

# 2009 LEGISLATIVE SUMMARY



LEGISLATIVE COMMITTEE ON  
INTERGOVERNMENTAL RELATIONS

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## **FOREWORD**

Each year the staff of the Legislative Committee on Intergovernmental Relations (LCIR) tracks the progress of select legislation during session that may affect the state's local governments. 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 – I, by topic;
- II. Local Bills; and
- III. 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/annual\\_reports.cfm](http://www.floridalcir.gov/annual_reports.cfm).

## **I. Select Bills that Passed.**

### **A. Environment.**

**S 494 Water Conservation (General Government Appropriations, Community Affairs, Environmental Preservation & Conservation and Bennett).** This bill revises the requirements for automatic landscape irrigation systems to include technology that will interrupt or inhibit the system during periods of sufficient moisture. The bill directs the Department of Environmental Preservation (DEP) to create a model ordinance by January 15, 2010, that may be adopted and enforced by local governments. The bill encourages certain local governments and mandates other specified local governments, unless either has adopted its own fertilizer-use ordinance before January 1, 2009, to adopt the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscape (2008), and allows any local government to adopt a more stringent ordinance if it demonstrates necessity. Property within areas with watering restrictions that have installed a smart automatic landscape irrigation system are eligible for a variance from certain water restrictions implemented by water management districts or local governments. Effective July 1, 2009. Approved by the Governor on June 18,, 2009 (Ch. 2009-199, L.O.F.).

**H 707 Wastewater Management (Aubuchon).** This bill requires the Department of Health (DOH) to notify local governments and Florida Department of Environmental Protection (FDEP) district offices of health advisories concerning elevated levels of fecal coliform or enterococci bacteria in the local government's beach waters. The bill further requires the local FDEP district office to investigate the wastewater treatment facility within a mile of the contaminated site to determination whether the contamination was caused by an incident at the wastewater treatment facility. Once complete, the local FDEP district office must report the results of wastewater investigation to the local government. Upon request of a multicounty independent special district, the responsibilities and functions set out in this bill may be assigned to them by DOH. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-231, L.O.F.).

**H 1423 Fish and Wildlife Conservation Commission (Finance & Tax, General Government and Troutman).** This bill contains numerous provisions related to the authority, responsibilities, and operations of the Florida Fish and Wildlife Commission. It requires the Commission to create a pilot program for regulating the mooring or anchoring of vessels and provides a geographic area for the pilot program. Additionally, the bill creates the Florida Coral Reef Protection Act providing for the operation of a program to protect coral reefs. The bill also authorizes county and municipal governments to establish, mark, and enforce boating restriction areas; alters provisions related to the establishment and enforcement of boating restrictions by counties and municipalities; and alters provisions related to county vessel registration fees. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-86, L.O.F.).

**S 1742 Fish & Wildlife Conservation Commission (General Government Appropriations and Baker).** This bill amends s. 379.353(2), F.S., to repeal the current exemption and requires all Florida residents to purchase a saltwater fishing license if they fish from Florida's saltwater shoreline or from a structure fixed to the land. The bill

provides an exemption for residents who are eligible for food stamps, temporary cash assistance, or Medicaid programs and have proof of identification. In addition, resident shoreline anglers are not required to have a license if they are otherwise exempt due to being either 65 years or older, younger than 16 years of age, or disabled.. Effective upon becoming law. Approved by the Governor on May 27, 2009 (Ch. 2009-65, L.O.F.).

**S 2080 Water Resources (Alexander).** This bill provides definitions, legislative findings, intent and criteria for the Southwest Florida Water Management District to create the West-Central Florida Water Restoration Action Plan and provides criteria for implementing the Central West Coast Surface Water Enhancement Initiative, the Facilitating Agricultural Resource Management Systems Initiative, the Ridge Lakes Restoration Initiative, the Upper Peace River Watershed Restoration Initiative, and the Central Florida Water Resource Development Initiative and certain components or projects included in such initiatives. Furthermore, this bill contains provisions related to basin boards and the membership and operation of Water Management District Governing Boards. Additionally, this bill authorizes water management districts to issue 25 and 50 year consumptive use permits; alters the bonding provisions for water management districts; expands water management district lands eligible to receive payments in lieu of taxes; and provides for the creation, implementation, and operation of Florida friendly landscaping practices and requires certain water management district lands to utilize these practices. The bill also contains provisions related to permitting of Class I landfills, fines for unlicensed well water contracting, and the elimination of the Lake Panasoffkee Restoration Council. Effective July 1, 2009. Approved by the Governor on June 30, 2009 (Ch. 2009-243, L.O.F.).

## **B. Property & Land Use.**

**H 73 Permit Process for Economic Development Projects (Schenk).** This bill establishes an expedited permitting process for wetland resource and environmental resource permits for economic development projects that have been identified by a municipality or county as meeting the definition of target industry businesses, with some exceptions. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-134, L.O.F.).

**H 227 Impact Fees (Economic Development & Community Affairs, Military & Local Affairs and Aubuchon).** This bill shifts the burden of proof from the party challenging an impact fee to the local government to prove by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of current state law. Effective July 1, 2009. Approved by the Governor on May 21, 2009 (Ch. 2009-49, L.O.F.).

**H 333 Off-Highway Vehicles (Economic Development & Community Affairs, Roads, Bridges & Ports and Workman).** This bill creates a new definition for recreational off-highway vehicle (ROV) and modifies the definition of “off-highway vehicle” (OHV) to include ROVs. The result is that owners of certain vehicles that are not currently permitted on public lands due to their weight or width may be eligible to do so if they pay a \$29 application fee for a title certificate. DHSMV states that these fees may generate an indeterminate amount of new revenue for the benefit of a grant program

for off-highway vehicle trails. The grant program returns this revenue to local areas by means of a competitive grant program. As a result, local governments may receive an indirect positive fiscal impact if the grant program is able to offer larger or additional awards for OHV projects. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-137, L.O.F.).

**S 360 Growth Management (Policy & Steering Committee on Ways and Means, Community Affairs and Bennett).** This bill, known as the "Community Renewal Act," revises requirements for adopting amendments to the capital improvements element of a local comprehensive plan. This bill also revises concurrency requirements and requirements for adoption of impact fees. The bill authorizes local governments to use the alternative state review process to designate urban service areas. This bill provides for the assessment of property receiving the low-income housing tax credit. Effective June 1, 2009. Approved by the Governor on June 1, 2009 (Ch. 2009-96, L.O.F.).

**H 509 Veterans (Zapata).** This bill expands several current programs for veterans including residential homes, veteran care facilities, and education waivers. The bill removes the requirement that an honorably discharged 100-percent permanently and totally disabled veteran must be confined to a wheelchair before being eligible for waiver of county or municipality license or permit fees. The bill authorizes a fee waiver for improvements that would make the residence safe for the veteran. Effective July 1, 2009. Approved by the Governor June 1, 2009 (Ch 2009-109, L.O.F.).

**H 521 Ad Valorem Assessments (Economic Development & Community Affairs, Military & Local Affairs and Lopez-Cantera).** This bill revises the basis for providing county property appraisers' presumption of correctness to assessment of property value. The Revenue Estimating Conference has determined that the provisions of this bill will have no impact on state government and a negative fiscal impact on local governments of \$157 million in FY 2009-10, increasing to \$693.5 million in FY 2013-14, assuming current millage rates. The requirement that the property appraiser prove that the assessment was arrived at by complying with Section 193.011, F.S., and with professionally accepted appraisal practices may cause the property appraiser to incur additional expenditures. In addition, because public school funding is statutorily tied to property taxes through the required local effort, the amount of property taxes that a school district must levy in order to participate in the Florida Education Finance Program, the provisions of this bill will reduce the property tax base that is available for the required local effort. Effective June 4, 2009 and shall first apply to assessments in 2009. Approved by the Governor June 4, 2009 (Ch 2009-121, L.O.F.)

**S 532 Property Tax Limit/Homestead Exemption (Finance & Tax and Lynn).** The State Constitution generally limits the maximum annual increase in the assessed value of nonhomestead property to 10 percent annually. This proposed amendment reduces the maximum annual increase in the assessed values of those properties to 5 percent annually. This amendment would also require the Legislature to provide an additional homestead exemption of 25 percent for persons who have not owned a principal residence during the preceding 8 years. Fiscal impact on property tax revenues is unknown. Effective January 1, 2011. Signed by officers and filed with Secretary of State on May 29, 2009.

**S 742 Sinkhole Losses (Banking & Insurance and Fasano).** This bill mandates the creation of a building code effectiveness grading schedule that evaluates the effectiveness of sinkhole loss prevention ordinances in reducing the number of sinkholes and the severity of sinkhole losses. The bill further mandates the creation of insurance premium discounts or surcharges on personal residential property insurance based on a property's compliance with sinkhole loss prevention ordinances and the effectiveness of the ordinance as determined by the grading schedule. The grading schedule will evaluate ordinances no earlier than 4 years after the ordinance takes effect. Effective January 1, 2010. Approved by the Governor on June 16, 2009 (Ch. 2009-178, L.O.F.).

**H 821 Community Development Districts (Economic Development & Community Affairs, Military & Local Affairs and O'Toole).** This bill defines a "compact, urban, mixed-use district" as a district located within a municipality and within a community redevelopment area that consists of 75 acres (maximum) and has development entitlements of at least 400,000 feet of retail development and 500 residential units. The bill authorizes property owners who live outside the district and governmental entities that enter into an interlocal agreement with the district to elect a district board advisor to review enforcement actions taken by the district board against properties located outside the district. The bill also provides specifications for a district board advisor. Furthermore, the bill authorizes a landowner to petition the district board to expand the district's boundaries and provides procedures for doing so. The bill applies these changes retroactively to districts created prior to July 1, 2009. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-142, L.O.F.).

