



Volume X, Issue 10 • April 4, 2008

**Week Five**

**Autism Spectrum Disorder**

SB 2654 by Sen. Geller was heard in Health Policy on Tuesday, April 1st. The bill's hearing date was propitious, as National Autism Awareness Day was celebrated April 2nd. Family members and advocates appeared before the committee to express the need for parity legislation, and two autistic children also testified about the positive impact of therapies and treatments. Commissioner Lieberman offered persuasive testimony on the need for health insurance parity, and Governor Crist testified in support of the legislation. Governor Crist appealed to the legislature, stating that autistic youth should be given the opportunities afforded by progressive therapies, so that children diagnosed with an autism spectrum disorder could achieve self-sufficiency. The bill, which passed unanimously, goes to HHS Appropriations next. The companion, HB 1291 by Rep. Porth is in the Healthcare Council.

Today, Speaker Rubio appointed a House Select Committee on Autism and Developmental Disorders, comprised of Reps. Gardiner (Chair), Galvano (Vice Chair), Ausley, Porth, Patronis, Weatherford, Ross, A. Gibson, Gibbons, Flores, Zapata, Coley, and Precourt. A final report of the committee findings and recommendations shall be submitted no later than April 15, 2008, with the intent that legislation would then be taken up in Health Care Council.

**Conveyances Not Subject to Tax**

HB 647 by Rep. Hudson provides that the documentary stamp tax will not be assessed due to the addition or removal of the name of a spouse as a joint tenant with rights of survivorship or holder of a life estate or remainder interest in property on any deed where the taxes imposed have previously been paid. The sponsor has dubbed the existing provision the "marriage penalty tax" since current law requires that, in order to add a spouses name to a deed, doc stamp taxes must be paid on the outstanding

balance of the existing mortgage, even though they were paid at the time of purchase. The provision would only apply to homesteaded properties, and the addition would have to be applied for within the first year of marriage. The bill's next and last stop is in Policy and Budget Council.

**Government Transparency**

The Government Efficiency and Accountability Committee released GEAC 24, relating to government transparency, this week. While considered the companion bill to SB 392, GEAC 24 differs significantly from the Senate version in that it focuses on the publication of budget documents rather than contracts and expenditures. Broward County already complies with many of the bill's requirements and posts some of the documents described. However, the counties remain concerned about preemption and the state's intent to identify the types of budgets to be provided to the public. Specifically, GEAC 24 requires the county to provide a four-page summary statement about the budget with areas of public interest highlighted in the document. Other concerns remain the requirement that counties publish "tentative budgets" as well as those that are proposed but not adopted. Because many budget documents undergo numerous iterations prior to finalization, the requirement that counties post various versions poses a significant workload impact. Other issues with this bill included a 10% cap on undesignated reserves, which could impact capital projects. GEAC 24 was heard in committee on Tuesday, but temporarily passed (TPd).

Sen. Storms' government transparency legislation, SB 392, was heard in the Finance & Tax Committee on Wednesday, April 2nd. The bill, requiring local governments to post information about expenditures over \$5,000 has been contested by municipalities and local governments throughout its previous committee stops. While

the less onerous version heard Wednesday no longer required counties to scan, post, and offer links to the actual contract documents, the bill maintains language requiring counties to do so wherever feasible. The bill also mandates that local governments retain all contract information in one centralized location.

Commissioner Lieberman testified in opposition to the bill, pointing out flaws in the centralization requirement specific to counties with Enterprise Zones. In Broward, the airport and seaport create and oversee their own contracts, decentralized from other county operations. The House version was amended during the week to lift the cap from 10 to 15 percent. Additional improvements are expected over the coming weeks.

### **Ocean Outfalls**

SB 1302 by Sen. Saunders passed the General Government Appropriations Committee unanimously this week. A few Senators raised concerns with the bill's unfunded mandate to Broward and Miami-Dade Counties, but many felt that ocean outfall disposal practices should be eliminated in order to reclaim for beneficial purposes the water now flowing into the ocean. The bill will now be available for floor consideration. Commissioner Lieberman and staff met with the Governor's staff and briefly discussed this issue. The Governor's staff expressed a desire to exchange ideas on how the state could assist the County in meeting the actions called for in the present legislation.

### **Online Travel Companies**

This week, SB 2788 by Sen. Haridopolis passed favorably in the Finance and Tax Committee. The bill was amended to include a provision to provide that online travel booking companies are exempt from collecting and remitting taxes on the full consideration, and must pay only on the discounted rate the booking company pays to the hotel. Consumers booking hotels through all other means must pay 6% state sales tax and 5% local tourist development tax, collected by the hotel and remitted to the state. Further, the bill would codify the current practice of online travel companies to list fees and taxes together, without disclosing the items separately. SB 2788 goes next to the

Criminal Justice Committee, and there is currently no House companion.

