



2009

*State  
Legislative  
Final  
Report*



BOARD OF COUNTY  
COMMISSIONERS

**BOARD OF COUNTY COMMISSIONERS**



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# **Section I: Commission Priorities and Key issues**

## **Condominium/Homeowners Associations' Dues/Foreclosure**

CS/SB 998 required that a mortgage holder pay to a condominium or homeowners association (HOA) the lesser of the unit's unpaid common expenses and regular periodic assessments during the immediately preceding 12 months or 1 percent for HOAs, and six months or one percent for condominium associations, of the original mortgage debt if the mortgage holder had not acquired title within one-year after a foreclosure proceeding had been filed.

CS/CS/SB 880 and CS/CS/CS/HB 27 had similar provisions and made extensive changes to current condominium and HOA laws. Among the changes, both bills allowed condominium associations and HOAs to demand and collect delinquent assessments from a tenant during the pendency of a foreclosure proceeding and the unit/parcel owner. It also allowed the association to sue for eviction of a tenant who failed to pay the assessments as if they were the landlord. None of these bills passed.

## **Energy**

SB 1154 required electric utilities to meet or exceed a clean portfolio standard for the production or purchase of clean energy. More specifically, each electric utility was required to meet clean energy targets of 7 percent by 2013, 12 percent by 2016, 18 percent by 2019 and 20 percent by 2020 through the production of clean energy or the purchase of clean energy credits from Florida producers of clean energy. No more than 25 percent of the annual clean portfolio standard requirement could be met through Class III clean energy sources such as nuclear power. The bill authorized the Public Service Commission (PSC) to allow a utility to recover the costs of converting an existing fossil fuel plant to a biomass plant under certain conditions, provided for the Solar Energy Center to charge testing fees, and directed the Florida Building Commission to make all changes to the building and energy codes necessary to conform to the bill's requirements. SB 1154 died in House Messages.

## **Florida Water Law**

No legislation was filed in the 2009 Session to repeal Florida's "public resource" doctrine with respect to water or to modify Florida's riparian rights laws to promote "Western Water Law" in Florida.

## **Online Travel Companies/Dot.Com/Tourist Development Tax**

SB 1970 provided the taxable privilege to rent, lease, let, or grant a license to use accommodations including activity in which a person offers the availability of transient stays at accommodations, arranges for their use, establishes the total rent amount, or collects the rental payments. Persons required to collect and remit applicable taxes may be persons other than the owner or operator of the accommodation. The tourist development tax, the tourist impact tax, the transient rentals tax, the convention development tax, and the municipality resort tax were applicable to the total amount paid to use the accommodation. The bill defined the terms related to the rent or consideration for purposes of these state and local taxes.

The bill required persons who engaged in this business to register with the Florida Department of Revenue (DOR) or the appropriate political subdivision, and collect and remit the proper taxes, unless the registered owners or operators of the accommodations agreed in writing to report and remit the taxes on the travel company's behalf. DOR was authorized to adopt rules to allow for a single application for registration with the Department that identified each county in which transient accommodations were located. The bill also provided amnesty for unpaid taxes, penalties, and interest under certain conditions and further authorized DOR to administer the amnesty program through the adoption of emergency rules. SB 1970 unanimously passed its first committee of reference, but died in the Senate Community Affairs Committee. A similar bill, SB 2518, which contained no amnesty provisions passed the Senate Finance and Tax Committee, but died in the Senate Commerce Committee.

## **Prescription Drug Tracking Database**

CS/CS/CS/CS/SB 462 intends to reduce incidents of doctor-shopping and pharmaceutical misuse by establishing a comprehensive electronic database system. By December 1, 2010, the Department of Health (DOH) must design and establish a comprehensive electronic system to monitor the prescribing and dispensing of certain controlled substances. The bill requires prescribers and dispensers of certain controlled substances to report specified information to the DOH for inclusion in the system. Data regarding the dispensing of each controlled substance must be submitted to the DOH, by a procedure and in a format established by the DOH, and must include minimum information specified in the bill. Any person who knowingly fails to report the dispensing of a controlled substance commits a first-degree misdemeanor. The bill prohibits certain physicians from practicing in a pain-management clinic when they have not registered with DOH. CS/CS/CS/CS/SB 462 passed the Senate unanimously and was substituted in the House for HB 897. **Chapter No. 2009-198; Effective Date: July 1, 2009.**

CS/CS/SB 440 makes confidential and exempt from the Public Records Law identifying information or any other unique identifying number of a patient, patient's agent, health care practitioner, pharmacist, pharmacist's agent, or pharmacy which is contained in records held by the Department of Health (DOH) or other state agency for the purposes of prescription drug monitoring or any other statutorily proscribed purpose. **Chapter No. 2009-197; Effective Date: July 1, 2009.**

## **South Florida Regional Transportation Authority/Tri-Rail Dedicated Funding Source**

Language authorizing counties to impose a \$2 rental car surcharge for transportation needs was included as part of CS/CS/SB 1212, i.e., the Sunrail/Central Florida commuter rail bill. SB 1212 was not heard on the Senate floor. Although SB 1212 was not taken up, efforts were made to amend two transportation packages, HB 1021 and CS/SB 582, with the substance of SB 1212 and a modified version of the \$2 rental car surcharge that provided for a referendum in 2014. However, attempts to amend these transportation bills during the last two days of the Session failed by almost identical votes on the Senate Floor.

## **Traffic Hearing Officer Program Funding**

The House and Senate funded traffic hearing officer programs at \$1,339,864 for FY 2009-2010, which is the same as the previous fiscal year's level. If the funds are not required to be held back, the amount should be sufficient for the current fiscal year.

## **Campaign Financing/Local Government Advocacy**

SB 216 prohibits local governments from expending or authorizing any expenditure of public funds for political advertisements or electioneering communications that seek to support or oppose an issue, referendum, or amendment that is the subject of voter approval, including state ballot questions. The prohibition does not apply to electioneering communications providing factual information, and elected officials are not prohibited from expressing their opinions on issues, as long as those opinions do not violate restrictions in the bill. The bill also prohibits a person from accepting funds from a local government for political advertisements or electioneering communications prohibited under the bill. The bill's provisions do not apply to state officials or state agencies. **Chapter No. 2009-126; Effective Date: July 1, 2009.**

## **Traffic Infraction Surcharge**

CS/CS/SB 2108 authorizes, among other provisions relating to the clerks of courts' budgeting processes, counties to increase from \$15 to \$30 the current surcharge on criminal and noncriminal traffic violations to fund court facilities. In addition, the bill also creates an additional surcharge that may be imposed to repay bonds issued to construct courthouses and other court-related improvements. **Chapter No. 2009-204; Effective Date: June 18, 2009.**

# Section II: Bills/Issues of Interest to Broward County that Passed

## **Airport Safety/Wildlife Hazards**

CS/HB 1065 creates the “Airline Safety and Wildlife Protection Act of Florida.” The bill includes a legislative finding that the ability of airport operators to manage wildlife hazards in a manner consistent with federal and state law is necessary to prevent jeopardy to human life or aircraft safety. Further, the bill declares the legislative intent that an airport should not be subject to penalties, restrictions, liabilities, or sanctions when taking authorized actions to manage wildlife, and that the authorization should not be superseded by the actions of other state and local agencies.

The bill defines what constitutes an authorized action and provides exceptions to that definition. The bill specifies that it is not intended to provide immunity from liability with respect to intentional or negligent torts, and is not intended to affect the waiver of sovereign immunity. **Chapter No. 2009-167; Effective Date: June 11, 2009.**

## **Area Agencies on Aging**

HB 935 amends several sections of law relating to Area Agencies on Aging (AAA); directs the Department of Elderly Affairs to adopt a rule creating both a dispute resolution mechanism and standards for a bid protest and a procedure for resolution; clarifies that private, non-profit AAAs that contract with the Department of Elderly Affairs to provide services according to the Federal Older Americans Act, are not state agencies; revises the definition of a lead agency and provides that Area Agencies on Aging may develop service contracts with lead agencies for a period of six years, without consulting with the Department. Prior to passing, the bill’s sponsor amended the legislation to provide additional protections to Community Care for the Elderly (CCE) lead agencies when resolving disputes with Area Agencies on Aging. **Chapter No. 2009-46; Effective Date: May 20, 2009.**

## **CCNA/Architects & Engineers**

CS/SB 2666 modifies the “Consultants Competitive Negotiation Act” (CCNA). Local governments may enter into a construction management or program management processes, and; continuing contract for construction projects in which the estimated construction cost for each individual project does not exceed \$2 million. The bill modifies the definition of “continuing contract” for acquiring professional architectural, engineering and other services under the CCNA. The bill increases the thresholds amount for architect and engineer services under a continuing contract for each individual construction project from \$1 million to \$2 million, and for study activity from \$50,000 to \$200,000. **Chapter No. 2009-227; Effective Date: July 1, 2009.**

## **Discretionary Sales Surtax For Fire Rescue Services**

CS/CS/SB 1000 authorizes counties to levy, by ordinance, a discretionary sales surtax of up to 1 percent for emergency fire rescue services, subject to a voter approval. Counties that already impose two separate discretionary surtaxes without an expiration date are prohibited from levying this additional surtax. The Department of Revenue must distribute the surtax proceeds, less an administrative fee, to the county and the county must, in turn, distribute proceeds to the jurisdictions participating in the delivery of emergency fire and rescue services under an interlocal agreement with the county. A county may charge an administrative fee of not more than 2 percent of the taxes collected.