**S 1744 Department of Agriculture & Consumer Services (General Government Appropriations and Baker).** This bill amends the distribution of the gross receipts from transactions relating to state forests. The bill provides that 15 percent of the receipts will be distributed only to fiscally constrained counties to be used for school purposes as defined in s. 218.67(1), F.S. Currently, the Division of Forestry within the department is required to distribute 15 percent of the gross receipts from the sale of state forest products to counties in which the forests are located. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-66, L.O.F.).

**S 2064 Construction Defects (Altman).** This bill alters provisions related to construction defects. The bill revises definitions, allows substantial completion, provides for service of notice, specifies that there are no construction lien rights for destructive testing, limits the timeframe for exchange of discoverable information, and provides specific language required in contracts for the improvement of real property. Effective October 1, 2009. Approved by the Governor on June 18, 2009 (Ch. 2009-203, L.O.F.).

**H 7157 Real Property Used for Conservation Purposes (Finance & Tax and Bogdanoff).** This bill implements newly-created Section 3(f) of Article VII of the State Constitution, which provides:

There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

The bill provides two exemptions. A complete exemption is granted to “land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes.” An exemption equal to 50% of the land’s “assessed value” is granted to “land that is dedicated in perpetuity for conservation purposes and that is used for allowed commercial uses.” The bill also contains size requirements. Land that comprises at least 40 contiguous acres is entitled to the exemption if it meets qualifying criteria. For lands less than 40 acres, the bill provides that the Acquisition and Restoration Council must approve the exemption. The Council must determine that the use of the land for conservation purposes meets a clearly delineated state conservation policy and yields a significant public benefit. The bill also contains a provision requiring the Legislature to reimburse fiscally constrained counties for the loss of property tax revenue due to the exemption. Finally, the bill contains a number of definitions and other provisions necessary to implement the exemptions set forth in the bill. Effective upon becoming law and shall apply to property tax assessments made on or after January 1, 2010. Approved by the Governor on June 10, 2009 (Ch. 2009-157, L.O.F.).

### **C. Finance & Taxation.**

#### **H 61 Temporary Accommodations (Economic Development Policy and Precourt).**

This bill clarifies that certain timeshare stays are subject to the Tourist Development Tax, Tourist Impact Tax, Transient Rentals Tax, and the Convention Development Tax. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-133, L.O.F.).

#### **H 179 Property Appraisers (Finance & Tax, Military & Local Affairs and Nelson).**

This bill authorizes property appraisers to use image technology to inspect the parcel rather than a physical inspection. The bill also enumerates what criteria a property appraiser may consider in ascertaining a person’s permanent domicile on which to base a homestead exemption claim. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-135, L.O.F.).

#### **H 515 Oil and Gas Production Taxes (General Government Policy and Evers).**

This bill replaces the current 5 percent excise tax applicable to tertiary oil production in Florida with tiered tax rates based on the value of the oil. The bill also creates exemptions from the excise tax on oil and gas production in Florida for on-shore production on or after July 1, 2009, from certain new wells and certain shut-in or temporarily abandoned wells returned to service. The bill provides that each of these exemptions will be repealed on June 30, 2019. The Revenue Estimating Conference estimates that the tiered tax rates for tertiary oil will have no fiscal impact to the state or local governments for FY 2009-2010 and FY 2010-2011, a negative fiscal impact to the state of \$800,000 for FY 2011-2012, and a negative fiscal impact to local governments of \$200,000 for FY 2011-2012. The Revenue Estimating Conference estimates that the new exemptions will have no fiscal impact to the state or local governments for FY 2009-2010 and FY 2010-2011, a negative impact to the state of \$1.4 million for FY 2011-2012, and a negative impact to local governments of \$300,000 for FY 2011-2012. Effective July 1, 2009. Approved by the Governor June 10, 2009 (Ch 2009-139, L.O.F.).

**H 569 Investment of Public Funds (Finance & Tax, General Government, Insurance, Business & Financial Affairs and Roberson).** This bill expands the scope of the applicable Florida Statutes by providing an option for state and local government funds to be deposited into money market deposit accounts and other financial instruments insured by the Federal Deposit Insurance Corporation (FDIC). The magnitude of fiscal impact on state and local governments is indeterminate because the amount of accrued interest will be dependent upon the amount of principal invested, the interest rate being applied, and protocols for crediting interest. The bill also removes a limitation on the conditions under which local governments can deposit surplus public funds in certain depository institutions. As a result, the range of depository institutions available is increased. Effective July 1, 2009. Approved by the Governor June 10, 2009 (Ch 2009-140, L.O.F.).

**H 701 Notice of Proposed Property Taxes (Hudson).** This bill revises the notice of proposed property taxes forms to include additional information, such as a brief legal description of the property, the name and mailing address of the owner, the amount of the tax, the past and proposed millage rates and ad valorem taxes and assessment reductions. Effective January 1, 2010. Approved by the Governor on June 11, 2009 (Ch. 2009-165, L.O.F.).

**H 833 Homestead Ad Valorem Tax Exemption for Deployed Military Personnel (Finance & Tax and Horner).** This joint resolution proposes an amendment to Art. VII, ss. 3 and 31, of the Florida Constitution, to allow an exemption to the ad valorem tax for deployed military personnel equal to a percentage of the taxable value of their homestead property. The percentage shall be calculated based on the number of days of the preceding calendar year that the person was deployed outside the continental United States, Alaska or Hawaii in support of military operations designated by the Legislature divided by the number of days of the year. Effective January 1, 2011. Signed by Officer and filed with the Secretary of State on May 19, 2009.

**S 1000 Emergency Fire Rescue Services and Facilities Discretionary Sales Surtax (Judiciary, Military Affairs & Domestic Security and Fasano).** This bill authorizes certain counties to levy a discretionary sales surtax of up to 1 percent for emergency fire rescue services and related facilities, if approved by a majority of the electors of the county voting in a referendum. The bill provides for the distribution of the discretionary surtax proceeds to the county and requires a reduction in ad valorem taxes and non-ad valorem assessments for fire control and emergency rescue services upon the effective date of the discretionary sales surtax. The bill also requires that the county enter into an interlocal agreement with the majority of the local governments within the county that provide fire and rescue services as to the manner of surtax distribution. Those local governmental units that do not enter into an interlocal agreement with the county concerning surtax distribution are not entitled to surtax proceeds. Furthermore, use of surtax proceeds does not exempt a local government from complying with Ch. 200, F.S., concerning millage caps or limits on undesignated budget reserves and procedures for establishing rollback rates for ad valorem taxes and budget adoption. If surtax collections exceed projected collections in any fiscal year, any surplus shall be used to further reduce ad valorem taxes in the next fiscal year. Effective July 1, 2009. Approved by the Governor on June 16, 2009 (Ch. 2009-182, L.O.F.).

**S 1580 Ad Valorem Taxation (Finance & Tax and Ring).** This bill authorizes that tax collectors accept partial payment of taxes under certain circumstances and imposes a processing fee on a partial tax payment. The bill also provides a deadline for payment of the remaining balance and authorizes a tax collector to treat certain underpayments as full payment. Additionally, the bill provides for a provision exempting property owned by an educational institution from ad valorem taxation to apply retroactively to January 1, 2005. In brief, the bill authorizes local governments to receive partial tax payments from taxpayers who would not otherwise pay the full amount of taxes due. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-130, L.O.F.).

**S 1748 Department of Revenue (General Government Appropriations and Baker).** This bill revises provisions relating to forms prescribed by the Department of Revenue for the administration and collection of ad valorem taxes. The bill also imposes an administrative collection processing fee for collection events. It provides exceptions for extraordinary circumstances; revises application of payments, and provides for application of the administrative collection processing fees to certain collection events. In addition, the bill eliminates the requirement that the department furnish printed tax forms to local governmental entities. Effective upon becoming law. Approved by the Governor on May 27, 2009 (Ch. 2009-27, L.O.F.).

**S 1840 Protecting Health/Surcharge on Tobacco Products (Policy & Steering Committee on Ways & Means, Finance & Tax and Deutch).** This bill levies a surcharge on cigarettes of one dollar per pack, specifies methods for taxing other tobacco products, and specifies that revenues shall be deposited into the Health Care Trust Fund at the Agency for Health Care Administration. This bill further provides that members of an Indian tribe recognized in this state are exempt from paying a cigarette tax and surcharge under certain conditions. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-79, L.O.F.).

**S 2430 Taxation of Documents (Policy & Steering Committee on Ways & Means, Finance & Tax, Judiciary and Lawson).** This bill extends a future repeal date for counties levying a discretionary surtax on documents, specifies uses for revenues from the surtax, and expands reporting requirements for counties levying the tax. Additionally, it requires an affirmative vote by a local government to rehabilitate certain government owned housing and authorizes counties to create a housing choice assistance voucher program for down payment assistance. This bill also provides legislative intent to reverse a judicial opinion relating to the application of the excise tax on documents and provides for intended application. Finally, the bill requires transfers to pay debt service on specific bonds, if required. Effective upon becoming law. Approved by the Governor on June 10, 2009 (Ch. 2009-131, L.O.F.).

