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### Week Four

Florida Association of Counties and Florida League of Cities Legislative Days took place this week. Commissioners Lieberman and Ritter and Mayor Eggelton, as well as a number of local municipal officials, attended Session this week.

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#### **Budget**

The House and Senate released preliminary budget recommendations this week. Broward County Community Budget Requests recommended for funding in both the House and Senate included: the Port Everglades Sand Bypassing Project, the Broward County Shore Protection Project; and the Taxiway B Airport Reconstruction. Amendments to both House and Senate appropriations bills are being submitted and it is expected that conference committees may begin consideration of budget variances by April 18<sup>th</sup>.

#### **Wetlands**

HB 957, Environmental Permitting by Rep. Williams, passed out of House Environment and Natural Resources Council on Wednesday. A late filed amendment was approved that preempts local wetland regulatory programs in the interest of avoiding "duplication and inefficiency." If the bill passes, local governments would not be allowed to have more stringent standards than the state. The bill will be heard on Friday in the House Policy and Budget Council. The Senate companion, SB 2054 does not currently include the preemption language.

#### **Sadowski Trust Fund Cap**

Although several bills have been filed this Session urging the Legislature to repeal the cap placed on the Sadowski Trust Fund, effective FY 2007-08, none have been considered in House or Senate committees. Affordable housing needs are being addressed through the appropriations process. The Senate has included \$443 million in the budget and the House has included \$343 million. Both recommended funding levels are in excess of the current cap without lifting it.

Housing advocates will be in Tallahassee on April 11 for Housing Rally Day, urging members to "Scrap the Cap" on the Sadowski Trust Fund.

#### **Property Tax Reform**

Senate Democrats released a proposed plan for property tax reform this week. The proposed plan includes:

- portability for homesteaded property owners,
- a \$25,000 tangible personal property tax exemption,
- a 10% cap on non-homesteaded property,
- partial year assessments,
- income based assessments for affordable housing properties and working waterfront properties,
- exemptions for first time buyers, and
- a statutory three year limitation on property tax increases for all cities and counties. Tax revenues would be allowed to grow by the amount of new construction, plus the percentage change in the CPI, plus 3%. The FY07-08 limit would be based on FY05-06 revenues.

The Save Our Homes exemption assessment currently in the Constitution would change to a 3% limitation, plus the change in CPI, not to exceed 6% for homesteaded property. The full Senate is expected to unveil a proposed plan during week six of the session.

#### **Aggregate Mining**

PCB ENRC 07-12 passed out of House Environment and Natural Resources Council on Wednesday. The bill provides for a Task Force to

evaluate the current aggregate situation and mining practices. The Task Force is to provide recommendations to the Governor and Legislature by February 1, 2008. The bill was amended to prohibit counties from enacting or enforcing ordinances or resolutions which prohibit or prevent the construction or operation of a mine, where mining is a permissible use, as of March 1, 2007. The bill will be heard in the House Policy and Budget Council on Friday. The Senate mining bill, SB 2804, currently calls for a one year moratorium, but does not include language that preempts local government.

### **Elections Legislation**

CS/SB 958 by Sen. Constantine is an omnibus elections bill that makes various changes to Florida's Election Code. Some of the provisions are enumerated below:

- language that provides that a county commissioner is "elected" at the time of certification of the election results,
- conforms the canvassing of special elections to that of general elections by removing the exception that the canvassing of special election returns begin the day after the election,
- addresses provisions concerning absentee ballots, including that an absentee ballot request is effective for all elections through the next two general elections after the request is made, and provides that absentee ballots may be canvassed six days prior to election rather than the present four days,
- provides an additional 19 hours for the submission of returns after a general election, and requires county canvassing boards to submit preliminary election returns to the Department of State on election night, in a format provided by the department, and requires provisional ballots to be included in the unofficial returns,
- provides that unofficial returns must be submitted by noon on the fourth day after a general election or any election other than a primary election,

- provides an extra day for the submission of unofficial returns after a general election in which a recount was conducted, and
- clarifies the procedures for recall of municipal officeholders, including county commissioners in charter counties.

This bill has passed the Senate Ethics and Elections Committee and the next committee reference is Senate Judiciary.

### **Legal Representation of Indigents**

CS/SB 1088 by Sen. Crist creates five offices of criminal conflict and civil regional counsel to provide legal representation in criminal and civil cases to indigent and other eligible persons. When regional counsels have a conflict of interest, the case will be assigned to a private attorney. The regional counsels are within the same geographic boundaries of the district courts of appeal, and are assigned to the Justice Administrative Commission for administrative purposes. The Justice Administrative Commission is to provide administrative support to the new offices. The regional counsels are appointed by the Governor and confirmed by the Senate. Effective October 1, 2007, when the public defender has a conflict the court must assign the case to the regional counsels. The regional counsel must provide representation in the same types of cases as the public defender. The bill amends §29.008, F.S., to include the regional counsels, which will require that counties provide facilities, communications, and security to the regional counsels' offices. The bill also amends §125.69, F.S., to allow counties to contract with the regional counsel for defense of local ordinance violations. The bill passed the Senate Criminal and Civil Justice Appropriations Committee and next goes to the Senate Floor for debate. However, Senator Crist indicated that more changes to the proposed legislation are expected and that the bill will not be considered for final passage until the last week of session.

### **Next Week**

The House will meet next week on Wednesday and Thursday. The Senate will be in recess for the Passover/Good Friday holiday week.