



# TALLAHASSEE NEWS

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Intergovernmental Affairs & Professional Standards  
115 S. Andrews Ave.,  
Room 427  
Fort Lauderdale, FL  
33301  
954-357-7575  
[www.broward.org](http://www.broward.org)

Gretchen Harkins,  
Director  
Christopher Brown  
Eddy Labrador  
Bobbie Sewell

### Sexual Offenders and Predators Residency Restrictions

On Tuesday, Rep. Glorioso's bill, 119, was heard and successfully passed out of Public safety and Domestic Security Policy Committee unanimously, as amended. The amendments became the source of contention in the Senate when it was heard in Criminal Justice committee on Thursday and temporarily postponed.

The House and Senate bills, as currently drafted make the following changes to existing statutory residency restrictions:

- "temporary residence" as used in S. 775.21 is clarified and the terminology "transient residence" is added
- Subsection 1 of Section 3 expressly preempts to the state the adoption of residency restrictions for persons who are required to register as a sexual predator; however, this subsection does not appear to preempt local residency restrictions for persons who are not sexual predators, i.e., sexual offenders.
- Subsection 2 repeals any county or municipal residency restriction that was adopted before July 1, 2010 that exceeds state requirements of 1000 feet from any school, day care center, park, or playground. An exception exists that allows a local government to adopt an ordinance that increases the distance exclusion up to a maximum of 1750 feet where recommended by the chief law enforcement officer and a finding of public necessity is made.

The senate staff analysis quotes Broward County's SOSP Task Force findings that "[T]here is no evidence larger buffer zones are more effective in protecting children than the state's 1,000-foot restriction" and then cites the county's decision to adopt a 2500-foot residency restriction via ordinance. At this time, local government ordinances are not preempted by the bills; however, the Legislature may preempt either expressly or by implication (12A FLA. Jur 2D 2008). Two circuit courts have come to contradictory conclusions with respect to the issue; the Miami-Dade case found there was not a legislative intent to preempt, while the Duval County Circuit found the Legislature had preempted by implication.

The Senate hearing demonstrated that the House amendments, introduced on SB 1284, had not been vetted with the Senate sponsors. Sen. Crist explained that his purpose in filing the bill in previous sessions was to create a 300-foot setback for SOSPs with respect to loitering. Sen. Crist and Sen. Aronberg cosponsored the bill believing that stakeholders were in agreement as to the residency restrictions. It was clear in committee that the residency restriction aspect was still not "ironed-out", so Sen. Crist is seeking to separate the loitering aspect from the residency component. Sen. Thrasher asked that the bill be TPd in an effort to give stakeholders an opportunity to come to some agreements. It has been scheduled for hearing in the Criminal Justice committee next week.

### Seminole Gaming Compact

House Gaming Chairman Galvano met with Gov. Charlie Crist Wednesday in pursuit of an agreement with the Seminoles to revive the invalidated compact that must ultimately be approved by the Legislature. The major difference, after the Supreme Court invalidated the original compact signed by Gov. Crist in 2007, is to expand the availability of banked card games like blackjack to all seven Seminole casinos, while the Legislature only wanted to extend the offer to casinos in Broward and Hillsborough counties. Florida stands to earn upwards of \$150 million yearly from the tribal casinos. Gov. Crist has called for the Legislature to pass a gaming compact and in his proposed budget, based his education budget on potential gaming dollars.

### Unemployment Compensation

On the first day of session, HB 7033 passed the House (117-0) and Senate (39-0) and was signed into law by Gov. Crist. The bill will delay for two years a coming increase in unemployment compensation taxes and extends benefits for eight additional weeks. Modernization efforts were not included in the final bill but Democrats have been assured by Rep. Garcia that his committee will look at the issue in the future. The tax delay will force Florida to continue borrowing an average of \$225 million monthly from the federal government to replenish the bankrupt unemployment compensation trust fund, depleted by an unemployment rate that has now hit 11.8 percent, the highest in 35 years. The state has already borrowed over \$1.2 billion from the federal government. Hundreds of millions of dollars in interest payments will be due beginning September 2011.

### Entertainment Industry Incentives

The House Economic Development Policy Committee unanimously passed HB 697 sponsored by Rep. Precourt (Senate companion bill 1430 sponsored by Sen. Haridopolis), that would give a tax credit to film and digital media entities to entice and revitalize the state's entertainment industry and create jobs. The tax credit can only be redeemed to offset tax liability in the year after the production expenditures were made. The bill includes an annual cap of \$75 million and an increase in the base incentive amount from 15 to 20%. Only Florida expenditures such as hiring local residents and contraction with Florida-based companies would qualify.

### Housing

An affordable housing bill, HB 665 by Rep. Aubuchon, was heard in Military and Local Affairs Policy Committee and passed unanimously. The bill would repeal the 2006 legislative cap of \$243 million on the housing trust fund. Jaimie Ross, president of the Florida Housing Coalition, indicated using the funding for affordable housing as originally intended would result in about 15,000 Florida jobs and over \$1.4 billion in economic activity for Florida.

Two bills regarding rental property and condominium foreclosures were heard in the House Civil Justice and Courts Policy Committee and neither bill was successful. For the second time, HB 329 by Rep. Robiana, which would amend landlord-tenant law and condominium law to allow condominium associations to collect assessments from a tenant of a delinquent

unit owner as well as deny an owner or tenant occupancy or use of a common area if 90 days delinquent, was temporarily postponed. HB 125, by Rep. Rogers was also on its second consideration having been temporarily postponed at an earlier meeting. This bill would require notification to a rental tenant of a pending foreclosure and make the lender liable for closing costs and relocation costs of the tenant if failing to do so. Additionally, the bill required the lender to provide the tenant the first right of refusal to purchase the property at fair market value. Citing recently enacted federal legislation which addresses tenants' rights and the lack of specificity, the bill died in committee.

#### Pill Mills

A bill regarding the regulation of pill mills was heard in Health Care Regulation this week. CS/HB 225 prohibits doctors from dispensing more than a 72 hour supply of controlled substances, requires patients receiving prescriptions for controlled substances to fill the prescriptions at a pharmacy instead of physician offices or clinics if they require more than a 72 hour supply, requires doctors who dispense medications to register with the Department of Health, and makes advertising and practicing medicine in an unregistered clinic grounds for medical licensure action. The bill passed the committee 12-1.

#### Children's Services Councils

Child advocates from Miami Dade, Palm Beach, and Broward spoke in opposition to SB 1216 by Sen. Negron in the Senate Children, Families, and Elder Affairs Committee. The amended bill would require Children Services Council proposed budgets and millage rates be submitted to and approved by the Board of County Commissioners and public hearing held; require approval by the County Commissioners for the purchase of real estate or construction of a building; require, beginning in 2016, a voter referendum every eight years, and; add an additional county commissioner to the membership. Following considerable debate, the bill was temporarily postponed. The House companion bill, HB 1227 by Rep. Mayfield, has been referred to three policy council committees and not yet heard.

#### Online Travel Companies Workshop

On Wednesday, Rep. Bogdanoff, Chair of the House Finance & Tax led a workshop on the issue of online travel companies and the remittance of tourist development taxes. The Committee's staff attorney made a presentation on the issue and there was considerable debate amongst the members. Commissioner Lieberman testified on behalf of Broward County and the Florida Association of Counties.