Once voters approve the surtax and collection is initiated, the enacting county and each participating jurisdiction must reduce their ad valorem tax levy or any non-ad valorem assessment for fire control and emergency rescue services in the next and subsequent budgets by the amount of surtax proceeds estimated to be collected. Utilization of surtax proceeds does not relieve a local government from complying with those provisions of law relating to millage caps, placing limits on undesignated budget reserves, and procedures for establishing rollback rates for ad valorem taxes and budget adoption. Any surplus taxes collected in any fiscal year must be used to further reduce ad valorem taxes in the next fiscal year. **Chapter No. 2009-182; Effective Date: July 1, 2009.**

## **Expedited Permitting**

HB 73 requires expedited permitting of projects designated by cities and counties as meeting the target industry business definition in §288.106, F.S. Environmental resource and wetland resource permits must be approved or denied within 45 days of specified events. The bill exempts counties with populations exceeding 1.2 million that already have delegated agreements with the Department of Environmental Protection (DEP) and water management districts to process specified permits. The exempted counties maintain the sole authority to determine whether a particular project meets the target industry business definition. **Chapter No. 2009-134; Effective Date: July 1, 2009.**

## **Fast Track Economic Stimulus for Small Businesses**

CS/CS/HB 485 creates the "Florida New Markets Development Program" (NMDP) to provide state tax credits for investments in low-income communities. Tax credits allocated may be used to offset corporate income or insurance premium tax liabilities. The program is designed to make the state more attractive to national investors who are deciding where to invest funds raised under the Federal New Markets Tax Credits program by creating a state NMDP similar to the federal program. There is no credit provided for the first two years after the original date of investment. The credit provided in the third year after investment is 7 percent of the investment amount. The credit provided between the fourth and seventh year after the investment is equal to eight percent of the investment amount. Over seven years this credit totals 39 percent of the original investment amount.

A company with a qualified investment for both the federal and state program would receive 78 percent of the purchase price of the investment in tax credits. An entity could qualify for the state program and not qualify for the federal program. If a taxpayer's state tax liability exceeds his/her tax credit, then the tax credit may be carried forward for future taxable years (up to five years); however, all tax credits expire December 31, 2022. The tax credits are allocated on a first-come, first-serve basis. Enterprise Florida, Inc., or any entity created by Enterprise Florida, Inc., is considered a qualified community development entity and may participate in the program created by this bill. **Chapter No. 2009-50; Effective Date: July 1, 2009.**

## **Financial Instruments**

Currently, Florida's Chief Financial Officer (CFO) may deposit state funds not required to meet disbursement needs in certificates of deposit in one or more bank, or savings and loan association the CFO has designated as a qualified public depository. The principal and interest must be insured by the Federal Deposit Insurance Corporation (FDIC). Local governments have the same option and requirement for FDIC insurance.

CS/CS/CS/HB 569 expands the scope of state law by providing an option for state and local government funds to be deposited into money market deposit accounts and other financial deposit instruments insured by the FDIC. The bill deletes provisions relating to concurrent deposits. The legislation provides for use of payroll debit cards as payment instruments for labor. The bill also makes changes to the \$10 million coverage option available to insurance companies through the Florida Hurricane Catastrophe Fund. **Chapter No. 2009-140; Effective Date: July 1, 2009.**

## **Fish and Wildlife Conservation Commission**

CS/CS/HB 1423 is the comprehensive agency package for the Florida Fish and Wildlife Conservation Commission (FWC). The bill establishes penalties and conditions relating to water pollution for the purpose of allowing the FWC to utilize judicial and administrative remedies, instead of criminal penalties, to resolve aquatic plant management permitting violations. Persons damaging seagrasses in an aquatic preserve, due to the careless operation of a boat, could be charged with a non-criminal infraction. The bill creates the Florida Coral Reef Protection Act pertaining to Broward, Miami-Dade, Monroe and Palm Beach Counties and requires safe, timely removal of a vessel from grounding or anchoring on reefs and restoration of injured coral reef habitat by the responsible party. The bill further makes the threshold for Boating Under the Influence (BUI) the same as driving under the influence by lowering the threshold for enhanced penalties when charged with a BUI. **Chapter No. 2009-86; Effective Date: July 1, 2009, unless otherwise provided.**

## Florida Department Of Transportation Package

HB 1021 makes changes to numerous programs administered by or affecting the Florida Department of Transportation (FDOT). Some of the major changes include:

- Amends s. 163.3177, F.S., to better integrate airport planning and adjacent land use in the local government comprehensive planning process.
- Amends s. 163.3178, F.S., to exempt certain seaport-related projects from development-of-regional-impact (DRI) review if the project is located within three miles of a seaport.
- Amends s. 163.3180, F.S., defining the term "backlog facilities" in calculating proportionate-share and proportionate fair-share contributions under state law.
- Amends s. 163.3182, F.S., to provide legislative findings relative to transportation concurrency backlogs and to authorize transportation concurrency backlog authorities to issue bonds. The 25 percent tax increment financing rate for ad valorem tax proceeds may be exceeded upon interlocal agreement of all affected taxing authorities.
- Provides that utility companies are exempted from paying for the relocation of a utility to accommodate a transportation project when the utility serves the transportation authority or its tenants exclusively. In addition, the bill requires FDOT to bear the costs of relocating underground utilities under certain circumstances.
- Creates a new section of law (§338.166, F.S.), authorizing FDOT to request the issuance of bonds secured by revenues collected on high-occupancy toll (HOT)/express lanes on I-95 in Broward and Miami-Dade Counties. Tolls may continue to be collected after the discharge of any bond indebtedness but must first be used for operation and maintenance of the HOT/express lane project or associated transportation project. Any remaining toll revenues may be used for the construction, maintenance, or improvement of any road on the State Highway System. FDOT is authorized to implement variable toll rates on the HOT/express lanes. Except for HOT/express lanes, no tolls may be charged on any interstate highway where tolls were not being charged on July 1, 1997.
- Authorizes alternative tolling and payment methods including video billing and variable pricing for the Turnpike Enterprise system, and eliminates the requirement to maintain a uniform toll rate structure on the turnpike system.
- Raises the maximum cap amount for transportation projects or project phases advanced into the adopted work program from \$100 million to \$250 million. The bill creates a new project reimbursement program for small counties (150,000 populations or less). The program authorizes FDOT to enter into agreements with local governments to advance a maximum of \$200 million in projects or project phases not in the five-year adopted work program. Projects included in these agreements must also be included in the local government's comprehensive plan. This new program authorizes FDOT to enter into long-term repayment agreements with these counties for up to 30 years.
- Revises the notification process used by FDOT when amending the work program. As changed, FDOT must notify each affected municipality, metropolitan planning organization, and county when deleting or deferring capacity-enhancing projects. FDOT must include comments received from affected bodies in its recommendation to the Legislature and Governor before changes to the department's work program are approved or denied.
- Directs FDOT to conduct a study examining transportation alternatives for the Interstate 95 travel corridor considering the needs relating to transportation, emergency management, homeland security, and economic development. **Chapter No. 2009-85; Effective Date: July 1, 2009.**

## Florida KidCare

SB 980 modifies eligibility determination by requiring family income to be verified electronically; removes administrative barriers to the program by decreasing the period of time that a child is disenrolled from the KidCare program for nonpayment of premiums from 60 to 30 days; reduces the waiting period from six months to 60 days for KidCare eligibility for families that have voluntarily cancelled their employer-sponsored or private health insurance; and increases the number of "good cause" reasons that families can use to voluntarily cancel their health insurance coverage and be immediately eligible for KidCare coverage without a waiting period. After significant pressure to pass this legislation, HB 1329 was withdrawn from all committees of reference in the House where the bill had not received a hearing, allowing the House to take up and pass SB 918 unanimously. **Chapter No. 2009-113; Effective Date: July 1, 2009.**

## Florida Retirement System

CS/CS/HB 479 revises the reemployment and renewed membership provisions of the Florida Retirement System (FRS) Act. The revisions affect all current FRS members and retirees, including those elected or appointed to an elective public office, in accordance with the two effective dates in the bill. The bill extends from one month to six months the exclusionary period immediately after retirement in which a retiree may not be reemployed with any FRS employer. The bill makes other technical and clarifying changes. The bill has a delayed effective date of July 1, 2010, for certain reemployment restrictions. **Chapter No. 2009-209; Effective Date: July 1, 2009.**