**S 2700 Secondhand Dealers (Finance & Tax, Commerce and Gelber).** This bill proposes regulatory requirements for mail-in secondhand precious metals dealers that are similar to those regulatory requirements for precious metals secondhand dealers currently provided for in statute. The bill also provides a process by which, if there is probable cause that the goods are stolen, a law enforcement agency can take possession of the goods for the purpose of a legal proceeding to determine ownership, to determine whether a crime has been committed, or to safeguard the property. Additionally, the bill

also provides for penalties for violations of the requirements provided for in the bill. The penalties are consistent with current penalties provided for in part I of Ch. 538, F.S., relating to non-mail-in precious metals secondhand dealers. Effective October 1, 2009. Approved by the Governor on June 1, 2009 (Ch. 2009-158, L.O.F.). See also H 339, Ch. 2009-162, L.O.F.

**H 7031 Economic Development (Finance & Tax, Economic Development & Community Affairs, Economic Development and Carroll).** This bill defines terms "commission," "industry wage," "naming opportunities," & "net royalty revenues"; expands definition of "project" to include alternative & renewable energy applicants; revises industry code designations; provides requirements & procedures for economic development incentive application process revises required criteria for review and certification of transportation projects by OTTED. This bill also makes programmatic changes to the Rural Economic Development Initiative and Rural Infrastructure Fund. Effective June 1, 2009. Approved by the Governor on May 21, 2009 (Ch. 2009-51, L.O.F.).

**D. Health.**

**S 620 Health Facilities (Health Regulation and Oelrich).** This bill expands the definition of "health facility" within part III of Ch. 154, F.S., related to health facilities authorities (authority), to include facilities that provide independent living, assisted living, dementia care, or hospice services. The bill makes these types of facilities eligible to access financing through debt (bonds) issued by the authority. Effective upon becoming law. Approved by the Governor on June 16, 2009 (Ch. 2009-176, L.O.F.).

**S 624 Law Enforcement Officers and Correctional Officers (Community Affairs and Fasano).** This bill expands the rights of an officer under investigation to access evidence and investigative files prior to interrogation and, when a compliance hearing for a violation of the rights of an officer is ongoing, the limitations period for disciplinary action is tolled. The bill further provides remedies for officers seeking recourse against an agency or local government for violating the officers' rights, and provides that the officer being investigated bears the burden of proving that a violation of the officer's rights was intentional. Hearing procedures are exempt from the Administrative Procedure Act, Ch. 120, F.S. The Revenue Estimating Conference has not determined the fiscal impact of this bill, however law enforcement and correctional agencies can expect to see an increase in costs associated with copies of additional evidentiary materials to be provided to officers under investigation, and an increase in costs associated with defending the agency decision to impose a disciplinary action resulting in demotion, suspension, or dismissal. Effective July 1, 2009. Approved by the Governor on June 18, 2009 (Ch. 2009-200, L.O.F.).

**H 935 Area Agencies on Aging (Healthy Seniors Appropriations, Health & Family Services, Elder & Family Services and Bogdanoff).** This bill amends several sections of law relating to Area Agencies on Aging. Specifically, the bill directs the department to adopt a rule creating both a dispute resolution mechanism and standards for a bid protest and a procedure for resolution. In addition, the bill clarifies that private, non-profit Area Agencies on Aging, that contract with the Department of Elderly Affairs to

provide services according to the Federal Older Americans Act, are not state agencies as contemplated by the Administrative Procedures Act. The bill revises the definition of a lead agency and provides that Area Agencies on Aging may develop service contracts with lead agencies for a period of six years, without consulting with the department. Effective upon becoming law. Approved by the Governor on May 20, 2009 (Ch. 2009-46, L.O.F.).

**S 1658 Health Care (Health & Human Services Appropriations and Peaden).** This bill that revises behavioral health services and dental services coverage under the Kidcare program. Specifically, the bill amends s. 409.815, F.S., to provide for mental health parity, dental services, and the reimbursement of federally qualified health centers and rural health clinics in the Florida Healthy Kids program as required by federal law, effective October 1, 2009. The bill also authorizes the Agency for Health Care Administration to promulgate rules relating to assessments on inpatient and outpatient services and health care entities as authorized in chapter 395, Part IV, F.S. The bill amends s. 409.904, F.S., to provide that the Meds-AD and Medically Needy program will expire December 31, 2010. Additionally, the bill amends s. 409.905, F.S., relating to home health services in the Medicaid program, to require home health agencies that exceed the statewide home health services utilization rate by 50 percent, to undergo prior authorization for Medicaid home health service visits not associated with a skilled nursing visit. Moreover, the bill specifies that prior authorization includes the submission of a Medicaid recipient's plan of care and documentation that supports the recipient's diagnosis to the Agency for Health Care Administration and requires that Medicaid home health services must be ordered by a physician and meet certain requirements. It also amends s. 409.912, F.S., to provide that an exclusive provider organization under contract with the Agency for Health Care Administration to provide services in a rural area with no Medicaid health maintenance organization shall be paid in accordance with the appropriate fee schedule for services to eligible Medicaid recipients for a period of no longer than 24 months. It amends s. 409.9122, F.S., to remove language that required recipients in the MediPass program in counties with two or more managed care plans, to be assigned to a managed care plan if they failed to make a choice during the annual choice period. The bill also authorizes the ACHA to make disproportionate share payments to certain hospitals and directs the AHCA to establish pilot projects in Miami-Dade County relating to home health services. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-55, L.O.F.).

**S 1662 Department of Health (Health & Human Services Appropriations and Peaden).** This bill provides for additional uses of funds in the County Health Department Trust Fund. It amends s. 154.02, F.S., to include the provisions related to expenditures of County Health Department Trust funds repealed in s. 216.2625, F.S., and removes the requirement to increase the emergency reserve of the County Health Department Trust Fund by the increase in the Consumer Price Index. Moreover, the bill repeals measures related to expenditures of County Health Department Trust funds and the exemption for appropriation of positions. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-57, L.O.F.).

**S 1986 Health Care (Health & Human Services Appropriations, Criminal Justice, Health Regulation and Gaetz).** This bill designates Miami-Dade County as a health care fraud area of concern and authorizes a home health care pilot project in Miami-Dade County. This bill also contains additional provisions related to Medicaid fraud, home health agencies, and the licensing and oversight of home health agencies by the Agency for Healthcare Administration. The bill requires the Department of Health to work cooperatively with the Agency for Health Care Administration and the judicial system to recover overpayments by the Medicaid program. Furthermore, the bill authorizes specialty-licensed children's hospitals to provide cardiology services to adults, revises accreditation requirements for clinics providing magnetic resonance imaging, provides an exception to the termination of certain certificates of need, and specifies incidents that must be reported by nursing homes and assisted living facilities. Finally, this bill creates a medical home pilot project subject to legislative approval. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-223, L.O.F.).

**E. General Government.**

**S 216 Campaign Finance/Local Government Expenditures (Justice).** This bill precludes local governments from spending public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any state question, on which electors may vote. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-125, L.O.F.).

**S 252 Local Government/Code of Ethics (Constantine).** This bill establishes standards of conduct for employees and officers of entities serving as the chief executive or administrative officer or employee of a political subdivision. The bill also sets forth penalties for violations by persons other than lobbyists or public officers or employees. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-126, L.O.F.).

**H 339 Second-Hand Dealers and Secondary Metals Recyclers (Economic Development & Community Affairs, Agriculture & Natural Resources and Patterson).** The bill provides a statewide uniform process for regulation of secondary metal recycling and preempts municipal or county ordinances relating specifically to secondary metals recyclers holding such metals. However, those ordinances adopted prior to December 31, 2008 (such as in the City of West Palm Beach) are excluded from preemption. Effective October 1, 2009. Approved by the Governor on June 11, 2009 (Ch. 2009-162, L.O.F.).

**S 412 Service of Process (Criminal & Civil Justice Appropriations and Crist).** This bill increases the fee for service of process by a sheriff in civil cases from \$20 to \$40. The bill also makes some changes to who may serve process in criminal cases and the procedure for levying judgments and liens on real property. Under certain conditions, a facsimile of an injunction may be used by a sheriff in place of a certified copy. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-215, L.O.F.).

**H 425 Department of Business and Professional Regulations (Full Appropriations Council on General Government & Health Care, Government Operations Appropriations & General Government, Insurance, Business & Financial Affairs and Plakon).** This bill contains numerous modifications relating to several programs under the Department of Business and Professional Regulation (DBPR). One provision of the bill establishes procedures that give a restaurant owner the discretion, with local government approval by ordinance, to allow patrons to bring their dogs onto outside patio eating areas. Effective October 1, 2009. Approved by the Governor on June 16, 2009 (Ch. 2009-195, L.O.F.).

**H 479 Retirement (Economic Development & Community Affairs, Governmental Affairs and Schenck).** This bill amends a number of laws pertaining to the Florida Retirement System (FRS). The FRS is the primary retirement plan for employees of state and county government agencies, district school boards, community colleges, and universities. The FRS also serves as the retirement plan for participating employees of the 175 cities and 223 independent special districts that have elected to join the system. Most notably, the bill revises the definition of “termination” within the Florida Retirement System (FRS) by providing; (1) that for retirements prior to July 1, 2010, termination does not occur if the employee is reemployed by an employer within the system within the next calendar month after ceasing employment; (2) that for retirements effective on or after July 1, 2010, termination does not occur if an employee is reemployed within the next 6 calendar months after ceasing employment; and (3) similar revisions to conform termination of employment after completion of the Deferred Retirement Option Program (DROP). The bill also revises numerous other FRS-related provisions. Effective July 1, 2009. Approved by the Governor on June 18, 2009 (Ch. 2009-209, L.O.F.).

