.F.) in Section B.

H 1269 Local Occupational License Taxes (Cusack). Amends specific provisions to change term “local occupational license tax” to “local business tax”. Defines “receipt” as it relates to business taxes. Amends ss. 205.013 - 205.1973, F.S. Effective January 1, 2007. Approved by the Governor on June 9, 2006 (Ch. 2006-152, L.O.F.).

H 1583 Community Redevelopment (M. Davis). Defines “taxing authority” and authorizes representatives of taxing authority or members of taxing authority's governing body to be members of board of commissioners of community redevelopment agency. Revises provisions regarding powers of counties, municipalities, and community redevelopment agencies. Revises provisions regarding projects ineligible for increment revenues. Revises provisions regarding redevelopment trust funds. Amends Ch. 163, F.S. Effective July 1, 2006. Approved by the Governor on June 26, 2006 (Ch. 2006-307, L.O.F.).

H 7109 Property Taxation (Finance and Tax and Brummer). Amends ss. 193.155 and 196.031, F.S., to shield property owners whose homestead property is damaged or destroyed by a hurricane or other misfortune from increases in assessed value for property tax purposes, provided that the size of the home is not increased by more than 10 percent, or does not exceed 1500 square feet.

Provides for a study of the impact on local property taxes of current homestead tax exemptions and assessment limitations. Requires the Department of Revenue (DOR) to provide and analyze data about homestead property taxation, and analyze how portability of the Save Our Homes differential would affect relative taxes levied on all other classes of property and the distribution of the required local property tax effort for school funding. The final DOR report is due January 2, 2007.

Directs the Office of Economic and Demographic Research to prepare a report summarizing the DOR study, including findings of the study and property tax policy options that may be available to the state. An interim progress report, due February 15, 2007, will include preliminary findings and policy options to be considered during the 2007 session. The final report is due September 1, 2007. Appropriates \$300,000 to the Department of Revenue to conduct its study, and \$500,000 to the Office of Economic and

Demographic Research for preparing the report. Effective upon becoming law, except as otherwise provided. Approved by the Governor on June 27, 2006 (Ch. 2006-311, L.O.F.).

H 7183 Property Tax Exemptions (Finance and Tax). Creates a property tax exemption for land: (1) owned by a 501(c)(3) corporation; (2) which is open to public; (3) displays biblical materials; and (4) performs biblical demonstrations (i.e., Holy Land Experience theme park in Orlando, Florida). Effective July 1, 2006. Approved by the Governor on June 9, 2006 (Ch. 2006-164, L.O.F.).

E. General Government.

H 65 Foreclosure Proceedings (Porth). Addresses issues related to surplus funds in foreclosure sales. Effective July 1, 2006, except as otherwise provided. Approved by the Governor on June 12, 2006 (Ch. 2006-175, L.O.F.).

H 67 Automated External Defibrillator Devices (Sobel). Provides for grants to distribute automated external defibrillator devices to youth athletic organizations. Effective July 1, 2006. Approved by the Governor on June 9, 2006 (Ch. 2006-125, L.O.F.).

S 124 Sovereign Immunity/Law Enforcement (Posey). Relieves law enforcement of any liability for injury or property damage if “in pursuit” of a person fleeing an officer. Effective upon becoming law. Approved by the Governor on June 20, 2006 (Ch. 2006-234, L.O.F.).

S 152 Property Appraiser Assessments (Saunders). Creates authority for property appraisers to inspect property with technological tools. Effective May 30, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-36, L.O.F.).

S 214 Dart-Firing Stun Guns/Training and Use (Wise). Establishes new training requirements for law enforcement. Effective upon becoming law. Approved by the Governor on June 26, 2006 (Ch. 2006-298, L.O.F.).

S 258 Farm Labor Vehicles (Alexander). Requires seatbelts in farm vehicles, but does not specify who enforces this requirement. Effective July 1, 2006. Approved by the Governor on June 6, 2006 (Ch. 2006-81, L.O.F.).

H 293 Fiscally Constrained Counties (Pickens). Sets aside 0.0841 percent of available sales tax to fiscally constrained counties. Effective July 1, 2006. Approved by the Governor on June 16, 2006 (Ch. 2006-229, L.O.F.).