## Florida Retirement System Contribution Rates

CS/SB 1802 sets the payroll contribution rates to be charged by about 1,000 participating public employers in the Florida Retirement System for FY 2009-2010. The recent custom of the Florida Legislature has been to set the rates annually following receipt of the annual plan valuation by the consulting actuary to the Department of Management Services. The bill also sets the default rates for the succeeding fiscal year in the event there is no comparable legislation setting those rates during the 2010 Regular Session. The FY 2009-2010 rates are unchanged from current law, and are as follows:

### Current and Proposed FRS Payroll Contribution Rates (Percent of Gross Compensation)

Retirement Class	FY 2009-2010 Rates	FY 2010-2011 Rates
Regular	8.69	9.63
Special Risk	19.76	22.11
Special Risk, Administrative	11.39	12.10
Elected Officers – State	13.32	15.20
Elected Officers – County	18.40	20.65
Elected Officers – Judicial	15.37	17.50
Senior Management	11.96	13.43
DROP	9.80	10.96

The bill directs the commissioning of a special actuarial study on the recalculation of the payroll contribution rates for the Deferred Retirement Option Program (DROP). The study will analyze the effect of recognizing the current uniform composite rate as well as treating DROP participants as active or retired members with respective rates set in their membership classes or with no rate set at all. **Chapter No. 2009-76; Effective Date: July 1, 2009.**

## **Gaming Compact**

CS/CS/SB 788 includes the following provisions relating to an Indian gaming compact between the State and the Seminole Indian Tribe of Florida (Tribe):

Grants the Governor the authority to execute an Indian gaming compact on behalf of the State for the purpose of authorizing Class III gaming on the Tribe's lands; Provides the form of the compact and specifies the minimum terms and standards required for a valid compact; Requires that the negotiated compact be ratified by the Legislature; Requires ratification of amendments to the compact if they alter the provisions related to covered games, the amount of revenue sharing payments, suspension or reduction of payments, or exclusivity; Provides that revenue sharing payments from the Tribe must be deposited into the Educational Enhancement Trust Fund; Authorizes the Governor to negotiate agreements with the Indian Tribes for all taxes, including sales taxes; Provides legislative intent to review the compact within five years in order to consider the authorization of additional Class III games, and; Designates the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to monitor the Tribe's compliance with the compact.

A model Indian gaming compact authorized by this bill must:

Have a 15-year term; Permit the Tribe to offer no limit poker and slot machines at seven specified tribal casinos; Permit the Tribe to conduct banked card games, including blackjack, chemin de fer, and baccarat, only at tribal casinos in Broward County and Hillsborough County; Require a guaranteed minimum payment of \$150 million; Require the Tribe to make revenue sharing payments to the state based on the following annual amounts: 12 percent of net win up to \$2.5 billion; 15 percent of net win between \$2.5 billion and \$3 billion; 20 percent of net win between \$3 billion and \$4 billion; 22.5 percent of net win between \$4 billion and 4.5 billion; and 25 percent of any net win above \$4.5 billion; Require the Tribe to waive sovereign immunity for tort claims by patrons in the amount of \$500,000 per person and \$1 million per incident; Prohibit persons under 21 years of age to enter the casino floor or to play the covered games; Require a \$250,000 per facility annual donation to a compulsive gambling program, and; Require the Tribe use its best efforts to spend its revenue in this state to acquire goods and services from Florida-based vendors, professionals, and material and service providers.

The sections of the bill relating to Pari-Mutuel Wagering include the following provisions:

Provide a gradual increase in the number of performances that comprise a full schedule of live racing for quarter horses; Streamline regulatory procedures; Provide for greater flexibility of breeders' and stallion awards; Authorize a jai alai permit to convert to a greyhound permit if certain requirements are satisfied; Provide for a reduction of the tax rate on slot machine revenue from 50 percent to 35 percent with a guarantee of tax revenue to be that which was collected in 2008-2009; Provide for a gradual reduction of the slot machine annual license fee from \$3 million to \$2 million; Allow for slot machines to be linked using a progressive system; Provide that the payout percentage of a slot machine facility shall be no less than 85 percent; Authorize Class III slot machines in a county that has had a referendum approving slots or has a referendum approving slots that was approved by law or the Constitution provided that such facility has conducted two years of racing and complies with other requirements for slot licensure; Provide that an initial cardroom license shall not be issued unless the permitholder has a facility and has begun racing; Allow for the conduct of no-limit poker in cardrooms, and; Extend the hours of cardroom operation from 12 hours per day to 18 hours per day Monday through Friday and 24 hours per day Saturday and Sunday.

The effective date of the pari-mutuel provisions is contingent upon Legislative ratification of a compact by the Legislature and the approval or deemed approval of the compact by the Secretary of the Department of the Interior. If these contingencies are met, the effective date is the date the compact is published in the Federal Register. **Chapter 2009-170; Effective Date: June 15, 2009.**

## **Growth Management/Affordable Housing**

CS/CS/SB 360 defines certain areas of the state as "Dense Urban Land Areas" and designates such areas as automatic "Transportation Concurrency Exception Areas (TCEAs)." Although Broward County is a dense urban land area under the bill, the County's transit concurrency districts are specifically exempted from the TCEA provisions. The bill eliminates Development of the Regional Impact (DRI) review for large-scale projects located within dense urban land areas. Local governments that do not qualify as dense urban land areas may opt-in into the TCEA and DRI exemptions. A local government's comprehensive plan and plan amendments for land uses within all transportation concurrency exception areas are deemed to achieve and maintain level-of-service standards. The bill extends to December 1, 2011, the deadline by which the capital improvements element of a local government's comprehensive plan must be financially feasible. To meet school concurrency, the bill allows for consideration of portable classrooms so long as the portables meet the requirements for long-term use in state law.

The bill creates a new section of law preempting local governments from imposing standards for security cameras which financially affect businesses; however, Broward County obtained an amendment to ensure the preemption does not impact the County's ability to implement security standards at its public facilities or to apply security standards to businesses operating at County facilities such as the airport or seaport. If requested by an applicant, a local government must issue "contingent" zoning approval concurrent with the transmittal of a plan amendment. The bill requires the Department of Community Affairs (DCA) to provide a report to the Legislature by December 1, 2009. Certain local and state permits, including development orders, with expiration dates between September 1, 2008, and January 1, 2012, are automatically extended for two years if the permit holder makes a written request to the permitting authority on or before December 31, 2009. In the last days of Session, the affordable housing provisions contained within CS/CSHB 161, except language lifting the Sadowski Trust Fund affordable housing cap, were amended onto the bill. The bill makes numerous changes to the state's affordable housing laws, including redefining the term "infrastructure" to allow proceeds of the local government infrastructure surtax to be used to acquire land for the construction of an affordable housing project. The bill also requires that local land development regulations provide that residential properties or recreational vehicle parks will maintain their existing density if the properties or parks are intended for residential use and are located in the unincorporated areas that have sufficient infrastructure, as determined by a local governing authority, and are not located within a coastal high-hazard area under s. 163.3178. This bill may constitute an unfunded mandate. While the Legislature declared the bill fulfilled an important state interest, it failed to garner the necessary - vote in the House, having passed 78-37. **Chapter No. 2009-96; Effective Date: June 1, 2009.**

## **Homelessness**

HB 597 authorizes voluntary contributions in the amount of \$1 to be added to the issuance and renewal of motor vehicle registrations and drivers' licenses to aid the homeless; expands the definitions of homelessness; encourages local coalitions for the homeless to adopt the Housing-First approach to ending homelessness; and encourages the Department of Children and Families (DCF) and community-based care lead agencies to develop and implement procedures to address homeless children and youth aging out of foster care. The bill is expected to result in a savings of approximately \$200,000 in administrative costs for the Office on Homelessness, which may be used to provide additional prevention grants, and may generate an indeterminate amount of revenue from voluntary donations for grant programs to help the homeless. **Chapter No. 2009-164; Effective Date: July 1, 2009.**

## **Homestead Ad Valorem Tax Credit/Deployed Military**

CS/HJR 833 proposes a Constitutional amendment to provide an additional homestead exemption on homestead property for each person who:

Is a member of the United States Military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; Receives a homestead exemption provided in Article VII, section 6 of the Florida Constitution, and; Was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the Legislature.