**S 538 Firefighter and Municipal Police Pensions (General Government Appropriations and Baker).** This bill amends various provisions relating to publicly funded retirement programs and requires the Trustees of the State Board of Administration to identify and offer at least one terror-free investment product to the Public Employee Optional Retirement Program by March 1, 2010. The bill revises provisions relating to firefighter and municipal police pensions for purposes of determining prior service credit and terms of office for members of both pension plan boards, and the bill clarifies the boundaries of special fire control districts which have been annexed for purposes of assessments and the imposition of excise taxes on insurance premiums. This bill also revises audit and compliance requirements and authorizes plan beneficiaries to change the designated joint annuitant or beneficiary twice without approval of the pension plan board. The bill further clarifies plan termination provisions to provide that accrued benefits are non-forfeitable. Effective July 1, 2009. Approved by the Governor June 1, 2009 (Ch. 2009-97, L.O.F.).

**H 611 Public Construction Projects (Economic Development & Community Affairs, Roads, Bridges & Ports and Hukill).** This bill revises various statutory requirements concerning competitively bid public construction projects and provides exemptions for certain transportation facilities and systems. The bill requires local governments to provide public notice, including cost estimates, prior to conducting certain repair and

maintenance activities, and prior to certain public meetings. Providing qualified vendors the opportunity to review cost estimates and provide additional information may lead to more accurate cost estimates. However, the exact fiscal impact of the bill is unknown due to the fact that it is unknown what projects local governments will undertake. Effective October 1, 2009. Approved by the Governor on June 18, 2009 (Ch. 2009-210, L.O.F.).

**S 712 Commodities and Contractual Services/Local Governments (Policy & Steering Committee on Ways & Means, Community Affairs and Pruitt).** This bill authorizes special districts to purchase certain commodities and contractual services from the purchasing agreements of other special districts, counties, and municipalities, under certain conditions. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-217, L.O.F.).

**S 810 Unemployment Compensation (Policy & Steering Committee on Ways & Means, Commerce and Garcia).** The bill amends portions of the unemployment compensation statutes related to calculation of the employer's tax rates and Unemployment Compensation Trust Fund solvency. The effect of the bill is to replenish the Unemployment Compensation Trust Fund (UC Trust Fund) sooner than under the parameters in current law. Provisions in the bill create a temporary state extended unemployment compensation benefits program. Estimated fiscal impact to local governments is \$22 million. The temporary state extended benefits program is effective upon becoming a law, but is retroactively effective dating back to February 1, 2009, and expires January 2, 2010. The provisions relating to the UC Trust Fund take effect January 1, 2010. All other provisions take effect upon becoming a law. Approved by the Governor June 1, 2009 (Ch. 2009-99, L.O.F.).

**H 903 Attorney's Fees in Workers' Compensation Cases (General Government and Flores).** This bill clarifies requirements for payment of fees and costs under a retainer agreement and specifies the amount of attorney's fees a claimant is entitled to recover from a carrier or an employer. Additionally, the bill exempts attorney's fees related to lump sum settlements from being awarded pursuant to the current contingency fee schedule mandated under s. 440.34, F.S. Instead, the bill provides that an attorney's fee, which is paid by the claimant, would be calculated pursuant to Florida Bar Rule 4-1.5, resulting in a fee of up to 40 percent of the claimant's award. However, the proposed fee schedule does not cap a claimant attorney's fee. The bill provides that the fees for the claimant's attorney may be increased up to the fee paid by the employer or carrier to the employer's or carrier's attorney if it is determined that the employer or carrier engaged in bad faith denial of benefits, unreasonably delayed furnishing benefits, or unreasonably continued or increased litigation expense. The amendment specifies that, "unless the parties agree otherwise," claimant attorney's fees shall be determined by the judge of compensation claims. The bill repeals s. 440.105(3)(c), F.S., which currently prohibits a person from receiving a fee, consideration, or gratuity for services rendered in a workers' compensation proceeding without the approval of a judge of compensation claims. The bill also provides that nothing in this chapter can impair the ability of the claimant to contract with an attorney for representation in connection with a claim filed under this chapter. Further, the bill prohibits a carrier from recouping through the ratemaking process claimant attorney fees the carrier has paid. The bill increases attorney fees for

attorneys representing first responders in certain types of cases involving exposure to a toxic substance or occupational disease. In these types of cases, the attorney fee would not be subject to the contingency fee schedule under Ch. 440, F.S.; instead, attorneys would be awarded fees based on certain factors delineated in the bill; this would permit hourly fees. Effective July 1, 2009. Approved by the Governor on May 29, 2009 (Ch. 2009-94, L.O.F.).

**S 1030 County Correctional Motor Vehicle Emergency Lights (Garcia).** This bill authorizes vehicles owned, operated, or leased by any county correctional agency to show or display blue lights when responding to emergencies. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-220, L.O.F.).

**S 1312 Sexual Battery Notification of Victim's Rights and Services (Criminal Justice and Fasano).** This bill requires law enforcement officers to assist victims of sexual battery to obtain medical treatment, a forensic examination and crisis intervention services from a certified rape crisis center and to notify victims of their legal rights and the remedies available to them. Effective July 1, 2009. Approved by the Governor on June 16, 2009 (Ch. 2009-184, L.O.F.).

**H 1495 Property Insurance (Full Appropriations Council on General Government & Health Care, General Government, Insurance, Business & Financial Affairs and Nelson).** This bill alters provisions related to private insurers and agents, Citizen's Property Insurance, the State Board of Administration, and the Florida Hurricane Catastrophe Fund. The bill revises: criteria for hurricane mitigation inspections; eligible uses of mitigation grants; and requires that the Florida Commission on Hurricane Loss Projection Methodology generate a report. Further, the bill prohibits a public adjustor from accepting certain referrals, alters licensure requirements for public adjustors, and requires that the Office of Program Policy Analysis and Government Accountability to generate a report relating to the laws governing public adjustors. Finally, this bill authorizes reinsurance companies to issue coverage directly to certain public housing authorities and clarifies that under certain circumstances a public housing authority is considered an insurer. The bill also specifies that reinsurance contracts provided to certain public housing authorities be taxed as if they were issued to insurance companies. Effective upon becoming law. Approved by the Governor on May 27, 2009 (Ch. 2009-86, L.O.F.).

**S 1796 Government Financial Information (Governmental Oversight & Accountability, Policy & Steering Committee on Ways & Means and Alexander).** This bill directs the Joint Legislative Auditing Committee to provide oversight and management of a state website providing information on governmental appropriations and expenditures and requires the Executive Office of the Governor to establish such a website. The bill further directs the Joint Legislative Auditing Committee to recommend a format for collecting and displaying information from state universities, public schools, community colleges, local government units, and other governmental entities receiving state appropriations. An exemption is provided for smaller municipalities. Effective upon becoming law. Approved by the Governor on May 27, 2009 (Ch. 2009-74, L.O.F.).

**S 1802 Retirement (Policy & Steering Committee on Ways & Means and Alexander).** This bill revises the payroll and contribution rates for membership classes of the Florida Retirement System for fiscal years beginning July 1, 2009 and July 1, 2010. The bill also directs the administrator of the system to contract with the state actuary to conduct an actuarial review which considers methods for funding the Deferred Retirement Option Program. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-76, L.O.F.).

**S 1804 State-Owned Real Property (Policy & Steering Committee on Ways & Means and Alexander).** This bill requires the state to offer to lease state-owned buildings or lands to state agencies and universities prior to offering them for sale, lease, or sublease by other entities. It also requires the Department of Management Services to determine if certain leases are in the best interest of the state; to establish and maintain a database of state-owned real property; and to begin the process of disposing of certain buildings. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-77, L.O.F.).

**S 2108 Clerks of Court (Policy & Steering Committee on Ways & Means, Judiciary and Pruitt).** This bill redirects a portion of civil filing fees to the Clerks of Court Trust Fund; revises a requirement that a portion of such fees be deposited into the Department of Financial Services Administrative Trust Fund to fund clerk budget reviews; eliminates a requirement that a portion of such fees be deposited into the Clerks of the Court Trust Fund and transfers the trust fund to the Department of Revenue. It also requires the clerk to turn over certain unpaid accounts for collection. Furthermore, the bill provides for the Florida Clerk of Courts Operations Corporation to be housed within the Justice Administrative Commission and clarifies the relationship between the corporation and the commission. The bill provides for membership to the corporation's executive council, requires the corporation to develop standards and report to the Supreme Court and Legislature regarding which clerks are not meeting the standards. This bill also deletes provisions related to certifying the proposed budget for each clerk and provides that clerks will be funded through state appropriations rather than filing fees, service charges, court costs, and fines. The bill further provides that the Florida Clerk of Courts Operations Corporation be funded through state appropriations; provides for a method for clerk of courts to make budget requests from the Florida Clerk of Courts Operations Corporation and provides for oversight by the corporation, the Supreme Court, and the Chief Financial Officer; and provides for the legislature to make appropriations to clerk of courts. Additionally, this bill provides for a portion of fees collected by clerks to be deposited into the Clerk of Courts Trust Fund and the Public Records Modernization Trust Fund, alters existing statutes to comply with terminology and operations of the act, requires the clerk of court obtain advice and consent of the chief judge of the district regarding office hours, exempts positions in the Florida Clerk of Courts Operations Corporation from career service exemption, and requires that fine and forfeiture funds be deposited into the Clerk of Courts Trust Fund. Additionally, this bill redefines the term state agency to include the Florida Clerk of Courts Operations Corporation for fiscal purposes; authorizes certain local governments to impose a surcharge on certain infractions or violations to repay bonds relating to court facilities and requires clerk of courts to report the amount of surcharge collections. The bill requires that clerks submit financial data to the Executive Office of the Governor and requires a report by the Office

of Program Policy Analysis and Government Accountability, the Chief Financial Officer, and the Auditor General. Finally, this bill requires the Technology Review Workgroup to generate a plan for implementing an integrated computer system, provides restrictions on the purchase of computer software and hardware, and repeals certain statutes relating to the distribution process for reports and decisions. Effective upon becoming law. Approved by the Governor on June 18, 2009 (Ch. 2009-204, L.O.F.).