S 428 Travel Expenses/Reimbursement (Lawson). Permits local governments to use travel reimbursement rates from FY2005-06. Increases travel reimbursement and per diem rates for state travel. Effective July 1, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-41, L.O.F.).

H 605 Public Records Exemption, regarding Department of Juvenile Justice Personnel Information (Planas). Creates a new public records exemption requiring the redaction of Department of Juvenile Justice personnel information. Effective October 1, 2006. Approved by the Governor on June 12, 2006 (Ch. 2006-180, L.O.F.).

S 980 Electric Transmission and Distribution (Alexander). Provides criteria regarding siting of power substations. Provides that utilities must consult with local governments. Effective upon becoming law. Approved by the Governor on June 22, 2006 (Ch. 2006-268, L.O.F.).

S 994 Citrus Canker (Alexander). Creates s. 518.1843, F.S., a new citrus health program for the Department of Agriculture and Consumer Services which focuses on minimizing the impact of exotic citrus. Makes other provisions regarding the sale, propagation, and distribution of citrus stock within Florida. Effective upon becoming law. Approved by the Governor on May 30, 2006 (Ch. 2006-45, L.O.F.).

H 1015 Agricultural Economic Development (Pickens). Provides a time limit on lawsuits against a local government by agricultural land owners regarding private property rights. Effective upon becoming law. Approved by the Governor on June 20, 2006 (Ch. 2006-255, L.O.F.).

S 1172 Dixie Cup Clary Local Control Act (Aronberg). Creates a pilot program for local governments to let dogs stay in outside areas of restaurants. Effective July 1, 2006. Approved by the Governor on June 2, 2006 (Ch. 2006-72, L.O.F.).

S 1194 Florida Impact Fee Act/Interlocal Services Boundary Act (Constantine). Addresses service delivery and annexations. Creates the Florida Impact Fee Act which requires local governments imposing impact fees to meet specific requirements regarding: calculations, accounting and reporting, administrative charges, notice, and audit affidavit. Effective upon becoming law. Approved by the Governor on June 14, 2006 (Ch. 2006-218, L.O.F.). See also, H683 (Ch. 2006-220, L.O.F.) in Section B.

H 1567 Eminent Domain (Rubio). Restricts certain transfers of property taken by eminent domain to certain natural persons or private entities. Clarifies that use for eminent domain means public use or public purpose. Provides that prevention or elimination of slum area or blighted area does not satisfy the requirement under the State Constitution that a taking be for a public purpose. Effective upon becoming law. Approved by the Governor on May 11, 2006 (Ch. 2006-11, L.O.F.).

S 1774 Building Codes (Constatine). Authorizes removal of the Panhandle's exemption from the Florida Building Code's wind borne debris requirements. Changes elevator safety provisions. Amends provisions for Building Code Commission to address issues. Allows for private building inspectors. Revises process for amending Fire Prevention Code. Contains fire hydrant requirements. Effective July 1, 2006. Approved by the Governor on June 1, 2006 (Ch. 2006-65, L.O.F.).

H 7031 Department of State (Tourism). Transfers the responsibilities of the Florida Historic Capitol from the Department of State to the Legislature. Amends provisions relating to cultural endowments. Effective July 1, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-111, L.O.F.).

H 7033 Public Records Exemption, regarding Security System Plans (Governmental Operations). Reenacts public records/meetings exemptions for security system plans regarding property owned or leased to state or political subdivisions. Effective October 1, 2006. Approved by the Governor on June 9, 2006 (Ch. 2006-158, L.O.F.).

H 7035 Public Records Exemption, regarding Motor Vehicle Crash Reports (Governmental Operations). Reenacts public records exemption for personal information contained in motor vehicle crash reports for a period of 60 days. Effective October 1, 2006. Approved by the Governor on June 20, 2006 (Ch. 2006-260, L.O.F.).

H 7043 Public Records Exemption, regarding Long-term Care Services (Governmental Operations). Reenacts public records exemption for personal information regarding eligibility, receipt of health related, elder or long-term care services. Effective July 1, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-112, L.O.F.).

H 7055 Enterprise Zones (Economic Development, Trade and Banking). Provides corrections and remedial changes to the Florida Enterprise Zone Act. Effective June 7, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-113, L.O.F.).