### **Public Libraries/Internet Safety Education Program**

SB 1996 by Sen. Crist, encourages all public libraries to implement an Internet safety education program for children and adults for the purpose of promoting safe Internet behaviors while broadening awareness of online predators. The bill requires counties to train a percentage of their total library users by implementing a free, on-line voluntary software training course.

A priority of Hillsborough County, which has already implemented a pilot program, the language does not create a mandate, but instead offers libraries meeting their patron training goals 10 points towards the State's technology grant application total. Libraries would also be required to annually report the number of users who complete the training program. Staff is monitoring the bill to ensure mandates or substantial fiscal and workload impacts are not contained in final House or Senate versions.

### **Public Construction Works**

SB 2148 by Sen. Haridopolos proposes significant changes to state laws governing the competitive award of local public construction works contracts. This bill is the companion to HB 683 by Rep. Weatherford which is currently pending before the House Government Efficiency and Accountability Council, and was discussed in detail in the Week 3 Update. These bills are the initiative of the Florida Transportation Builders Association and various other contractor/subcontractor association groups in Florida.

SB 2148 was scheduled to be heard in the Senate Community Affairs Committee this week but the committee ran out of time on their long agenda. There was a strike-all amendment that conforms the bill to the House measure with the following three exceptions:

The definition of "airport" in the strike-all is the broader definition found §332.004(14), Florida Statutes, which the County had suggested be used. Like the House Bill, the Senate strike-all exempts airports from §255.20 when performing repairs and maintenance on airport buildings,

structures, or public construction works with its own forces. County contracts for airport public construction projects are also exempted from the new restrictions on the use of “no damages for delay” clauses in public construction contracts;

The strike-all exempts specific seaports, including Port Everglades, to the same extent as airports above;

Removes the 1-mile restriction on road and bridge repair projects or combination of projects; and

Exempts dirt road-only paving projects from the \$250,000 maximum project value when road and bridge repair work is performed with a county or municipality’s own forces.

The bill is expected to be heard at next week’s Community Affairs Committee meeting.

### **Appropriations Overview**

The House and Senate proposed budgets are widely divergent in funding levels as well as funding strategies. Last week’s update described the Health and Human Services Budget.

Areas which have historically been areas of interest for Broward County include:

### **Transportation and Economic Development**

#### *Transportation*

The Senate funded Transportation for \$9.9M and the House at \$11M. This difference will impact the 5-year plan which will have negative effects on projects in Broward County.

#### *Affordable Housing*

The Senate funded Affordable Housing at \$318M and the House is at the traditional \$243M. The Senate has included funding for programs in the following areas: a state apartment incentive loan program; an extremely-low income persons program; and a pilot rehabilitation project.

#### *State Aid to Libraries*

State Aid to Libraries is funded in the Senate at \$32M and in the House at \$24.8M.

#### *The Arts*

The Arts have taken a major set back this year. The Senate has proposed funding for program grants at a considerable higher level than the House. The breakdown follows:

### **Senate**

Statewide Arts Grants	\$2,000,000
Science Museum Grants	\$550,000
Arts in Education	\$550,000
Local Arts Agencies/Statewide Service Organizations	\$400,000
Youth and Children’s Museum Grants	\$270,000
Cultural Institutions Program Grants	\$3,500,000
Florida Endowment for the Humanities	\$430,000

### **House**

Arts Grants from Fine Arts Council Trust Fund	\$297,200
---	-----------

*(this is National Endowment for the Arts Block Grant)*

Lump Sum Cultural Grants Program from General Revenue	\$3,494,075
---	-------------

### **Justice System**

Probation officers are being eliminated. Testimony indicated that the average ratio of officer to offender for probation officers with high-risk caseloads was 1 to 119. While those carrying low-risk offender caseloads would be expected to manage 201 cases per officer.

Significant cuts to “front-end” juvenile justice programs.

Cuts to State’s Attorneys.

### **Environment/Department of Agriculture and Consumer Services**

The House is proposing a 33% across-the-board cut over last year’s baseline budget. For example:

Cuts FL Forever and Everglades Restoration funds

Eliminates state-funded manatee rehabilitation and research programs, statewide

Almost eliminates Alternative Water Supply Funding; Alligator and Mosquito Control programs

With respect to Agriculture and Consumer Services, specifically, the House budget will:

Reduce the agriculture support program

Eliminate state-funded safety inspections of fair rides