**S 2188 Administrative Procedures (Governmental Oversight & Accountability and Joyner).** This bill requires each agency to give notice of public meetings, hearings, and workshops on the agency website and requires certain documents and relevant staff be present at those hearings. This bill also alters provisions of the rule-making process and deletes the provision that prohibits the Department of Environmental Protection from adopting the lowest regulatory cost alternative under certain circumstances. Effective July 1, 2009. Approved by the Governor on June 16, 2009 (Ch. 2009-187, L.O.F.).

**S 2282 First-Responder Services (Banking & Insurance and Bennett).** This bill prohibits counties and municipalities from imposing a fee or seeking reimbursement for costs relating to first-responder services, provides exceptions, and defines the term first-responder. Effective July 1, 2009. Approved by the Governor on June 16, 2009 (Ch. 2009-191, L.O.F.).

**S 2666 Public Procurement of Services (General Government Appropriations and Haridopolos).** This bill authorizes the Department of Management Services to select and contract with construction management entities to assist in the management of state construction projects. The bill also provides that a construction management entity may be required to offer a guaranteed maximum price and completion date under specified circumstances and secure a surety bond. This bill revises provisions relating to contracting and construction for educational facilities. Effective June 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-227, L.O.F.).

**H 7001 Review of the Department of Citrus under Florida Government Accountability Act (Government Accountability Act Council and Grimsley).** This bill reenacts provisions of law establishing the Florida Department of Citrus and the Florida Citrus Commission and repeals the Citrus Stabilization Act. Effective upon becoming law. Approved by the Governor on June 2, 2009 (Ch. 2009-112, L.O.F.).

**H 7053 Rural Agricultural Industrial Centers (Policy Council, Agriculture & Natural Resources and Williams).** This bill provides legislative findings regarding agricultural industrial areas and creates a process for amending local government comprehensive plans to designate and expand existing agricultural industrial uses or facilities located in rural agricultural industrial centers or to expand existing centers to include industrial uses or facilities that are not dependent upon, but are compatible with, agriculture and existing uses and facilities. A landowner located within a rural agricultural industrial center may apply for an amendment to the local comprehensive plan for the purpose of designating and expanding the existing agricultural industrial uses or facilities located in the center or expanding the existing center to include industrial uses or facilities that are not dependent upon, but are compatible with, agriculture and the existing uses and facilities. The bill provides conditions for such applications for local

government comprehensive plan amendments. For example, within six months after receiving such an application, the local government must transmit the application to the state land planning agency for review pursuant to Chapter 163, F.S., together with any needed amendments to the applicable sections of its comprehensive plan. Such amendments should include goals, objectives, and policies that provide for the expansion of rural agricultural industrial centers and discourage urban sprawl in the surrounding areas. An amendment meeting these requirements is presumed to be consistent with Rule 9J-5.006(5), F.A.C., and may only be rebutted by a preponderance of the evidence. These provisions do not apply to an optional sector plan, a rural land stewardship area, or any comprehensive plan amendment that includes an inland port terminal or affiliated port development. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-154, L.O.F.).

#### **F. Education.**

**S 278 Charter Schools (Education Pre-K-12 and Gaetz).** In an effort to better ensure the financial soundness of charter school, this bill makes numerous changes to provisions concerning charter school fiscal administration. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-214, L.O.F.).

**S 554 Legal Jurisdiction of Campus Police (Higher Education Appropriations and Dean).** This bill expands the jurisdiction of state university police officers to enforce traffic and other county or city ordinances and state laws off campus when hot pursuit originates either on or within 1,000 feet of university owned or controlled property or facilities, or as agreed upon in accordance with a mutual aid agreement. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-216, L.O.F.).

**H 991 School Improvement and Accountability (Full Appropriations Council on Education & Economic Development, PreK-12 Policy and Grady).** This bill aligns and connects the school improvement and accountability state statutes with the education accountability provisions from the federal Elementary and Secondary Education Act of 1965, as revised by the *No Child Left Behind (NCLB) Act of 2001*. The aligned school improvement and accountability system is extended to *all* public schools in the state. The State Board of Education (SBE) is responsible for a system of school improvement and accountability that assesses student performance by school, identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance. The bill further states that the state system of school improvement and education accountability must provide for uniform accountability standards, provide assistance of escalating intensity to low-performing schools, direct support to schools in order to improve and sustain performance, focus on the performance of student subgroups, and provide options for equal opportunities for students to obtain a high-quality education. Moreover, the bill authorizes the SBE to equitably enforce the accountability requirements of the public school system, including the power to impose state requirements on districts to improve academic performance of all districts, schools, and students. The Department of Education (DOE) must annually categorize public schools in one of six categories based on a school's grade, student performance levels, rate of change in performance in reading and mathematics, disaggregated into student

subgroups according to education accountability requirements for meeting adequate yearly progress (AYP). Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-144, L.O.F.).

**S 1248 Public K-12 Education/Service Learning (Wise).** This bill deletes a provision that required school principals to make students that have lost, damaged or destroyed a textbook pay 50 to 75% of the purchase price of the textbook. The bill creates s. 1003.497, F.S., which requires the Department of Education to encourage school districts to adopt service learning programs for K-12 students. “Service learning” refers to teaching and learning strategies that engage students in meaningful service activities in their school and communities. Department assistance will be provided to school districts willing to adopt such programs. The bill mandates contract requirements for school districts concerning regional professional development academies for teachers. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-222, L.O.F.).

**H 1539 Certification of Public School Athletic Coaches (Policy Council, PreK-12 Policy and Fresen).** This bill provides that completion of a sports safety course, meeting specific conditions, can be used to meet certain inservice certification requirements for coaches. Effective July 1, 2009. Approved by the Governor on May 28, 2009 (Ch. 2009-88, L.O.F.).

**S 1540 Zero-tolerance Policies/Schools (Education Pre-K–12 Appropriations, Judiciary, Criminal Justice, Education Pre-K–12 and Wise).** This bill requires district school boards that allow corporal punishment as a form of discipline to review that policy every 3 years at a district school board meeting pursuant to s. 1001.372, F.S. Failure to do so will result in the expiration of the school district’s corporal punishment disciplinary policy. The bill requires that school boards adopt policies concerning criteria for reporting to law enforcement officers acts that occur within the district school board’s jurisdiction, define acts that pose a serious threat to the school and petty acts of misconduct. The bill also encourages school boards to use alternatives to expulsion or reporting to a law enforcement agency for petty acts of misconduct and misdemeanors. The bill further clarifies that a zero-tolerance policies do not require the reporting of such acts to law enforcement agencies. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-53, L.O.F.).

**S 1676 Education Funding (Policy & Steering Committee on Ways & Means, Education Pre-K-12 Appropriations and Wise).** This bill provides that elected school district superintendents may reduce their salaries voluntarily and requires that elected superintendent salaries shall be reduced by 2 percent for the 2009-2010 fiscal year. It prohibits school districts from entering into contracts for a school district superintendent’s salary paid from state funds that exceeds \$225,000 and encourages school districts with appointed superintendents to negotiate 5% reduction to the superintendent’s salary for FY 2009-10. The bill also modifies the school district virtual instruction program, continues class size compliance at the school level for 2009-2010 and delays implementation at classroom level until the 2010-11 school year. Furthermore, the bill requires that school districts include state allocations for school breakfast programs in the annual breakfast meal rates to offset the costs of school breakfast programs without requiring allocations from the district’s operating funds. It

requires universal breakfast to be provided only in schools in which 80 percent or more of students qualify for free or reduced-price meals instead of in all schools. Additionally, the bill requires contiguous districts to have reciprocal agreements for school bus transportation services, inspections and screening requirements for public schools. It further requires districts to purchase literature and language arts materials for schools in the two lowest categories of performance, unless waived by the Commissioner because the district is using intervention and support strategies to address the schools' deficiencies. The bill restricts school districts from using public funds for out-of-state travel, cell phones or other electronic communication devices without the specific approval of the school board, and provides that art, music, and similar programs for students have a higher funding priority than payment for employee travel and communication devices. The bill provides for restoration of revenue from prior year unrealized local effort by requiring a prior period funding millage adjustment to be certified at the time of the second calculation of the FEFP and requires class size reduction funds to be included in the 80% calculation of funds provided to schools within a district. The bill also reduces the authorized capital improvement millage levy from 1.75 to 1.5 mills and waives the three-fourths limit on the use of proceeds from the capital improvement millage levy for lease-purchase agreements entered into before June 30, 2009 for the 2009-2010 fiscal year. The bill also removes the June 30, 2010 time limit in which school districts may pay property and casualty insurance premiums and purchase or lease driver's education and maintenance vehicles from the revenue generated by the discretionary capital improvement millage and retains the \$100 cap on expenditures for property and casualty insurance premiums and motor vehicles. Additionally, the bill authorizes the Commissioner of Education to waive penalties associated with the audit citations for districts using capital funds for purchases of software in the 2007-2008 fiscal year and authorizes school districts to levy 0.25 mills for capital improvement needs in lieu of an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act. District school boards are also authorized, by super majority vote, to levy an optional 0.25 mill for critical capital outlay needs or for critical operating needs. If used for operations, districts in which 0.25 mills generate less than the state average are to be provided the difference in state funds allocated through the FEFP. In order to continue this levy it must be approved by the voters of the district in the next general election. The bill further allows districts to establish the total annual number of required days of service for employees. Contracts for principals, other school site administrators, and instructional personnel may not require more than 10 calendar months of service unless specifically approved by the district school board, and provides that non-recurring federal stabilization funds should not be used for new teacher professional service contracts. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-59, L.O.F.).