H 7079 Department of Highway Safety and Motor Vehicles (Transportation). Amends statutes administered by the Department of Highway Safety and Motor Vehicles, including: increasing points for driving 30 miles per hour over the speed limit and running a red light; imposing a surcharge to benefit State Law Enforcement Radio System (SLERS); and giving local governments authority to impose more restrictive golf cart regulations. Effective October 1, 2006, except where otherwise provided. Approved by the Governor on June 22, 2006 (Ch. 2006-290, L.O.F.).

H 7089 Facilities for Retained Spring Training Franchises (Tourism). Provides for certification of 5 additional applicants as facilities for retained spring training franchises. Local government revenues are projected to increase \$833,000 in FY 2006; \$2,500,000 in FY 2007 and 2008, as a result. Effective July 1, 2006. Approved by the Governor on June 20, 2006 (Ch. 2006-262, L.O.F.).

H 7121 Disaster Preparedness, Response, and Recovery (Domestic Security and Adams). Addresses a large number of comprehensive disaster preparedness issues including: emergency commodities, emergency power provisions, special needs provisions, and funding provisions. Includes provisions similar to policy options contained in the Legislative Committee on Intergovernmental Relations report entitled,

Natural Disaster Preparedness, Response and Recovery, March 2006, concerning public education regarding evacuation procedures and notification of special needs registration service by electric utilities. Effective June 1, 2006, except where otherwise provided. Approved by the Governor on June 1, 2006 (Ch. 2006-71, L.O.F.).

H 7173 Welfare of Children (Future of Florida's Families). Creates the Child Abuse Prevention Office within the Executive Office of the Governor to examine, oversee, and implement statewide abuse prevention services. Makes public school employees subject to the reporting requirements of Ch. 39, F.S., for purposes of reporting alleged abuse to a central abuse hotline. Addresses the welfare of young adults aging out of the state foster care system by expanding the eligibility criteria for Medicaid to include 18 and 29 year olds. Effective July 1, 2006. Approved by the Governor on June 12, 2006 (Ch. 2006-194, L.O.F.).

H 7175 Vessels (Environmental Regulation). Among other provisions contains funding for local projects for uniform waterway markers, boat ramps, lifts, hoists, marine railways, public launching facilities, and derelict vessel removal. Effective July 1, 2006. Approved by the Governor on June 26, 2006 (Ch. 2006-309, L.O.F.).

H 7239 Department of Agriculture and Consumer Services (Agriculture). Clarifies provision prohibiting local governments from imposing monetary fines on shopping cart owners under certain circumstances. Creates exemption from insurance requirement for governmental entities operating amusement rides. Effective July 1, 2006, except where otherwise provided. Approved by the Governor on June 9, 2006 (Ch. 2006-165, L.O.F.).

F. Criminal Justice.

H 55 Restoration of Civil Rights (Smith). Provides for giving application forms for restoration of civil rights to individuals convicted of felony in county jails who are serving their sentences. Effective July 12, 2006. Approved by the Governor on June 12, 2006 (Ch. 2006-174, L.O.F.).

H 61 Testing of DNA Evidence (Quinones). Removes the deadline for requesting testing of DNA evidence within certain circumstances. Effective upon becoming law, except as otherwise provided. Approved by the Governor on June 23, 2006 (Ch. 2006-292, L.O.F.).

H 93 Automated External Defibrillators (Henriquez). Defines automated external defibrillators and establishes misdemeanor for misuse of such. Effective July 1, 2006. Approved by the Governor on June 13, 2006 (Ch. 2006-206, L.O.F.).

H 95 Alcoholic Vaporizing Devices (Henriquez). Criminalizes use, sale, or possession of an alcohol vaporizing device. Effective July 1, 2006. Approved by the Governor on June 9, 2006 (Ch. 2006-128, L.O.F.).

H 113 Circuit and County Judges (Negron). Establishes 66 new judgeships; 2 appellate court judgeships, 24 circuit court judgeships, and 40 county court judgeships. Effective July 1, 2006. Became law without the Governor's signature on June 10, 2006 (Ch. 2006-166, L.O.F.).

H 147 Criminal Prosecutions (Kravitz). Allows prosecuting attorney to rebut defense attorney's closing arguments. Effective October 1, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-96, L.O.F.).