The additional exemption, which is to be provided by general law, is equal to a percentage of the taxable value of the deployed person's homestead property, and the percentage must be calculated based on the number of days the person was deployed outside the continental United States, Alaska, or Hawaii on active duty, divided by the number of days in the year. If approved by 60 percent of persons voting in the November 2010 General Election, the additional homestead exemption shall take effect January 1, 2011, and shall apply to the assessments in 2011. **Signed by Officers and Filed with the Secretary of State.**

## **Impact Fee Challenges/Burden of Proof**

CS/CS/HB 227 changes the burden of proof and standard of review in civil actions challenging local government impact fees. The bill places the burden on the government to prove by a preponderance of the evidence that the imposition or amount of the impact fee meets the requirements of state legal precedent or the statute governing impact fees. In addition, the bill prohibits the court from using a deferential standard. There is a question as to whether the bill constitutes an unfunded mandate. If so, the bill fails to affirmatively state that it fulfills an important state interest and it failed to garner the necessary - vote in the Senate, having passed 26-11. **Chapter No. 2009-49; Effective Date: July 1, 2009.**

## **Just Valuation of Property**

HB 521 revises the burden of proof requirements in taxpayer challenges to ad valorem tax assessments of value and requires property appraisers to prove compliance with specified laws and appraisal practices. The bill provides a presumption of correctness under certain circumstances and establishes taxpayer burden of proof requirements. The bill deletes provisions relating to the presumption of correctness of an assessment by a property appraiser and specifies that a property appraiser's denial of an exemption or assessment classification does not carry a presumption of correctness in administrative or judicial actions. A taxpayer must prove entitlement to an ad valorem tax exemption or classification by a preponderance of evidence and the bill provides legislative intent relating to taxpayer burden of proof. The bill also rejects case law precedents inconsistent with the changes made in the bill. **Chapter No. 2009-121; Effective Date: June 4, 2009.**

## **Local Government/Code of Ethics**

SB 252 applies the conduct, financial disclosure, gift, and honoraria provisions of the Code of Ethics for Public Officers and Employees, Chapter 112, part III, F.S., to the employees, directors, and officers of private entities that perform the functions of a political subdivision's chief administrative officer or employee. The bill creates a new penalty provision applicable to persons who are subject to the Code of Ethics but are not considered public officers or employees. The bill also makes the Governor the disciplinary official for these persons. **Chapter No. 2009-125; Effective Date: July 1, 2009.**

## **Miami-Dade Affordable Housing Surtax**

SB 2430 extends for 20 years the Miami-Dade Affordable Housing Surtax on commercial deeds and mortgages (45 cents per \$100) that was set to expire October 1, 2011. The bill also closes a loophole in the state law which allowed corporations to create shell corporations and escape paying documentary stamp taxes on real estate transactions (called the Crescent Loophole). At one point, the bill authorized the distribution of funds created by closing the tax loophole to pay for Florida Forever and Everglades Restoration bonds debt service for FY 2009-10; however, the House stripped out the Senate plan to use \$10 million to bond up to \$100 million for Florida Forever, the state land conservation program, and Everglades restoration. The Senate concurred in the amendments removing language for funding Florida Forever bonds and passed the bill. Attempts to amend the bill to include Broward County were unsuccessful.

**Chapter No. 2009-131; Effective Date: June 10, 2009 except as otherwise noted.**

## **Non-homestead Property Assessed Value Annual Increase Cap/Additional Homestead Exemption for First-time Homeowners**

SJR 532 proposes an amendment to the State Constitution reducing the maximum annual increase in the assessed value of non-homestead properties from 10 percent to 5 percent annually. The amendment requires the Legislature, by general law, to provide an additional homestead exemption for persons who have not owned a principal residence during the preceding eight years. The additional exemption is limited to 25 percent of the property's just value not to exceed \$100,000. The exemption reduces each year by the greater of 20 percent of the initial exemption amount or an amount equal to the difference between the property's just value and the property's assessed value for tax purposes. The additional exemption does not apply five years after the initial exemption is granted. SJR 532 was also a gubernatorial priority. **Signed by Officers and Filed with the Secretary of State.**

## **Partial Payment of Property Taxes**

CS/SB 1580 authorizes tax collectors to accept partial payment of taxes under certain circumstances, imposes a processing fee on a partial tax payment, and provides a deadline for payment of the remaining balance. The bill authorizes a tax collector to treat certain underpayment as full payment and addresses concerns that were raised when the legislation was proposed in prior years about how to distribute partial payments by distributing payment equally. The legislation states, in pertinent part, that "partial payment shall be distributed in equal proportion to all taxing districts and levying authorities applicable to that account." Additionally, CS/SB 1580 provides that a provision exempting property owned by an education institution from ad valorem taxation will apply retroactively to January 1, 2005.

**Chapter No. 2009-130; Effective Date: July 1, 2009.**

## **Property Appraisers**

CS/CS/HB 179 makes changes to three areas dealing with the administration of property taxes. Property appraisers may, at their discretion and where geographically suitable, use image technology in lieu of a physical inspection. The Department of Revenue is directed to establish standards for the use of image technology. When an applicant for a homestead exemption misses the March 1 filing deadline, he or she must file an application with the property appraiser not later than 25 days following the property appraiser's mailing of the "Truth in Millage" notice required under state law. The property appraiser may grant the exemption if the property appraiser determines that sufficient evidence exists showing the applicant was unable to meet the filing deadline. In the event the property appraiser denies the application, the applicant may file a petition with the Value Adjustment Board (VAB) not later than 25 days following the property appraiser's mailing of the Truth in Millage notice. If the property appraiser denies the exemption, the applicant may file a petition with the VAB. Last, the bill revises the factors the property appraiser may consider in determining the intent of a person claiming a homestead exemption to establish a permanent residence in Florida and adds the following factors:

- An applicant's formal declaration of domicile must be recorded in the public records of the county in which the exemption is being sought.

- Evidence of location where the applicant's dependent children are registered for school.
- Proof of voter registration in this state with the voter information card address of the applicant, or other official correspondence from the supervisor of elections providing proof of voter registration, matching the address of the physical location where the homestead exemption is being sought.
- A valid Florida driver's license or a valid Florida identification card, and evidence of relinquishment of a driver's license from any other state.
- The location where applicant's bank statement and checking accounts are registered.
- Proof of payment for utilities at the property for which permanent residency is being claimed.

**Chapter No. 2009-135; Effective Date: July 1, 2009.**

## **Public Construction Works**

CS/CS/HB 611 was significantly improved through the amendatory process to reduce impacts on local governments. The bill increases current statutory thresholds from \$200,000 to \$300,000 for construction activities, and for electrical work from \$50,000 to \$75,000. The bill also defines "repair and maintenance" for procurement purposes and establishes the scope of such activities. As defined, repair and maintenance includes activities that are incidental to repairing or maintaining a facility. Repair and maintenance activities do not include construction of a new building, structure, or public construction work. In addition, such activities do not include any substantial additions, extensions or upgrades to an existing public facility if the addition, extension, or upgrade exceeds the statutory thresholds and further exceeds the cost of the repair or maintenance project by more than 20 percent. In such cases, the addition, extension, or upgrade must be competitively awarded. The bill also provides increased transparency when local governments decide not to competitively award a public construction project in favor of using its in-house workforce. Repair and maintenance activities performed at airports, seaports and on public transit systems are exempt from the bill. **Chapter No. 2009-210; Effective Date: October 1, 2009.**

## **Public Records/Building Plans Held by Public Agencies**

HB 7017 re-enacts the existing public records exemption for building plans, blueprints, schematic drawings, and diagrams which depict the internal layout or structural elements of an attraction and recreation facility, entertainment or resort complex, industrial complex, retail and service development, office development, or hotel or motel development. The exemption applies to draft, preliminary, and final formats of such plans. **Chapter No. 2009-235; Effective Date: October 1, 2009.**

## **Public Records/Business Information/Government Condemning Authority**

HB 7013 reenacts an existing public records exemption for business damage claims in condemnation actions. Section 73.0155, F.S., provides that any information submitted with an eminent domain business-damage offer, is exempt from the public records provisions of s. 119.07(1), F.S., and s. 24(a), Article 1 of the State Constitution. This exemption allows business owners to more freely provide condemning authorities with confidential business information in presuit negotiations of business damage claims, saving the condemning authorities litigation expenses. **Chapter No. 2009-234; Effective Date: October 1, 2009.**

## **Public Records/Government-Sponsored Recreation Programs**

CS/HB 7019 re-enacts, but does not expand the scope of, a public records exemption for any information that identifies or helps to locate a child participating in a government-sponsored recreation program or camp, or information that identifies or helps to locate the parents or guardians of such a child. This information is exempt from the public record provisions of the Florida Constitution and statutory law. **Chapter No. 2009-150; Effective Date: October 1, 2009.**

## **Public Records/Social Security Numbers**

CS/HB 7051 amends the public records exemption for social security numbers contained in agency employment records of current or former agency employees to raise the standard of protection from exempt to confidential and exempt. The bill removes the process by which a current or former agency employee may notify a non-employing agency the employee's social security number is exempt from the public records requirements. HB 7051 also amends the general public records exemption for social security numbers held by agencies. The bill modifies the exceptions to the exemption to allow disclosure of social security numbers held by agencies under certain circumstances. The bill modifies notice requirements to prohibit an agency from collecting social security numbers unless the agency identifies in writing the specific federal or state law governing the collection, use, or release of the social security number for each purpose for which that agency collects the number. The notice provided by the agency must state whether collection of the social security number is mandatory or authorized by law. The bill amends the definition of "commercial activity" to include permissible uses established under federal law. **Chapter No. 2009-237; Effective Date: October 1, 2009.**

## **Real Property Used for Conservation Purposes**

HB 7157 implements the newly-created Section 3(f) of Article VII of the Florida Constitution, which authorized an ad valorem tax exemption for real property held for conservation purposes. The bill provides two exemption amounts:

1. A complete exemption is granted to "land that is dedicated in perpetuity for conservation purposes and that is used exclusively for conservation purposes."
2. An exemption equal to 50 percent of the land's "assessed value" is granted to "land that is dedicated in perpetuity for conservation purposes and that is used for allowed commercial uses."

