



Volume VIII, Issue 5 • March 30, 2006

Week Four

Florida Association of Counties' Day was Wednesday. Commissioners Scott, Eggelton and Lieberman were in Tallahassee this week, and Commissioners Lieberman and Eggelton testified in committees on bills of interest to Broward County.

Land Use

Midway through the Legislative Session, the issue of land use authority is heating up. SB 1608 by Senator Bennett and HB 949 by Representative Arza would preempt all county land use authority. The provision calls for a new vote within each municipality or by the municipal governing board on whether the County Charter land use provisions are applicable within that municipality. This bill is retroactive in application, which would require a dual referendum in order for charter provisions which have already been adopted by voter referendum to remain in effect.

HB 949 passed Local Government, the first of three committee stops, on Wednesday. Commissioners Lieberman and Eggelton attended the hearing and spoke in opposition to the bill. HB 949 will be workshopped in the House Growth Management Committee on Monday, April 3rd. SB 1608 has passed through one of two committees of reference.

Appropriations

The preliminary budget process was completed this week, with all general appropriations, implementing and conforming bills being made available by today. If the schedule is adhered to, both Houses should pass the budget by next Friday, April 7th, leaving two weeks for the conference process.

Cable Video Franchising

HB 1199 by Representative Traviesa which pre-empts municipal or county authority to negotiate cable service franchises was workshopped last week in the Utilities and Telecommunications Committee (Broward County CIO Nicole Fontayne testified) and heard this week. The bill designates the Department of State with the authority to issue state-wide cable franchises. Concerns regarding customer service, build out requirements, and guidelines for public, educational, and government channels have been debated. The bill passed on a 9 to 4 vote with a number of the yea voters indicating concern and the need for compromise at the next committee stop, which is Finance and Tax.

Affordable Housing

HB 1363 by Representative Davis was approved in the second of four referenced committees this week. Commissioners Eggelton and Lieberman submitted appearance cards during the Local Government Council meeting and waived time in support of the bill. SB 132, the Senate version of the bill was approved in the first of five referenced committees. At this point the bill varies from the House version, but they are expected to conform as they move through the process.

Expenditure Caps

The House Finance and Tax Committee, chaired by Representative Brummer released two Proposed Committee Bills (PCB) late Wednesday that dramatically impact counties' ability to levy property tax and make local funding decisions.

PCB FT 06-08 is a constitutional amendment that would allow the legislature to cap county and municipal spending at a rate as low as the growth in state personal income. The spending cap could only be waived if the Governor declared an emergency, the additional expenditure was approved by a referendum, or by a super-majority vote of the governing body.

PCB FT 06-09 would, by general law, require that cities and counties could not impose a millage rate that is greater than 3% plus the change in the consumer price index over the roll back rate. Local governments could only exceed this millage rate by a majority plus one vote of the governing body. If the rate is exceeded, the local government would not be allowed to participate in the half cent sales tax revenues for the following fiscal year.

Both bills were reported favorably out of Finance and Tax today.

Human Services

SB 1314, the general bill by Senator Rich regarding the Senior Services Taxing District was heard in Children and Families and passed unanimously. It has one more committee stop in the Senate. SB 2810, the local bill by Senator Rich was introduced this week. Also heard in Children and Families and passing unanimously was SB 1798, Foster Children Transitional Services. The House version of Foster Children Transitional Services has not been heard. It is anticipated that there may be an increase in foster care per diem rates following the next revenue estimating conference.

Energy

Just as Congress in 2005 worked to draft an Energy Plan to meet the nations growing demands for energy, the 2006 Florida Legislature is grappling with the same issue in two separate bills, SB 888 by Senator Constantine, and HB 1473 by Representative Hasner (the Governor/DEP's Plan). SB 888 establishes a new Florida Energy Commission located in the Office of Legislative Services which removes it from the Department of Environmental Protection. The bill also creates the Florida Renewable Energy Technologies Act, which includes nuclear power plant and transmission line siting provisions. It further determines that if a local government finds the proposed plant violates a local zoning ordinance, the applicant is no longer required to apply for a zoning variance. Additionally, mandatory land use hearings are eliminated. On Tuesday, March 28, Senate Committee and Public Utilities unanimously voted out SB 888 and the bill moves to Senate Environmental Preservation this week. Many concerns were raised that will hopefully be addressed at the next committee.

HB 1473 is substantially similar to SB 888 however, the House version creates the Florida Energy Council housed within the DEP. Both bills present the same local government preemption issues. Both bills promote renewable and alternative energy sources, and revise provisions of electric utility 10-year site plans to include fuel diversity. Neither bill provides for county representation on the Councils/Commissions charged with developing statewide energy policies. HB 1473 is expected to be considered next week in the Public Utilities and Telecommunications Committee.