H 151 Law Enforcement (Adams). Authorizes the Clerk of Courts to provide certain information to the Florida Department of Law Enforcement. Effective July 1, 2006, except as otherwise provided. Approved by the Governor on June 12, 2006 (Ch. 2006-176, L.O.F.).

H 175 Drug Court Programs (Adams). Allows counties to develop drug court programs and sanctions. Effective upon becoming law. Approved by the Governor on June 7, 2006 (Ch. 2006-97, L.O.F.).

H 187 Lawful Testing for Alcohol, Chemical Substances, or Controlled Substances (Porth). Increases sanctions for refusing a DUI/BUI test and requires officials to provide test information to testee or attorney. Effective October 1, 2006. Approved by the Governor on June 20, 2006 (Ch. 2006-247, L.O.F.).

H 271 Arrests and Arrestees (Kreegel). Provides that persons in the custody of the Department of Corrections (DOC) at the time of arrest shall remain in DOC's custody pending disposition of the charge or until their sentence expire, whichever occurs first. If the state prisoner's presence is required in court, the sheriff may assume temporary custody of the prisoner. Effective July 1, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-99, L.O.F.).

H 457 Guardianship (Sands). Amends requirements and regulations for guardians. Effective July 1, 2006. Approved by the Governor on June 12, 2006 (Ch. 2006-178, L.O.F.).

H 459 Public Records Exemption, regarding Identifying Information of Persons who Donate to the Statewide Public Guardianship Office (Sands). Creates public records exemption for identifying information of donors to the direct-support organization of the Statewide Public Guardianship Office. Effective July 1, 2006. Approved by the Governor on June 12, 2006 (Ch. 2006-179, L.O.F.).

S 508 Sexual Offenders/Predators (Aronberg). Requires increased surveillance by courts of sexual offenders/predators. Effective July 1, 2006. Approved by the Governor on June 20, 2006 (Ch. 2006-235, L.O.F.).

S 640 Luring or Enticing a Child (Miller). Establishes that a person who lures or enticing a child under the age of 12 into a structure for other than a lawful purpose

commits a first degree misdemeanor. Authorizes a law enforcement officer to arrest without a warrant a person the officer has probable cause to believe is engaged in such activity. Effective July 1, 2006. Approved by the Governor on June 26, 2006 (Ch. 2006-299, L.O.F.).

S 646 Sexual and Career Offenders (Campbell). Establishes new reporting requirements and other conditions for sexual and career offenders. Effective July 1, 2006. Approved by the Governor on June 13, 2006 (Ch. 2006-200, L.O.F.).

H 7113 Public Records Exemption, regarding Interference with Custody Statute (Governmental Operations). Expands a public records exemption regarding personal information contained in a Sheriff or State Attorney's report. Effective July 1, 2006. Approved by the Governor on June 7, 2006 (Ch. 2006-115, L.O.F.).

H 7177 Time Limitations for Criminal Prosecutions (Criminal Justice). Expands the time limit for prosecution of certain specified offenses where the identity of the perpetrator is made known through DNA analysis. Effective July 1, 2006. Approved by the Governor on June 20, 2006 (Ch. 2006-266, L.O.F.).

G. Education.

H 127 Immunization (Hays). Requires schools to send health materials concerning immunizations to parents of students. Effective July 1, 2006. Approved by the Governor on June 20, 2006 (Ch. 2006-246, L.O.F.).

S 256 Scholarship Program Accountability (Government Efficiency Appropriations Committee and King). Provides for changes to the John M. McKay Scholarships for Students with Disabilities Program and makes changes to the Corporate Tax Credit Scholarship Program. Effective July 1, 2006, except as otherwise provided. Approved by the Governor on June 6, 2006 (Ch. 2006-75, L.O.F.).

S 266 Athletic Trainers/Licensure (Fasano). Makes changes to the licensure and renewal requirements for athletic trainers. Makes a distinction between a “teacher athletic trainer” and “athletic trainer” for employment purposes. Effective May 30, 2006. Approved by the Governor on May 30, 2006 (Ch. 2006-39, L.O.F.).