The bill also states that land comprising at least 40 contiguous acres is entitled to the exemption if it meets the qualifying criteria. For lands less than 40 acres, the Acquisition and Restoration Council must approve the exemption. The Council must determine whether the use of the land for conservation purposes meets a clearly delineated state conservation policy and yields a significant public benefit. Additionally, HB 7157 contains a provision requiring the legislature to reimburse fiscally-constrained counties for the loss of property tax revenue resulting from the exemption. The exemptions apply to property tax assessments made on or after January 1, 2010. **Chapter No. 2009-157; Effective Date: January 1, 2010.**

## **Seaport Security/Transportation Worker Identification Credential**

CS/HB 7141 makes a number of revisions to existing Florida seaport security laws for the purpose of substantially reducing the cost of credentialing for seaport workers. The changes are also intended to improve overall seaport security efficiency, and include:

- Aligning state and federal definitions of secure and restricted access within a seaport;
- Allowing all or part of a seaport listed in s. 311.09, F.S., to be exempted from the seaport security standards provided in law if a determination is made that activity associated with such facilities is not vulnerable to criminal activity or acts of terrorism;
- Establishing the federal Transportation Worker Identification Credential (TWIC) as the only credential authorized for use by the state's public seaports when granting access to secure and restricted access areas;
- Maintaining a requirement for a criminal history background check of crimes committed in Florida when determining access eligibility for secure and restricted access areas;
- Aligning state criminal offenses that disqualify a person for unescorted access to secure and restricted access areas with federal disqualifying offenses under the TWIC program;
- Creating an affidavit process for determining access eligibility for TWIC holders and reducing

and consolidating state fees for seaport workers;

- Establishing an Access Eligibility Reporting System that provides a centralized secure database for use by seaports when granting or denying persons access to secure and restricted access areas. The Department of Law Enforcement must create a pilot project in order to design, test, and implement the system;
- Adding a representative of seaport workers and a representative of seaport tenants to the membership of the Seaport Security Standards Advisory Council; and
- Directing the Office of Drug Control to update the Florida Seaport Security Assessment of 2000. A report of this updated assessment must be presented to the President of the Senate and the Speaker of the House of Representatives by January 1, 2010.

CS/HB 7141 also repeals §311.111, F.S., relating to security area designations, and §311.125, F.S., relating to the Florida Uniform Port Access Credential System. **Chapter No. 2009-171; Effective Date: July 1, 2009.**

### **Service of Process**

CS/SB 412 increases fees charged by a sheriff in connection with docketing and service of process in civil cases from \$20 to \$40. This bill also deletes the provision of law that prohibits additional fees to be charged by the sheriff for successive attempts at service. The State of Florida or its agencies are exempted from the increase and additional fees. In addition, the bill includes the following changes:

Adds criminal witness subpoenas and criminal summons to the types of process that can be served by a special process server; Revises the process for carrying out executions by amending how the priority of liens will be determined and the information that must be included in the affidavit required in connection with a personal property levy and a real property levy; Allows the clerk of court to send the county sheriff a certified facsimile copy of an injunction for protection against domestic or sexual violence, which can be served by the sheriff in the same manner as a certified copy, and; Requires the clerk of court to record a certified copy of an order imposing certain additional court costs in the public records, which constitutes a lien on any real or personal property owned by the person against whom the court costs are imposed.

**Chapter 2009-215; Effective Date: July 1, 2009.**

### **Sexual Battery**

CS/SB 1312 creates a requirement that sexual battery victims be advised about services available to them through domestic violence centers. Investigating law enforcement officers are required to immediately notify sexual battery victims of their legal rights and remedies; assist them in obtaining any necessary medical treatment resulting from an alleged incident, a forensic examination, and crisis-intervention services from a certified rape crisis center; and advise sexual battery victims that they can contact a certified rape crisis center about services. **Chapter 2009-184; Effective Date: July 1, 2009.**

### **Sexual Offenders and Predators**

CS/HB 115 encourages all public libraries to adopt an Internet safety education program, including the implementation of a computer-based education program, which has been endorsed by a government-sanctioned law enforcement agency or other reputable public safety advocacy organization and is designed for children and adults. The purpose of the Internet safety education program is to promote the use of prudent online deportment and broaden awareness of online predators. The program must be interactive and age-appropriate. **Chapter 2009-194; Effective Date: July 1, 2009.**

### **State Judicial System**

CS/SB 1718 makes several changes to Florida law governing the courts, clerks of courts, and provisions establishing statutory fees and costs. As passed by the Legislature, the bill makes the following changes:

## **State Court System**

Amends s. 26.57, F.S., to allow the courts to pay a county judge a circuit judge's salary for that time the county judge is designated to preside over circuit court cases, subject to availability of funds. Amends §27.511, F.S., to remove the expiration of the authorization for part-time assistant regional conflict counsel to have a private criminal law practice. Such assistant regional conflict counsel may not take cases where there is a legal or ethical conflict. Amends §27.562, F.S., to direct all funds collected on behalf of the public defender for the cost of defense as well as the indigent application fee to be deposited in the Indigent Criminal Defense Trust Fund.

## **Court Related Filing and Administrative Fees**

- Effective June 1, 2009, amends §28.2401, F.S., to rename certain probate service charges as filing fees and increases such fees by \$115. The additional amount is deposited in the State Courts Revenue Trust Fund for court system appropriations.
- Effective June 1, 2009, amends §28.241 relating to circuit civil filing fees. Except for family law cases in chapters 39, 61, 741, 742, 747, 752, or 753, F.S., the circuit civil filing fee is increased from \$295 to \$395. The increase is to be deposited in the State Courts Revenue Trust Fund for court system appropriations. In addition, the bill redirects \$80 of civil filing fee from the clerk of the courts to the State Courts Revenue Trust Fund.
- Effective June 1, 2009, creates a graduated filing fee for real property or mortgage foreclosure cases. The filing fee is \$395 where the amount in controversy is \$50,000 or less, \$900 where the amount in controversy is more than \$50,000 but less than \$250,000, and \$1,900 where the amount in controversy is \$250,000 or more. The increase in the filing fees over the current amount of \$295 is to be deposited in the State Courts Revenue Trust Fund for court system appropriations. Clarifies that counter-petitions, along with cross-claims, counterclaims, and third party complaints, must pay increased filing fee of \$395, except in family law cases where the fee remains \$295.
- Amends §28.33, F.S., to specify that interest earned on county funds invested by the clerk shall be deemed income of the county and may be appropriated by the Board of County Commissioners pursuant to Chapter 129, F.S.
- Amends §34.041, F.S., to create a reduced filing fee of \$125 (rather than \$170) for county court claims not exceeding \$1,000 where there is a simultaneous filing for replevin of property that is the subject of the claim. The county court filing fee for a removal of tenant action is reduced from \$265 to \$180. The amount of the tenant removal action fee directed to the Mediation and Arbitration Trust Fund is reduced from \$15 to \$10. The bill eliminates language requiring of all filing fees to be deposited in the Department of Revenue Clerk of Court Trust Fund. Last, the bill clarifies that counter-petitions in county court are also subject to the cross-claim, counterclaim and third-party complaint filing fees.
- Amends §57.081, F.S., to relieve indigent persons from paying civil filing fees and makes conforming changes to §57.082, F.S., requiring payment plans for amounts due from indigent persons.

## **Court Cost Liens**

Amends §939.185, F.S., providing that an order imposing a local cost upon conviction of certain criminal offenses or criminal traffic offenses constitutes a lien. The lien attaches to real property of the person in the county where the order is recorded and attaches to personal property owned by the person in the state upon filing a judgment lien certificate with the Department of State. This provision supersedes a similar provision (Section 10) passed in CS/SB 412.