**S 2538 Supplemental Education Services (Education Pre-K - 12 Appropriations, Education Pre-K – 12 and Detert).** This bill requires providers of supplemental educational support services to report information regarding services provided to public school students to the Department of Education (DOE) annually. The bill further requires DOE to: develop a service provider online survey to be completed by principals and school districts; evaluate each service provider; assign each service provider a service designation; provide exemptions under certain circumstances; annually report the service provider designations to school districts; and authorizes school districts to use certain

funds to meet the requirements of the act. This bill also requires the State Board of Education to establish thresholds and rules regarding designations and provides for measurement and reporting of learning gains. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-225, L.O.F.).

**H 7089 Exceptional Students (PreK-12 Policy and Legg).** This bill makes statutory changes in conformity with the federal Individuals with Disabilities Education Act (IDEA). The bill revises Florida's due process hearing requirements by restricting appeal rights to state circuit court in cases involving the identification, evaluation, or placement of students with disabilities. Accordingly, either party can submit new evidence, which is a requirement of the IDEA. The bill allows school personnel to remove a student with a disability who violates the student conduct code and place the student in an alternative educational setting, for no more than 45 school days, if the student: (1) carries a weapon to or possesses a weapon at school or a school function; (2) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance while at school or at a school function; or (3) inflicts serious bodily injury upon another person while at school or a school function. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-238, L.O.F.).

**H 7117 Student Records (Education and Culp).** This bill aligns Florida's Student Education Records Law with the federal Family Educational Rights and Privacy Act or "FERPA." The bill addresses both public K-12 and postsecondary student records. The bill reaffirms students and their parents' rights with respect to student education records. The bill provides that public educational institutions and agencies must comply with FERPA and directs the State Board of Education to ensure that its regulations meet specific principles. As a result, the State Board of Education is required to: adopt rules for public K-12 institutions to comply with FERPA; monitor FERPA compliance; notify the Legislature of any change in FERPA; and advise the Legislature of any change in FERPA that would create a new public records exemption. The bill preserves the right of aggrieved parents and students to bring an injunction action to enforce their rights. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-239, L.O.F.).

## **G. Criminal Justice**

**H 271 Confidential Informants (Criminal & Civil Justice, Public Safety & Domestic Security and Nehr).** This bill, also called "Rachel's Law," requires law enforcement agencies that use confidential informants to establish, implement, and review certain guidelines regarding the use of informants. Effective July 1, 2009. Approved by the Governor on May 7, 2009 (Ch. 2009-33, L.O.F.).

**H 1003 Sale and Delivery of Firearms (Drake).** This bill removes statutory language which would repeal section 790.065, F.S.. This will eliminate the "sunset" of FDLE's Firearm Purchase Program on October 1, 2009, and retain current Florida law governing who is disqualified from purchasing a firearm from a licensed dealer. The bill also

provides that section 790.065, F.S., must be reviewed by the Legislature and approved for continuation before the limit of \$8 on the fee established by FDLE for the criminal history check under s. 790.065(1)(b), F.S., may be increased.. Effective July 1, 2009. Approved by the Governor on June 24, 2009 (Ch. 2009-233, L.O.F.).

**S 1718 State Judicial System (Criminal & Civil Justice Appropriations and Crist).**

This bill authorizes any county court judge to be designated by the Chief Justice of the Supreme Court to preside over circuit court cases. It eliminates the future repeal of authority for part-time assistant criminal conflict and civil regional counsel to practice private criminal law under specified conditions. The bill also revises the distribution of fees and costs collected from persons who receive certain assistance from a public defender's office. Additionally, the bill amends section 28.241(1), F.S., so that \$80 from the \$295 filing fee is to be deposited in the State Courts Revenue Trust Fund. Currently, that revenue is retained by the clerk of courts. The requirement that the clerk of court remit one third of circuit filing fees to the Clerk of Court Trust Fund is deleted. For foreclosure on residential or commercial real property, a new graduated filing fee is established based on the principal due on the mortgage plus interest on any property taxes owed. The redirection of the circuit filing fee revenue from the clerks of court to the State Courts Trust Fund will have a negative impact of \$44.9 million on the clerks of court. The reinstatement of the processing fee for failure to attend a driver improvement school will have a positive impact of \$2.2 million in new revenue for the clerks of court. The reduction of the statewide clerk of the court budget cap to \$451.4 million will require the clerks to reduce their budgets and expenditures. Effective June 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-61, L.O.F.).

**S 1722 Department of Corrections (Criminal & Civil Justice Appropriations and Crist).**

This bill requires courts to sentence certain offenders to a nonstate prison sanction, unless the court makes written findings that ordering an offender to such a sanction could present a danger to the public. The bill authorizes the Department of Corrections (DOC) to contract with county and municipal entities and out-of-state public and private facilities to house inmates. The bill also exempts these contracts from applicability of Chapter 957, F.S., relating to the Department of Management Services' contracts with private prisons. Moreover, the bill requires that DOC disseminate and the courts use uniform order of supervision forms when placing a defendant on community supervision. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-63, L.O.F.).

**S 2276 DNA Database (Judiciary, Governmental Oversight & Accountability and Oelrich).**

This bill provides for the creation, implementation, and operation of a program whereby persons arrested for certain felony offenses will be required to provide DNA samples to the Florida Department of Law Enforcement. This bill also provides standards for storing and analyzing the samples, as well as sample retention, and specifies circumstance under which a person may be removed from the list. Effective July 1, 2009. Approved by the Governor on June 16, 2009 (Ch. 2009-190, L.O.F.).

## **H. Transportation.**

**H 333 Off-Highway Vehicles (Economic Development & Community Affairs, Roads, Bridges & Ports and Workman).** This bill creates a new definition for recreational off-highway vehicle (ROV) and modifies the definition of “off-highway vehicle” (OHV) to include ROVs. The result is that owners of certain vehicles that are not currently permitted on public lands due to their weight or width may be eligible to do so if they pay a \$29 application fee for a title certificate. The Department of Highway Safety and Motor Vehicles states that these fees may generate an indeterminate amount of new revenue for the benefit of a grant program for off-highway vehicle trails. The grant program returns this revenue to local areas by means of a competitive grant program. As a result, local governments may see an indirect positive fiscal impact if the grant program is able to offer larger or additional awards for OHV projects. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-137, L.O.F.).

**S 344 Dori Slosberg & Katie Marchetti Safety Belt Law (Rich).** This bill substantially amends Florida’s Safety Belt law, s. 316.614.F.S.. Most importantly, it authorizes law enforcement officers to stop motor vehicles when the driver or a front seat passenger is not wearing a safety belt. The law also removes current safety belt exemptions. Persons violating this law will be cited for a nonmoving violation punishable by a \$30 fine. Effective June 30, 2009. Approved by the Governor on May 6, 2009 (Ch. 2009-32, L.O.F.).

**H 405 Delivery Vehicles (Economic Development & Community Affairs and Nelson).** Notwithstanding statutory provisions requiring local governments and/or the Florida Department of Transportation to review and approve roads upon which golf carts and other vehicles may be operated, this bill permits “seasonal delivery personnel” to operate certain types of vehicles such as golf carts upon public roads in a “residential area” with a speed limit of 35 miles per hour during from October 15 to December 31 of each year. Effective July 1, 2009. Approved by the Governor on June 18, 2009 (Ch. 2009-208, L.O.F.).

**H 1021 Transportation (Aubuchon).** This bill provides for counties to incur certain costs related to the relocation or removal of certain utility facilities under specific circumstances. The bill also provides that provisions requiring the continuation of collection of tolls following the discharge of bond indebtedness does not apply to high-occupancy toll or express lanes. Furthermore, the bill creates a new reimbursement program for small counties to loan up to \$200 million to DOT in order to advance projects outside the adopted work program and revises DOT’s the notification process when amending a work program. The bill reinstates the Small County Resurfacing Assistance Program in 2012 and removes certain eligibility criteria relating to ad valorem tax rates. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-85, L.O.F.).

