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Solid Waste Recycling

SB 570, sponsored by Sen. Constantine, requires all city, county, state entities, public schools and businesses that employ more than 50 people, to report to their county their recycling rates on all recyclable materials among other things. The bill was workshopped previously by Chairman Constantine; in this meeting he again sought testimony from stakeholders with widely differing concerns in an effort to negotiate an agreement on acceptable language. The use and disposal of plastic bags, treated wood products, and the fiscal and business impact of the new permitting processes were discussed, along with construction and debris (C&D) issues. The inclusion of C&D in the definition of recoverable materials has proved to be contentious, as has the recyclable nature of such debris. We are monitoring this bill closely and working with the Florida Association of Counties and the bill's sponsor to seek manageable language.

Sexual Offenders & Predators

SB 1284, sponsored by Sens. Crist and Aronberg (HB 119, Rep. Glorioso), the Sexual Offenders and Predators bill, was passed unanimously by the Senate Criminal Justice Committee. After serious debate, lawmakers agreed to standardize a statewide 300-foot child safety zone. It also enforces a 1000-foot statewide residency restriction, but exempts local governments with previously enacted residency restrictions up to 2500 feet.

Household Moving Services

SB 320, sponsored by Sen. Garcia (HB 119, Rep. Weinstein), was approved 9-1. This bill preempts local government ordinances regulating movers of household goods. Broward, Palm Beach, Miami-Dade and Pinellas counties remain carved out, which enables us to keep our existing high standards protecting the consumers of Broward County.

Misrepresentation of Military Status

SB 1824, sponsored by Sen. Gelber (HB 1455, Rep. Sachs), a bill to make it unlawful for a person to solicit funds by falsely stating that he or she is a member or representative of the US Armed Forces was unanimously approved by the Senate Commerce Committee. Additionally, the bill prohibits a person from wearing the uniform of members or veterans, or any medal or insignia authorized for use, if he or she intends to misrepresent himself as a member or veteran of the US Armed Forces. A letter is being sent to Gov. Crist requesting his support for this important legislation to protect and defend the honor of the courageous men and women of the United States Armed Forces consistent with Resolution 2010-102 passed by the Board March 9, 2010. SB 1824 now moves to Senate Criminal Justice.

Pretrial Detention

HB 445, Relating to Pretrial Detention and Release, by Rep. Dorworth was heard in the House Public Safety and Domestic Security Council. The bill amends s. 907.041(5), F.S., to establish pretrial release program eligibility criteria that will apply to all pretrial release programs. No pretrial release program eligibility criteria exist in the Florida Statutes – each county develops its own criteria for determining who is eligible. The bill specifies that a defendant is only eligible to participate in a pretrial release program if the defendant is charged with a misdemeanor or with a felony that is not a dangerous crime. Several members expressed concern regarding the fiscal impact on local governments including the effect on the 28 counties that already have their own extensive pretrial release programs. Rep. Waldman of Broward, commented for the record that he was concerned about the procedural process used to pass the bill through the committee; indicating that he felt the Committee did not take enough time to debate the policy issues implicit in the bill. The Broward Sheriff’s Office estimated the annual fiscal impact to Broward at \$20 million, as the bill severely limits pretrial eligibility and exceeds Broward’s current pretrial ordinance.

Budget House and Senate Allocations

The budget process appears to be on a fast track this year as both the House and Senate received their budget allocations this week and started meetings. The Senate anticipates concluding their budget, proviso, and implementing bills by next Friday. Allocations from both chambers reflect a 9-10% decrease from current allocation levels.

The totals for the House and Senate, without stimulus money taken into account, are \$22.9 billion and \$22.75 billion, respectively. Each chamber allocates just under \$2.35 billion in stimulus money as well. Education and Health Care constitute slightly more than 83% of the allocated total for each chamber. From recurring general revenue, Health Care is allocated \$6.18 billion in the House and \$6.13 billion in the Senate. The House allocates \$509 million of non-recurring general revenue, double the \$252 million allocated in the Senate. With each chamber allocating \$1 billion of stimulus money (the first six months of FMAP) for Health Care, the House total is nearly \$7.7 billion and the Senate total nearly \$7.4 billion. The House allocates \$316 million more than the Senate. Among the cuts in Senate Health and Human Services Appropriations Committee are \$27 million for the Florida Healthy Families program and eliminating positions in adult substance abuse programs, mental health institutional staff and related mental health services staff.

The House allocates \$255 million in transportation and economic development, and the Senate allocates \$281 million. The House and Senate Transportation and Economic Development (TED) Appropriations Committees are both proposing to entirely eliminate State Aid to Public Libraries funding. The current amount of \$21.2 million was proposed by the Dept. of State and Governor and is supported by the Florida Library Association and the Florida Association of Counties. Because \$21.2 million is the Maintenance of Effort amount the state is required to provide to receive \$8.4 million in federal library funds, State Aid elimination also means loss of federal funds.

For Civil and Criminal Justice the House allocates \$3.6 billion and the Senate allocates \$3.45 billion. Both chambers allocate slightly more than \$400 million for General Government.

Juvenile Justice

In House Public Safety and Domestic Security Council, two juvenile justice bills were heard. HB 813, Juvenile Justice Facilities and Programs, by Rep. Garcia passed. The most significant impact of this bill is that it redefines the meaning of “ordinary medical care in Florida Statute 985.083 to mean “medical procedures that are administered or performed on a routine basis and include, but are not limited to, inoculations, physical examinations, remedial treatment for minor illnesses and injuries, preventive services, medication management, chronic disease detection and treatment, and other medical procedures that are administered or performed on a routine basis and do not involve hospitalization, surgery, use of general anesthesia, or the provision of psychotropic medications for which a separate court order, power of attorney, or informed consent as provided by law is required.” The bill also requires the Department to adopt rules to ensure the effective delivery of ordinary medical care (as redefined), mental health services, substance abuse treatment services, and services to youth with developmental disabilities.

FSU College of Law Interns

The Office of Intergovernmental Affairs and Professional Standards is happy to announce the selection of two Florida State University College of Law students as 2010 Session Interns. Brenda Crocker, a third year law student, and Kyle Johnson, a second year law student, will participate with Broward staff in tracking legislative bills and other related activities. Both contributed to the articles in this publication.