## **Clerks of the Court Budget**

- Requires the Clerks of Court Operations Corporation to identify funds in excess of what is needed in the Clerk of Courts Trust Fund to fund the approved clerk budgets to the General Appropriations Act by June 20<sup>th</sup> each year and requires the Justice Administrative Commission to make a transfer of this amount to the General Revenue Fund by June 25<sup>th</sup> of each year.
- Requires the clerks of court to implement an electronic filing process by March 1, 2010, to reduce judicial costs in the office of the clerk and the judiciary, improve the timeliness of case processing, and provide the judiciary with case-related information. The Supreme Court is requested to set statewide standards for electronic filing by July 1, 2009, and the clerks are to begin implementation by October 1, 2009. The Clerks of Court Operations Corporation must report to the legislature by March 1, 2010, the progress of electronic filing. Revenues authorized for court system information technology in §28.24, F.S., may be used to implement electronic filing.
- Provides that, notwithstanding §28.36, F.S., relating to how budgets are approved for clerks of court, the statewide amount for all clerk budgets shall be set at \$451 million for FY 2009-2010. This section is contingent upon CS/CS/SB 2108 not becoming a law.
- Requires by January 15, 2010, a report by the Legislature's Office of Program Policy Analysis and Government Accountability on how to improve the efficiency of the operations of the clerks of court and the state court system. This section supersedes similar provisions in CS/CS/SB 2108.
- Requires the Legislature's Technology Review Workgroup to develop a plan for options to implement an integrated computer system for the state court system. This section supersedes similar provisions in CS/CS/SB 2108.
- Requires the Clerks of Court Operations Corporation to report all information technology purchases by clerks of more than \$25,000 to the Legislature. This section supersedes similar provisions in CS/CS/SB 2108.

## **Harmonizing SB 1718 and SB 2108**

Directs the Legislature's Division of Statutory Revision to read CS/CS/SB 2108 and CS/SB 1718 together if both become law and make amendments accordingly. Provides that the effective date for CS/CS/SB 2108, relating to budgeting for the clerks of court, shall be July 1, 2009, rather than upon becoming a law. **Chapter No. 2009-61; Effective Date: June 1, 2009 for some provisions; July 1, 2009 for others.**

## **Timeshares/Temporary Accommodations**

CS/HB 61 clarifies the laws governing state and local taxes due from timeshare transactions and from transient stays at timeshare resorts. The bill provides that the tourist development tax, the tourist impact tax, the transient rentals tax, and the convention development tax are applicable to transient stays at timeshare resorts in those instances when timeshare resorts are acting more like hotels, motels resorts and other public lodging facilities. Transactions that are not taxable under the bill provisions include timeshare exchanges, fees charged by a third party to facilitate a timeshare exchange and inspection packages. Inspection packages are a timeshare marketing practice in which the seller or operator of a timeshare offers a one-time inspection privilege package to prospective timeshare buyers.

CS/HB 61 also provides that timeshare owners are obligated to pay all applicable assessments. In addition, timeshare resale service providers must provide certain information to the owner. Failure to provide proper information to a timeshare interest owner constitutes an unfair and deceptive trade practice. These provisions are designed to prevent timeshare resale service providers from directly or indirectly relating false or misleading information to timeshare interest owners with respect to the resale of timeshare interests. The bill's provisions relating to taxation are intended to be clarifying and remedial in nature, and do not provide a basis for assessments of tax, or refunds of tax, for periods prior to July 1, 2009. **Chapter No. 2009-133; Effective Date: July 1, 2009.**

## **Tobacco Tax**

As originally filed the bill was intended to add a \$1 per pack tax to the purchase of cigarettes, which was estimated to raise between \$800 million and \$1 billion in revenue. However, through the amendatory and budget conference process, other tobacco products were added (cigars and loose tobacco) and then subsequently exempted (cigars), leaving cigarettes and a limited number of loose tobacco products subject to the new tax. The bill passed the Senate and House unanimously, and was included in the budget conference, in order to negotiate how the additional revenue would be allocated. Many members argued that proceeds should go to support raided Health and Human Services-related trust funds that serve the medically needy. **Chapter No. 2009-79; Effective Date: July 1, 2009.**

## **Transit System Surtax**

CS/CS/HB 1205 renames the "Charter County Transit System Surtax," as the "Charter County Transportation System Surtax," and expands eligibility to impose the surtax to twelve existing charter counties by removing the limitation requiring that a county charter be adopted prior to January 1, 1984, to impose the surtax. The bill allows proceeds of the surtax to be remitted to transit authorities for specified uses and requires any charter county distributing the surtax proceeds to one or more of its municipalities through an interlocal agreement, to revise such agreement at least every five years in order to include any newly created municipalities in the distribution. **Chapter No. 2009-146; Effective Date: July 1, 2009.**

## **Transparency**

SB 1796 requires state agencies to submit to the State extensive information on annual revenues, expenditures, salaries, contracts and bonded indebtedness for inclusion on a public access website; provides for a study of how to have local governments submit similar information related to "state appropriations" for inclusion on the State website by 2010. SB 1796 unanimously passed the full Senate; the House adopted an amendment striking its provisions, and passed the Senate bill to put the issue in a posture for conference. The bill was then the subject of budget conference in the final, extended week of session, where it was passed as a committee amendment. **Chapter No. 2009-74; Effective Date: May 27, 2009.**

## **Truth in Millage Notice**

HB 701 revises the Truth in Millage (TRIM) notice to include certain millage rate information by adding two additional columns with the following:

- "Last Year's Adjusted Tax Rate (Millage);" and
- "Tax Rate This Year IF PROPOSED Budget Is Adopted (Millage)."

The bill makes several clarifying changes to s. 200.069, F.S., which the Department of Revenue recommended in its reports titled, *"The Effect of Recent Changes in Law on The Notice of Proposed Property Taxes,"* published on January 30, 2009. More specifically, the bill expands the notice to include a full-page presentation of Valuations and Exemptions that will show the assessed value, exemptions, and taxable value for each taxing authority. In addition, the notice will show the specific assessment reductions and exemptions that have been applied to the property. **Chapter No. 2009-165; Effective Date: January 1, 2010.**

## **Veterans/License or Permit Fees**

HB 509 removes the requirement that an honorably discharged, 100 percent permanently and totally disabled veteran must be confined to a wheelchair before being eligible for waiver of county or municipal license or permit fees for improvements that would make the residence safe for the veteran. The bill also removes the cap on revenues that are deposited into the State Homes for Veterans Trust Fund. Additionally, the bill expands the list of veterans eligible for deferments for college tuition and fees to include any veteran or other eligible student who receives Post 9/11 Veterans Educational Assistance benefits under federal law. **Chapter No. 2009-109; Effective Date: July 1, 2009, except as otherwise provided.**

## **Water Conservation and Urban Fertilizer Use**

CS/CS/CS/SB 494 revises the requirements for automatic landscape irrigation systems to include technology that will interrupt or inhibit the system during periods of sufficient moisture. It requires that licensed contractors inspect these systems and ensure they are installed and in proper operating condition before completing additional work on the systems. The Department of Environmental Protection (DEP) is directed to create a model ordinance by January 15, 2010, for adoption by local governments no later than October 1, 2010. The ordinance must assess penalties on licensed contractors in violation of certain requirements, including the requirement to inspect automatic landscape irrigation systems and report those contractors not in compliance with statutory requirements.

The bill establishes the procedures that must be met for the issuance of a limited certification for urban landscape commercial fertilizer application license and provides for fees and continuing education for recertification. It creates an exemption for yard workers using the equipment of the homeowner or resident. The Department of Agriculture and Consumer Services is provided rulemaking authority for the adoption of rules to administer this program. **Chapter No. 2009-199; Effective Date: July 1, 2009.**

## **Water Management District Governance/Consumptive Use Permits**

SB 2080 is a comprehensive bill relating to water management governance and water issues. The bill amends state law to replace the term "Xeriscape" with "Florida-friendly landscapes," and specifies additional principles that illustrate this particular landscaping approach. These principles include: planting the right plants in the right place; efficient watering, appropriate fertilization, mulching, attracting wildlife, responsible management of yard pests, recycling yard waste, reducing stormwater runoff, and waterfront protection.

The bill also recognizes the University of Florida/IFAS' Florida Yards and Neighborhoods Program as a resource to promote the use of Florida-friendly landscaping. Legislative findings provide that the use of Florida-friendly landscaping and other measures that conserve Florida's water resources serve a compelling public interest and that the participation of homeowners' associations and local governments is essential to state water conservation efforts. Deed restrictions, covenants, and local government ordinances may not be enforced to prohibit a landowner from applying Florida-friendly landscaping to their property or create any requirement or limitation in conflict with Florida law regulating consumptive use of water and the management and storage of surface waters.