**H 1065 Aircraft Safety (Roads, Bridges & Ports and Plakon).** This bill requires airports to take immediate action to alleviate wildlife hazards when they are detected. The bill creates the “Airline Safety and Wildlife Protection Act of Florida relating to airport activities within the scope of a permit or other authorization for depredation or

harassment. The bill provides legislative findings that an airport's ability to manage wildlife hazards is necessary to prevent jeopardy to human life or aircraft safety. Additionally, the Legislature intends that the management of wildlife for these purposes not be subject to any sort of sanction and that these authorizations not be superseded by other state or local agencies. The bill provides that an airport authority or entity owning an airport is not subject to administrative, civil or criminal penalties, restrictions, liabilities, or other restriction when taking an authorized action to protect human life or aircraft safety from wildlife hazards. Moreover, the bill provides that this immunity extends to officers, employees, contractors or its employees, or a member of the airports governing body to the extent the person's actions are authorized or within the scope of this law. The bill also defines "authorized action taken for the purpose of protecting human life or aircraft safety from wildlife hazards" as an action authorized within the scope of various federal and state regulations and permits. If an authorized action conflicts with another regulation, the bill provides that this section of law will prevail. Effective upon becoming law. Approved by the Governor on June 11, 2009 (Ch. 2009-167, L.O.F.).

**H 1205 Charter County Transit System Surtax (Economic Development & Community Affairs, Military & Local Affairs and Braynon).** This bill changes the name of the surtax to the Charter County Transportation System Surtax and authorizes certain charter counties to levy a maximum one percent sales surtax subject to a referendum. The bill provides the permitted uses of the revenues as financing the development, construction and operation of fixed guideways, rapid transit systems, bus systems, roads and bridges. The charter county may deposit the surtax revenues into a trust fund, remit the revenues to an expressway or transportation authority, or apply them directly to permitted uses. Additionally, the proceeds may be distributed by interlocal agreement to municipalities or an expressway or transportation authority. The bill extends eligibility to levy the surtax to 13 additional charter counties by removing an existing provision requiring charter adoption prior to January 1, 1984. Moreover, the bill allows proceeds of the surtax to be remitted to transit authorities for specified uses and requires a charter county that has entered into interlocal agreements for distribution of transit system surtax proceeds with one or more of its municipalities to revise these interlocal agreements no less than every five years to include municipalities created since the prior agreements were executed.. Effective July 1, 2009. Approved by the Governor on June 10, 2009 (Ch. 2009-146, L.O.F.).

**S 1778 Department of Highway Safety & Motor Vehicles (Policy & Steering Committee on Ways & Means, Transportation, Economic Development Appropriations and Fasano).** This bill increases a variety of driver license related fees and clarifies the distribution of annual license tax revenues imposed on mobile homes to the county or municipality where the units are located. Specifically, the bill increases fees imposed on motor vehicle registration, certificates of title, driver licenses and identification cards, driver license examinations, driver license reinstatements following a suspension, and motor vehicle and driver history records. Effective July 1, 2009. Approved by the Governor on May 27, 2009 (Ch. 2009-71, L.O.F.).

**H 5013 Transportation (Transportation, Economic Development Appropriations Committee and Glorioso).** This bill revises the powers and duties of the Department of Transportation (DOT) to provide for certain environmental conditions, and it exempts transportation projects funded by the American Recovery and Reinvestment Act of 2009 from specified caps on annual contract amounts. The bill also revises the purpose and criteria of the Small County Outreach Program, and revises requirements for the interstate highway system logo sign program. This bill authorizes the Tampa-Hillsborough County Expressway Authority to issue certain bonds; and requires the Department of Community Affairs, in consultation with DOT, to implement the Energy Economic Zone Pilot Program, with technical assistance from the Office of Tourism, Trade, and Economic Development and the Florida Energy and Climate Commission. This bill further authorizes the Northwest Florida Regional Transportation Planning Organization to conduct a study, with assistance from DOT, on advancing funds for certain construction projects. Effective May 27, 2009. Approved by the Governor on May 28, 2009 (Ch. 2009-85, L.O.F.).

### **I. Children & Families.**

**H 1409 Placement of Children (Health Care Services Policy and Sands).** This bill authorizes the Governor to execute a new Interstate Compact on the Placement of Children and grants rulemaking authority to the Department of Children and Family Services. The bill also provides for provisions of the new contract and for the current contract to remain in effect until the Governor enters into a new contract. Effective upon becoming law. Approved by the Governor on June 10, 2009 (Ch. 2009-148, L.O.F.).

**H 5129 Child Support Enforcement (Government Operations Appropriations Committee and Hays).** With regard to child support enforcement proceedings, this bill provides definitions relating to health insurance, establishes standards relating to reasonable costs for health insurance, and requires certain action from courts before allowing deviations from reasonable costs. Effective May 27, 2009. Approved by the Governor on May 28, 2009 (Ch. 2009-90, L.O.F.).

### **II. Local Bills.**

The Local Bill Policies and Procedures Manual (2009) 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, 74 local bills were filed (this number includes all local bills, including companion bills). Of these bills, 27 bills (or 36 percent) passed both houses and 47 bills (or 64 percent) did not pass. This year the Governor vetoed one local bill, H 713 - Lake Asbury Municipal Service Benefit/Clay County. (See Section III, below).

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 criteria set forth 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 this legislative session.

**H 183 City of Palm Harbor, Pinellas County (Nehr).** This bill proposed to create the City of Palm Harbor in Pinellas County upon approval by a majority of the qualified electors residing within the corporate limits of the proposed Town of Palm Harbor voting in a referendum election to be called by the Board of County Commissioners of Pinellas County on November 3, 2009. Effective upon becoming law. Died in Military & Local Affairs Policy Committee.

**H 1225 Town of Casey Key, Sarasota County (Holder).** This bill proposed to create the Town of Casey Key, effective upon approval by a majority vote of those qualified electors residing within the corporate limits of the proposed Town of Casey Key voting in a referendum election to be called by the Sarasota County Commission. Effective upon becoming law. Died in Military & Local Affairs Policy Committee.

Other local bills of interest include:

**H 775 City of Tamarac/Broward County (Military & Local Affairs and Porth).** This bill enlarges the City of Tamarac in Broward County to include specified unincorporated land and provides for certain governance procedures. Effective upon becoming law. Approved by the Governor on June 16, 2009. (Ch. 2009-252, L.O.F.).

**H 777 City of West Park/Broward County (Porth).** This bill enlarges the City of West Park in Broward County to include the Town of Pembroke Park and specified unincorporated land. Effective upon becoming law. Approved by the Governor on June 16, 2009 (Ch. 2009-253, L.O.F.).

**H 801 Broward County (Porth).** This bill provides for annexation and deannexation of certain lands with the Town of Southwest Ranches and the Town of Davie. Effective upon becoming law. Approved by the Governor on June 16, 2009 (Ch. 2009-254, L.O.F.).

**H 877 City of Jacksonville/Duval County (Weinstein).** This bill authorizes the Jacksonville Police and Fire Pension Board of Trustees to increase the permitted rate of investment in fixed real estate assets from 10 to 20 percent. Effective upon becoming law. Approved by the Governor on June 1, 2009 (Ch. 2009-255, L.O.F.).

**H 1063 Lake Worth Drainage District, Palm Beach County (Abuzzo).** This bill constitutes the codification of all special acts relating to the Lake Worth Drainage District as contemplated by s. 189.429, F.S. The bill repeals Chs. 98-525, 99-422, and 2003-344, L.O.F. Additionally, the bill reenacts previous provisions of the charter, except for two changes: it clarifies that the district provides comprehensive water management activities; and that the \$150 compensation paid to the supervisors is a salary which qualifies the supervisor for membership in the Florida Retirement System. Effective July 1, 2009. Approved by the Governor on June 11, 2009 (Ch. 2009-258, L.O.F.).

**H 1113 East County Water Control District, Lee and Hendry Counties (Military & Local Affairs and Kreegel).** This bill revises district boundaries to include approximately 179 acres and provides for a board of commissioners in lieu of a board of supervisors. The bill also revises the beginning of terms, the method for filling vacancies and meeting attendance requirements. Additionally, the bill provides penalties for unexcused absences and provides for salaries. Effective upon becoming law. Approved by the Governor on June 11, 2009 (Ch. 2009-260, L.O.F.).

**H 1147 Spring Hill Fire Rescue/Emergency Medical, Hernando County (Finance & Tax, Economic Development & Community Affairs, Military & Local Affairs and Schenck).** This bill creates a special district and charter and specifies the purposes of the district as providing fire prevention services. The bill specifies the district's boundaries and purpose; provides for a board of commissioners, their election and terms of office. The bill also provides the powers and duties of the board, ad valorem taxation, user charges, impact fees, and special assessments. Moreover, the bill provides authority to borrow money; provides for records; requires an annual report; provides for annexation and dissolution, immunity from tort liability and for referendum. Effective upon becoming law, except that the provisions of Section 6 - that authorize the levy of ad valorem taxation shall take effect only upon express approval by a majority vote of the qualified electors of the Spring Hill Fire Rescue and Emergency Medical Services District, as required by Article VII, section 9 of the State Constitution, voting in a referendum held pursuant to section 24. Approved by the Governor on June 11, 2009 (Ch. 2009-261, L.O.F.).

**H 1169 City of Leesburg, Lake County (Military & Local Affairs and O'Toole).** This bill authorizes the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue temporary permits to nonprofit civic organizations for the sale of alcoholic beverages for consumption at an outdoor event on public right-of-way in the City of Leesburg, subject to statutory and other specified requirements. The bill also requires the division to adopt rules. Effective June 2, 2009. Approved by the Governor on June 2, 2009 (Ch. 2009-262, L.O.F.).

**H 1213 Jacksonville Transportation Authority (Roads, Bridges & Ports and Gibson).** This bill revises the requirement for membership on the governing body of the Jacksonville Transportation Authority and provides that an appointed member must be a resident and an elector of Duval County. The bill also revises the scope of the Authority to include certain services throughout Duval County. This bill exempts certain public-private transportation facilities from certain specified taxes and special assessments and excludes certain taxes from such exemption. Effective July 1, 2009. Approved by the Governor on June 1, 2009 (Ch. 2009-111, L.O.F.).