S 772 Schools (Education Appropriations Committee; Children and Families Committee; and Senators Constantine and Wilson). Revises a number of statutes governing the organization and operation of public schools including, but not limited to: determining district school superintendent bonuses; attendance policies; business community school programs; automated external defibrillators; career and professional academies; regional education consortia; supplemental education services; school wellness and physical education policies; and other miscellaneous provisions. Addresses recommendations made by the LCIR interim report, entitled *Compensation of Florida's School Superintendents*, January 2006. Effective July 1, 2006. Approved by the Governor on June 26, 2006 (Ch. 2006-301, L.O.F.).

H 7087 Education (PreK – 12). Includes measures to reduce paperwork, instructional reforms, reading initiatives, differentiated pay for teachers based on job difficulties and demographics, secondary school reforms, high school reforms - allows student to choose classes based on future goals, and establishes time requirement for school start date. Effective upon becoming law. Approved by the Governor on June 5, 2006 (Ch. 2006-74, L.O.F.).

H 7103 Charter Schools (Education – Choice and Innovation). Revises charter school statutes to require fiscal and academic accountability. Potential impact on local governments if Department of Education recommends that local charter schools use the school district's unused student stations. Effective July 1, 2006. Approved by the Governor on June 12, 2006 (Ch. 2006-190, L.O.F.).

II. Task Forces.

H 7109 Property Taxation (Finance and Tax and Brummer). Provides for a study of the impact on local property taxes of current homestead tax exemptions and assessment limitations. Requires the Department of Revenue to provide and analyze data about homestead property taxation, and analyze how portability of the Save Our Homes differential would affect relative taxes levied on all other classes of property and the distribution of the required local property tax effort for school funding. The final DOR report is due January 2, 2007. Directs the Office of Economic and Demographic Research to prepare a report summarizing the DOR study, including findings of the study and property tax policy options that may be available to the state. An interim progress report is due February 15, 2007 to include preliminary findings and policy options to be considered during the 2007 session. The final report must be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chair of the Taxation and Budget Reform Commission no later than September 1, 2007. The bill appropriates \$300,000 to the Department of Revenue for the purpose of conducting the study, and \$500,000 to the Office of Economic and Demographic Research for the purpose of preparing its report. Effective upon becoming law, except as otherwise provided. Approved by the Governor on June 27, 2006 (Ch. 2006-311, L.O.F.).

III. Local Bills.

The Local Bill Policies and Procedures Manual (2006) defines local bills as legislation that applies to particular persons or things in a specific part of the state. The House of Representatives Clerk's Office and the Senate Secretary's Office determine whether a bill is a local bill. This legislative session, 122 local bills were filed (this number includes all local bills, even companion bills). Of these bills, 49 bills (or 40 percent) passed both houses and 73 bills (or 60 percent) failed. As of July 10, 2006, the Governor has vetoed no local bills.

Since 1991, LCIR staff has reviewed municipal incorporation proposals at the request of House Local Government Committee staff. The purpose of the LCIR's review is to determine whether the municipal incorporation proposal meets the state standards

contained in Ch. 165, F.S., and addresses the elements required for incorporation feasibility studies. The following local bills for municipal incorporation were reviewed by LCIR staff prior to and during this legislative session.

H 759 City of Ruskin/Hillsborough County (Reagan). Creates the City of Ruskin in Hillsborough County and provides charter. Effective contingent upon voter approval. Died in Local Government Council.

H 951 Town of Loxahatchee Groves/Palm Beach County (Vana). Creates the Town of Loxahatchee Groves and provides for a council-manager form of government. Effective date is contingent upon voter approval, unless otherwise provided. Approved by the Governor on June 23, 2006 (Ch. 2006-328, L.O.F.).

H 993 City of Southport/Bay County (Coley). Creates the City of Southport in Bay County and provides city charter. Effective date is contingent upon voter approval, unless otherwise provided. Approved by the Governor on June 23, 2006 (Ch. 2006-329, L.O.F.).

H 1297 Town of Grant-Valkaria/Brevard County (Poppell). Creates the town of Grant-Valkaria in Brevard County. Provides for the town charter which specifies a town council-administrator form of government. Effective contingent upon voter approval. Approved by the Governor on June 14, 2006 (Ch. 2006-348, L.O.F.).

IV. Select Bills that Failed.

Of the 379 bills that passed both chambers, 14 were vetoed. The following select bills that did not pass or were vetoed were identified by LCIR staff as having a potential impact on local governments. They are included herein because these issues may be revisited in future legislative sessions.