SB 2080 reauthorizes the structure and governance of Florida's water management districts (WMD) with minor changes relating to the timelines for appointing members of the governing board. The WMD governing board's authority to approve consumptive use and environmental resource permits is delegated to their respective executive director; however, permit denials remain under the purview of the governing board. WMD executive directors are permitted to further delegate such authority to designated staff, and both the delegation to the executive director and the subsequent delegation to staff are exempt from the rulemaking provisions of state Administrative Procedures Act. In providing a process for referring denials to the governing board, the governing boards are to expressly prohibit the intervention by a governing board member in any manner during the review of a permit application. **Chapter 2009-243; Effective Date: July 1, 2009.**

## **Water Management Districts/Limitation of Liability**

CS/CS/SB 1078 expands the water management districts' (WMD) limitation of liability with respect to areas made available to the public for recreational purposes without charge to include district lands and water areas. The bill provides that a WMD retains the limitation of liability for certain temporary commercial activities and clarifies that the WMD's limitation of liability applies regardless of whether the person accessing the park area, district or other lands, or water areas is an invitee, licensee, or trespasser, and regardless of whether the person was engaged in a recreational activity at the time of an accident. The limitation of liability also applies to park areas, district or other lands, and water areas used by the public for recreational activities irrespective of whether the area was actually made available to the public at the time of the accident. The bill also specifies that a private landowner is covered by this liability protection when the landowner provides an easement to a WMD to provide access through private land to lands or water areas that a WMD has made available for recreational purposes. **Chapter 2009-201; Effective Date: July 1, 2009.**

# **Section III: Bills/Issues of Interest to Broward County that Failed**

## **Ad Valorem Taxation - "Save our Homes" Recapture**

SJR 1164 proposed a constitutional amendment that would prevent increases in homestead property assessed value if just value remained flat or declined. The bill died in the Senate Finance & Tax Committee. In the House, HJR 1087 passed out of its last House Council, but was indefinitely postponed.

## **Ad Valorem Taxation - 1.35 Percent Property Tax Cap**

HJR 385 proposed a constitutional amendment that would place an aggregate property tax cap of 1.35 percent based on a property's taxable value. The aggregate property tax revenue would have been proportioned amongst the levying taxing authorities by the Legislature. HJR 385 passed the House and died in Senate Messages. Its companion measure, SJR 738, died in committee.

## **Agricultural Preemption**

CS/CS/CS/HB 1133 prohibited counties from assessing agricultural lands for stormwater management and preempted the enforcement of certain ordinances to bona fide farm operations. Despite passing the House, the bill was not considered in the Senate and died in Senate Messages. Its Senate companion, SB 1974, died in the Judiciary Committee.

The language of HB 1133, however, was amended onto CS/CS/HB 1241, an omnibus agricultural bill without a Senate companion, which also passed the House. On the last day of Session, the Senate took up CS/CS/HB 1241, substantially amended the bill to include the substance of SB 2656 relating to arboriculture and passed it back to the House. The House first concurred in the Senate amendment and then adopted a subsequent amendment stripping out the arboriculture provisions and passed the bill. However, in a strange turn of events, the House indefinitely postponed the bill which the sponsor later withdrew from further consideration. Accordingly, neither the substance of CS/CS/CS/HB 1133 nor CS/CS/HB 1241 passed.

## **Arrestee Medical Expenses**

CS/HB 825 limited the amount that can be billed to a county for arrestee medical expenses to the Medicaid rate. However, this bill died when no Senate companion was filed. Efforts to amend germane bills with the substance of CS/HB 825 and other related county positions failed.

## **Beach Access**

CS/HB 527 and CS/SB 488 addressed public access to beaches. The bills prohibited businesses, individuals, and local governments from restricting access to beaches for recreational uses. The bills required each county and municipality to provide a list to the Board of Trustees of the Internal Improvement Trust Fund of each dead-end street within its jurisdiction that could be used for the purpose of accessing and using a public beach. Both bills died in committee.

## **Breed Specific Dog Prohibitions**

HB 189 and SB 1116 would have repealed the existing prohibition of breed-specific local government regulation of dangerous dogs. Both bills died in committee.

## **Contaminated Property Notification**

CS/CS/HB 1229 and CS/CS/SB 114 revised existing property contamination notification requirements to require the Department of Environmental Protection to provide a notice of contamination to city and county government elected officials, other designated elected officials, and all real property owners or tenants of properties within a 500-foot radius from each sampling point at which contamination was discovered. Local governments would have been required to mail a copy of the notice to the president of each homeowners association and neighbor association within the affected area. Both bills died.

## **County Leasing Flexibility**

SB 1618 allowed counties to negotiate rather than competitively bid leases of two years or less. The bill passed out of its first committee with an amendment to freeze county commissioner, school board and constitutional officer salaries for 2009-10 at 2008-09 level. The bill died in the Senate Judiciary Committee.

## **Crane Regulations**

HB 923 and SB 1654 would have established a state regulatory framework for hoisting equipment used in construction, demolition, or excavation work. The bills would have pre-empted county and municipal ordinances and regulations of hoisting equipment and equipment operators. The bills died in committee.

## **Criminal Mischief on Historical Properties**

SB 1630 was the only potential vehicle for the County's proposal seeking to increase penalties for vandalizing historical properties, regardless of whether the property received its historical designation from a local, state or federal agency. An amendment was prepared to the bill and accepted by the bill's sponsor; however, the bill was never heard in committee. The companion, HB 865, died in committee.

## **Early Voting Sites and Hours**

Several pieces of legislation were filed to address early voting, including permitting supervisors of election to designate early voting sites and designating a minimum number early voting hours each day. All the bills died in committee.

## **Elections**

CS/SB 956 and HB 7149 made various changes to elections laws. There were numerous concerns with these bills, including post-election audit requirements, requirements related to printing marksense ballots by precinct, and requiring supervisors to maintain prepaid postage accounts with the U.S. Postal Service to pay for underpaid postage on absentee ballots. Both bills died.

## **Emergency Management Officials**

SB 2202 and HB 1047 provided requirements for the appointment of the Director of the Division of Emergency Management of the Department of Community Affairs. The bills also required that each county emergency management director meet minimum certification qualifications, provided requirements for the appointment of a county emergency director or an equivalent position, and established exceptions to such qualifications. SB 2202 was withdrawn from further consideration. HB 1047 was not heard.

## **Environmental Permitting**

CS/CSHB 1123 and CS/SB 2016 proposed changes to state law to facilitate the coordination between state and federal agencies responsible for environmental permitting. The bills sought to eliminate the duplication of permitting caused by overlapping regulations for activities that affect wetlands and waters of the United States. CS/CS/HB 1123 died in Senate Messages and CS/SB 2016 died in committee.

## **Expand Existing Animal Cruelty/Control \$5 Surcharge**

HB 451 required a county or municipality enacting ordinances relating to animal control or cruelty to reduce civil penalty for violations of ordinance if the animal had its sexual organs intact, the person who committed the violation was the animal's owner and the person agreed to have the animal spayed and neutered. In addition, the bill required the local government to utilize the proceeds from the \$5 surcharge imposed on civil penalties for animal cruelty violations to subsidize the costs of spaying and neutering animals whose owners' voluntarily submit to sterilizing their animals. HB 451 was heard in one of its four committees of reference. A similar Senate bill, SB 2706, was not heard.

## **Homestead Assessments & Changes in Ownership**

HB 101 provided that transfers of ownership interests in which the same person continued to hold legal or equitable title of homestead property would not require reassessment. HB 101 unanimously passed the House but died in Senate Messages. SB 744 died in committee.

## **Household Moving Services**

CS/HB 891 and CS/SB 1570 preempted local government ordinances regulating movers of household goods and services. However, the bill would have preserved local ordinances and regulations (and future amendments to such ordinances and regulations) in Broward, Miami-Dade, Pinellas, and Palm Beach Counties, leaving the county governments in these areas with the continued ability to regulate household moves and services concurrently with the state. Both bills died.

## **Immigration Assistance Pre-emption**

HB 567 prohibited local governments from setting policy related to communication and cooperation with federal officials concerning immigration law enforcement. In the House, HB 567 was temporarily postponed on second reading on the House floor and died on the calendar. SB 1537 was not heard in any Senate committee.

## **Impact Fee Moratorium**

SB 630 originally imposed a three-year moratorium on impact fees, but was significantly amended at its first committee stop. As modified, the bill capped impact fees at \$2 per square foot for residential property and \$8 per square foot for nonresidential property with a CPI escalator starting in 2011. The new language also imposed a documentary stamp tax on real estate transactions to fund infrastructure necessary to implement local government comprehensive plans. SB 630 died in committee and its House companion, HB 1129, was never heard.

## **Internet Legal Ads/Public Notices**

SB 2292 allowed use of a Web site for legal ads and public notices in lieu of newspaper notices. The Senate Community Affairs Committee referred this issue to an interim study on the use of Internet legal ads and public notices in lieu of newspaper ads and notices. An interim report is likely to be released in the fall, and House and Senate committee bills possibly filed for consideration during the 2010 session.