**H 1235 Lakewood Ranch Stewardship, Manatee/Sarasota Counties (Reagan).** The Lakewood Ranch Stewardship District is an independent special district located in Sarasota and Manatee Counties. This bill enlarges the district's boundaries by 200 acres. The bill also allows the district to provide sustainable or green infrastructure improvements, facilities, and services. It also requires a referendum by the landowners. This bill is effective upon becoming law, however sections 1 and 2 shall take effect upon approval by a majority vote of the owners of land within the district, including land

included in the original district boundary description and any land being added to the district by this act, who are not exempt from ad valorem taxes or non-ad valorem assessments and who are present in person or by proxy at a landowners' meeting to be held within 90 days after the effective date of this act. Such landowners' meeting shall be noticed as provided in section 5(2)(a) of Ch. 2005-338, Laws of Florida. Approved by the Governor on June 16, 2009 (Ch. 2009-263, L.O.F.).

**H 1369 Gulf County (Economic Development & Community Affairs and Patronis).** This bill provides that, in Gulf County, if the Department of Environmental Protection reestablishes a coastal control line after January 1, 2009, and s. 161.053(6)(b), F.S., would preclude the construction of a structure not previously subject to the jurisdiction of the program, the Department may issue a permit for a single-family dwelling. Essentially, the bill will allow for the completion of construction of single family dwellings in Gulf County. Effective upon becoming law. Approved by the Governor on June 24, 2009 (Ch. 2009-264, L.O.F.).

**H 1375 Tierra Verde Community, Pinellas County (Finance & Tax, Military & Local Affairs and Frishe).** This bill describes the boundaries of the community, requires a referendum of the electors within the community prior to annexation, and provides requirements for municipal annexation of the community. Effective upon becoming law. Approved by the Governor on June 16, 2009 (Ch. 2009-266, L.O.F.).

**H 1431 City of Pensacola, Town of Century, Escambia County (Military & Local Affairs and Evers).** This bill creates the Escambia County Consolidation Study Commission to develop a consolidation plan for the City of Pensacola, Town of Century, and Escambia County, and provides for membership, meetings, and the submission of a report. This bill also establishes provisions for funding and assistance to the commission, and provides for dissolution of the commission. Furthermore, this bill requires a voter referendum for approval of the consolidation plan. Effective upon becoming law. Approved by the Governor on May 5, 2009 (Ch. 2009-267, L.O.F.).

**H 1433 City of Orlando Firefighters Pension Fund, Orange County (Military & Local Affairs Policy Committee and Nelson).** This bill provides a member with twenty years or more of service who is involuntarily determined to be permanently and totally disabled "not in the line of duty" the right to elect a normal service retirement under certain conditions. The bill also changes certain accrual rates, alters the Deferred Retirement Option Program, authorizes the City of Orlando legislative body to make certain changes to the pension plan, specifies that benefits are not retroactive, and specifies that this act does not provide additional benefits to certain members and beneficiaries. Effective June 1, 2009, except as otherwise provided. Approved by the Governor on June 1, 2009 (Ch. 2009-268, L.O.F.).

### **III. Select Bills that Failed.**

Of the 271 bills that passed both chambers this session, seven have been vetoed and two have been line-item vetoed. The following select bills that were vetoed or did not pass were identified by LCIR staff as having a potential impact on local governments. The

bills included in this summary were chosen because the Legislature may revisit these issues in future legislative sessions.

**S 516 Unemployment Compensation (Commerce and Hill).** This bill defines the terms "alternative base period," "good cause," and "member of the individual's immediate family." The bill redefines the term "base period" and further, revises the requirements for eligibility to receive benefits. This bill requires an employer to provide wage information to support an individual's eligibility for benefits. The bill also authorizes Agency for Workforce Innovation to accept an affidavit from a claimant in support eligibility or benefits. Effective October 1, 2009. This bill died in Policy and Steering Committee on Ways and Means on May 2, 2009. (See also H 1333).

**H 713 Lake Asbury Municipal Service Benefit/Clay County (Proctor).** This bill allows the increase of special assessments not to exceed \$1000 against lots in the Lake Asbury Municipal Service Benefit District in Clay County. The bill specifies that any special assessment greater than \$100 requires an affirmative vote of six or more of the nine district trustees. Effective upon becoming law. *Vetoed* by the Governor on June 11, 2009 (See Appendix A, attached).

**S 718 Discretionary Sales Surtax (Health Regulations Committee and King).** This bill amends the discretionary sales surtax provision for the "Indigent Care and Trauma Center Surtax" to delete the exclusion of a county that has a population of at least 800,000 residents and that is consolidated with one or more municipalities (Duval County) from levying this surtax. If Duval County had already imposed an Indigent Care and Trauma Center Surtax, a 0.5% surtax could have generated approximately \$65 million in Fiscal Year 2008-2009. Effective July 1, 2009. *Vetoed* by the Governor on June 10, 2009. (See Appendix B, attached).

**S 1124 Community Residential Homes (Altman).** This bill prohibits certain rules adopted by the Agency for Persons with Disabilities from restricting the number of facilities designated as community residential homes located within a planned residential community. The bill also provides that community residential homes that have six or fewer residents located within a planned residential community are not required to obtain local government approval regardless of their proximity to each other. Effective July 1, 2009. This bill died on the Calendar on May 2, 2009. (See also H 371).

**S 1368 Local Government Budgets (Governmental Oversight & Accountability and Dean).** This bill amends statutory provisions relating to proposed court budgets and conforms provisions relating to sheriff budgets. The bill revises provisions relating to the preparation of special district budgets. It also revises provisions relating to the preparation of tentative county budgets. Additionally, this bill revises provisions relating to the preparation or amendment of special district budgets and revised the timeframe for completing a local governmental entity annual financial audit. Effective June 1, 2009. This bill died in Committee on Finance and Tax on May 2, 2009. (See also H 931).

**S 2004 Traffic Control/Mark Wandall Traffic Safety Program (Policy & Steering Committee on Ways & Means, Criminal Justice, Transportation and Altman).** This bill preempts to the state the use of cameras to enforce traffic laws. The bill creates the

Mark Wandall Traffic Safety Program and authorizes the Florida Department of Highway Safety and Motor Vehicles, counties or municipalities to use traffic infraction detectors to identify motor vehicles that fail to stop at steady red traffic lights. The bill provides for placement and installation of detectors on certain roads. Effective upon becoming law. This bill died in returning Messages on May 2, 2009. (See also H 439).

**H 7009 Public Transit (Economic Development & Community Affairs and Murzin)**

This bill provides definitions relating to commuter rail service, rail corridors, and railroad operation for purposes of rail programs within the Department of Transportation. The bill also revises the time period within which DOT must update the rail system plan and requires a status report to the Legislature to accompany plan. The bill provides additional duties for DOT relating to the regional rail system plan. The bill authorizes DOT to assume certain liability on rail corridors. Effective: July 1, 2009. The bill was withdrawn from consideration on May 2, 2009. (See also S 1212).

**IV. Appendix.**

- A. Governor's Veto Message to the Secretary of State (regarding H 713), June 11, 2009.
- B. Governor's Veto Message to the Secretary of State (regarding H 718), June 1, 2009.

**EXHIBIT A**



**CHARLIE CRIST**  
GOVERNOR

June 11, 2009

RECEIVED  
2009 JUN 11 PM 02:02  
OFFICE OF THE GOVERNOR  
TALLAHASSEE, FLORIDA

Secretary Kurt S. Browning  
Secretary of State  
R.A. Gray Building  
500 S. Bronough Street  
Tallahassee, Florida 32399

Dear Secretary Browning:

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 to, House Bill 713, enacted during the 111<sup>th</sup> Session of the Legislature of Florida, since statehood in 1845, during the Regular Session of 2009 and entitled:

An act relating to the Lake Asbury Municipal Service Benefit District . . .

This bill increases the cap on the annual special assessment that the district is authorized to impose from \$100 to \$1,000 per lot. This bill increases ten-fold the maximum annual special assessment.

I have concerns about increases in the district's authority to incur obligations and authorize annual special assessments from \$100 to \$1,000 occurring without a voter referendum. The need for a referendum is heightened when any change to a special district's practices could lead to increased financial costs, through taxes or special assessments, to landowners and those who reside within the district.

For the reason stated above, I am hereby withholding my approval of House Bill 713.

Sincerely,

A handwritten signature in black ink that reads "Charlie Crist".

Charlie Crist

## **EXHIBIT B**



**CHARLIE CRIST**  
GOVERNOR

June 10, 2009

Secretary Kurt S. Browning  
Secretary of State  
R.A. Gray Building  
500 S. Bronough Street  
Tallahassee, Florida 32399

Dear Secretary Browning:

By the authority vested in me as the Governor of Florida, and 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 to, Committee Substitute for Senate Bill 718, enacted during the 41<sup>st</sup> Session of the Legislature of Florida, convened under the Constitution of 1968, during the Regular Session of 2009 and entitled:

An act relating to discretionary sales surtaxes...

This bill allows a discretionary sales surtax to be levied without voter approval. I firmly believe that every discretionary sales surtax, or more commonly known as a local option sales tax, must be subject to voter approval.

For this reason, I withhold my approval of Committee Substitute for Senate Bill 718, and do hereby veto the same.

Sincerely,

Charlie Crist

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