H 807 Criminal Acts/State of Emergency (Representative Benson). Provides enhanced penalties for criminal acts committed during a state of emergency. Died in Committee.

S 2114 Motor Vehicle Insurance (Banking and Insurance). Reenacts Florida's "no fault" law regarding motor vehicle insurance. Effective October 1, 2006. *Vetoed* by the Governor on May 31, 2006.

S 2300 Transportation (Webster). Reduces local match for certain dredging projects and enhances bridge program. Effective July 1, 2006. *Vetoed* by the Governor on June 26, 2006.

V. Appendix.

- A. Governor's Veto Message to the Secretary of State (regarding S 2114), May 31, 2006.
- B. Governor's Veto Message to the Secretary of State (regarding S 2300), June 26, 2006.
- C. Governor's Veto List.

APPENDIX A



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

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May 31, 2006

Ms. Sue Cobb
Secretary of State
Department of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Cobb:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 2114, enacted during the 38th session of the Legislature, convened under the Constitution of 1968, during the Regular Session of 2006, and entitled:

An act relating to motor vehicle insurance . . .

The bill would provide additional resources and includes provisions directed at deterring fraud in the personal injury protection (PIP) no-fault auto insurance system. The bill includes no reforms to address the abuses and extensive litigation within the system; however, it would extend the sunset of the PIP no-fault insurance law from October 1, 2007, to January 1, 2009.

I have publicly stated that I wished to see significant reform in the PIP scheme and indicated that, absent such reform, I would veto the bill. The Legislature and the various industry groups with a stake in PIP failed to resolve the issue. The issues and primary cost drivers that must be addressed for any meaningful reform include:

- Medical fee schedule. Workers' Comp and Medicaid payments are governed by a fee schedule. There seems to be no good reason why PIP should not have one, as well.
- Utilization schedule. The allowable number of visits to a health care provider should be predictable for both the insurer and the insured.
- Attorneys' fees. Reforms that eliminate the fee multiplier and address bad faith issues should be addressed.
- Continued efforts to fight fraud. The removal of fraud from the system will help to reduce costs for policyholders.



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Ms. Sue Cobb
May 31, 2006
Page Two

PIP coverage is for the immediate medical need following an auto incident. It is not designed to provide long-term health care coverage; other insurance should cover that need. PIP has been an important source of payment to hospitals and trauma centers; ensuring the continuation of financial support for physicians and hospitals providing care for patients entering through the emergency departments should be a priority consideration of the Legislature in the next session.

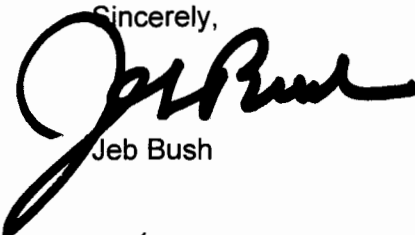
The anti-fraud provisions of this bill are also included in House Bill 561, which passed the Legislature. That bill relates to insurance fraud and addresses auto insurance fraud, as well. This bill contains two provisions that are not included in House Bill 561: it extends the PIP repeal to January 1, 2009; and it provides additional appropriations and positions to the Department of Financial Services' Division of Insurance Fraud. The funding and positions were not included in my recommended budget, nor were they requested by the department.

The determination of whether to let the no-fault insurance system expire is a policy question that has yet to be answered. Some may argue that a decision to veto this bill is a decision to repeal PIP, but that is not accurate. With the veto of this bill, the Legislature will have the opportunity to address the issue during the 2007 regular session, prior to the October 1, 2007, scheduled repeal of PIP. A veto of this bill may require action by and costs to insurance companies to notify policyholders and make addendums to their contracts, but will not affect the PIP coverage of Florida policyholders unless the Legislature fails to act during the 2007 session.

An extension of PIP no-fault insurance statutes without reform is not likely to lead to better results nor will the decisions be easier or more clear for a future Legislature. The issues listed in this letter, if addressed, would make PIP a more efficient system with potentially less reason for litigation. A reasonable fee and utilization schedule would seem to remove one of the primary points of disagreement which leads to legal action under the current system.

For these reasons, I withhold my approval of Committee Substitute for Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill 2114 and do hereby veto the same.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeb Bush", written in a cursive style. The signature is positioned above the printed name "Jeb Bush".

Jeb Bush

APPENDIX B



JEB BUSH
GOVERNOR

STATE OF FLORIDA

Office of the Governor

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June 26, 2006

Ms. Sue Cobb
Secretary of State
R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399

Dear Secretary Cobb:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you my objections, Committee Substitute for Committee Substitute for Senate Bill 2300, enacted during the 38th Session of the Legislature of Florida, convened under the constitution of 1968, during Regular Session of 2006 and entitled:

An act relating to the Transportation...

Committee Substitute for Committee Substitute for Senate Bill 2300 creates the Enhanced Bridge Program within the Department of Transportation to provide funds for structurally deficient local bridges and for unfunded high cost bridges on constrained corridors. The bill allows the Florida Ports Council, in cooperation with the Department of Transportation, to increase the existing \$35 million annual seaport bond issues by \$5 million and allows the term limits for existing refunding bonds to be extended beyond their maturity date. Finally, the bill establishes criteria for youth organizations when contracting with the Department of Transportation to perform work on the construction and/or maintenance projects in the state.

Transportation construction costs have increased over the past few years. These increases are directly related to rising petroleum costs, availability of materials and a diminishing labor pool needed for road and bridge construction work. The overall financial picture for the State of Florida must be considered when impacting the economic growth and increased revenues for state government.

I am vetoing the bill for several reasons.

First, the bill creates a new program, and although there is no funding source specified in the bill, I am concerned about the fiscal impact to our future transportation revenues. This bill carries a potential future financial burden of over \$1 billion to the State of Florida, and another \$1 billion to local governments. The existing bridge program encompasses the same area as the proposed new Enhanced Bridge Program. Currently within the Department of



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Ms. Sue Cobb
June 26, 2006
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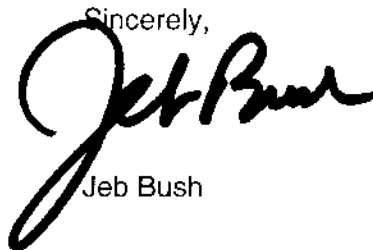
Transportation, the federal aid bridge program funds are allocated for statewide priorities. Any public bridge that has been inventoried and inspected and meets the minimum qualifying criteria established by the Federal Highway Administration, is qualified for replacement funding.

Second, the bill revises matching requirements for approved projects for dredging or deepening of channels, turning basins, or harbors. This change to the matching basis for dredging projects from 50/50 to 75/25 will negatively impact the Department of Transportation's existing work program. House Bill 5003, the budget implementing bill, which I have already signed into law includes this change, albeit for one year only. I believe we should monitor this change in state matching policy closely to explore its long-term impact to our future transportation needs.

Third, the bill provides an additional \$5 million in bonding capacity to the Florida Seaport and Economic Development Council for approved projects. This increase in the state's debt would impact Florida's overall bonding capacity and impact the debt affordability of the state.

Last, the bill allows refunding of existing 1996 and 1999 Seaport Bonds and this could include extending the term of the refunding bonds beyond their existing maturity date. Extending the annual commitment of the existing bond issuances is inconsistent with the state's policy.

For the reasons stated above, I am hereby withholding my approval of Committee Substitute for Committee Substitute for Senate Bill 2300.

Sincerely,

Jeb Bush

APPENDIX C

2006 Veto List

Line #	Title	GR	Trust	Total
3269	DUI/Domestic Violence Monitoring in the Eleventh Judicial Circuit	750,000	-	750,000
3269	Substance Abuse Treatment Diversion in Lee County	175,000	-	175,000
Total Line Items Vetoed in GAA		187,423,408	247,805,894	435,229,302
Other Sections				
Section 8	PIP Fraud Investigators	599,571	-	599,571
Section 8	State Employees Life Insurance	10,500,000	-	10,500,000
Substantive Bills				
HB 217	Sinkhole Insurance	-	375,808	375,808
SB 1590	Sales Tax Collection Allowance	112,920	-	112,920
SB 2114	Motor Vehicle Insurance	-	1,089,452	1,089,452
Grand Total		198,635,899	249,271,154	447,907,053