## **Juvenile Justice**

HB 173 substantially increased pre-adjudicatory secure detention for juvenile offenders, shifted costs of detaining youth to counties, significantly altered existing public policy related to juvenile sentencing, and ran counter to the recent Florida Supreme Court case (*EAR v. Florida*) requiring that youth involved in the criminal justice system be placed in "the least restrictive means." Efforts to amend the bill and work with the House sponsor as it successfully passed its five committees of reference in the House, failed. In the Senate, SB 654 was defeated by a vote of 3-4 in the Senate Criminal Justice Committee on April 21<sup>st</sup> after substantial opposition lobbying efforts on the same day; HB 173 was scheduled to be heard on Special Order, but was temporarily postponed on second reading after news of the bill's narrow defeat in the Senate reached House leadership. SB 654 and HB 173 died.

Efforts to amend portions of HB 173 on to HB 1211 (a committee package) were initially successful; however, opposition to the substance of the amendment, which expanded judicial discretion in juvenile sentencing, increased in the final week of Session, so although the House unanimously passed HB 1211, the Senate never took it up causing it to die in messages.

## **Mobile Home Park Tenants**

HB 1321 and SB 2484 required mobile home park owners to give tenants "right of first refusal" to purchase individual parcels within a park under certain conditions. The bills also would have extended the minimum length of advance notice that must be given before evicting a tenant because of a change in land use. These bills were never referred to committee. Other legislation, HB 551/SB 1298 and HB 609/SB 1032, which would have revised eviction proceedings for mobile home tenancies and required local governments to determine if adequate mobile home parks or comparable, suitable housing was available before taking any land use actions that could result in removal or relocation of tenants, respectively, likewise stalled and died in committee.

## **Offshore Drilling**

CS/CS/CS/HB 1219 removed the current prohibition in Florida law on oil drilling within the state's sovereign-submerged lands off the east and west coasts of Florida (i.e., 10 miles from the shoreline). The bill authorized the Governor and Cabinet to accept \$1 million application fees from bidders interested in oil and gas leases on state-controlled waters. A \$500 million bond was required before drilling could commence and the State would receive a one-eighth royalty from any oil or gas recovered, with revenues distributed to Florida Forever, beach nourishment and coastal cities and counties. The bill included language that would have limited local government review regarding the placement of drilling equipment and any infrastructure required to transport the oil and gas. CS/CS/CS/HB 1219 died in Senate Messages.

## **One-stop State Permitting Initiative**

CS/SB 364 directed the Office of Tourism, Trade and Economic Development in the Executive Office of the Governor to create the "E-SHOP FLORIDA" Internet Web site for the purpose of allowing businesses and individuals to obtain state government approvals without time delays and duplicative efforts. The bill established requirements for the development of the Web site, directed the participation of specified state agencies and water management districts, and specified the types of permits and activities for which a common application may be used. The bill also provided conditions under which permit applications, which are prepared and signed by designated professionals, were deemed to comply with statutory requirements governing activities in surface waters and wetlands. In cases where the Department of Environmental Protection (DEP) or the water management district (WMD) denied a permit application, or when a third-party challenge was brought, the bill placed the burden of proving the applicant's noncompliance on the DEP, WMD or the third party. The bill also raised the standard of proof to a preponderance of the evidence in such cases. Last, the bill set forth circumstances under which a designated professional would be restricted from preparing and signing permit applications. CS/SB 364 died in committee.

## **Red Light Cameras**

CS/CS/CS/HB 439 authorized the use of red-light cameras on local, county and state roadway intersections. Revenues generated from collected fines would have been distributed to local governments, the state General Revenue Fund, and public trauma care facilities. Disagreement between the House and Senate as to the distribution of fine proceeds doomed the bill in the last minutes of the Session. CS/CS/CS/HB 439 died in Returning House Messages.

## **Sadowski Affordable Housing Cap**

HB 161 removed the \$243 million cap on affordable housing trust funds that allowed funds above the \$243 million ceiling to be diverted to state general revenue. Since documentary (doc) stamp/Sadowski revenue estimates were below the cap, lifting the cap was not likely to have had any fiscal impact on the State. HB 161 passed the House with a provision lifting the Sadowski cap but the Senate did not consider the bill, causing it to die in Senate Messages. The Senate included the substance of HB 161 as an amendment to the growth management bill, SB 360, but excluded the language lifting the Sadowski cap.

## **Sexual Offenders/Predators Pre-emption**

HB 77 and CS/CS/SB 320 would have prohibited loitering or prowling by sexual offenders/predators within 300 feet of places where children regularly congregate. HB 77 died on Third Reading in the House.

## **Solid Waste Disposal Fees**

HB 5121 revised several statutory provisions governing trust funds and programs within the Department of Environmental Protection (DEP) and the Fish and Wildlife Conservation Commission (FWC). The bill established a new \$1.25 per ton solid waste disposal fee to be paid by local government landfill operators for the purpose of generating and directing an estimated \$25 million to the state's General Revenue Fund. HB 5121 was part of the House budget package and intended to assist in closing the state's budget gap, but the \$1.25 per ton solid waste disposal fee was not included in the Senate's budget package. Because both chambers were unable to reach agreement on the fee, it died in the conference process.

## **Sovereign Immunity/Payment of Excess Judgment**

CS/HB 995 and SB 1922 would have authorized political subdivisions of the state (i.e., cities, counties, school boards, etc.) to pay judgments from insurance proceeds or other available funds in excess of statutory sovereign immunity limits without an act of the Legislature. Both bills died in committee.

## **Streamlined Permitting/Regulatory Reform**

HB 7143 was substantially amended in a House Council expanding it from a 64-page bill to a 162-page bill addressing a wide variety of issues generally related to environmental and development permitting and regulation. HB 7143 extended for two years and automatically renewed the expiration date of building permits, development orders, or other land use approvals if requested by the applicant; prohibited local governments from requiring federal or state approvals as a condition to approval of a development permit and limited local government's authority to regulate fish and wildlife. HB 7143 included language (Section 57) prohibiting local governments from charging fees and other charges when an owner used a private provider for building plan reviews and inspections as allowed under §553.791, F.S. Broward County joined with other local governments in intensely lobbying to remove this provision. As a result, the bill's sponsor agreed to delete that on third reading. Despite passing the House unanimously, the bill died in Senate Messages.

## **Taxpayer's Bill of Rights (TABOR)**

SJR 1906 proposed a constitutional amendment to cap annual revenue growth for state and local governments, allowing only for increases based on consumer price index (CPI) and population change, and requiring voter approval for any new taxes, fees, assessments, or charges for services. SJR 1906 and HJR 1263 died in committee.

## **Water Supply**

HB 1111 would have created a new Part VII to Chapter 373, and transferred all existing sections of Chapter 373 that address water supply policy, planning and production to the new part. HB 1111 died.

## **Section IV: Local Bills**

### **Central Broward Water Control District**

HB 1059 includes technical amendments adding flood protection, rights of way, lien priority, removing archaic language, revising residency qualifications to qualify for office from 30 to 90 days, changing the time the commission has to fill a vacancy from 30 to 90 days, clarifying procedures when a deadlock occurs, allowing RFPs for design-build contracts consistent with FS 287.127, clarifying access to district facilities maintenance, and correcting legal descriptions of the six commission zones and the district as a whole. **Chapter No. 2009-257; Effective Date: June 1, 2009.**

### **Plantation Acres Improvement District**

HB 773 provides that the designation of the Plantation Acres Improvement District (PAID) Board of Supervisors be changed to the Board of Commissioners. **Chapter No. 2009-251; Effective Date: June 2, 2009.**

### **Southwest Ranches/Davie Annexation/De-annexation**

HB 801 annexes and de-annexes lands within the municipal limits of the Town of Southwest Ranches and the Town of Davie. **Chapter No. 2009-254; Effective Date: June 16, 2009.**

### **Tamarac Annexation**

HB 775 extends and enlarges the corporate limits of the City of Tamarac to include specified unincorporated lands within said corporate limits of the City. **Chapter No. 2009-252; Effective Date: June 16, 2009.**

### **Tourist Development Council of Broward County**

HB 1095 provides for appointment of two additional members to the Broward County Tourist Development Council. Legislative findings declare the increase in the Council membership is necessary because of Broward County's exceptional growth in population, its diversity, its tourism industry and its economic activity. The Broward Board of County Commissioners must amend its current ordinance within 60 days of the effective date of the act to reflect the increased number of Council members, and must appoint the additional members no later than October 1, 2009.

The bill provides that the Board shall endeavor to appoint "one minority person involved in the tourist industry who has demonstrated an interest in tourist development," and that it is required to appoint an additional member "from an area with a multipurpose county regional park capable of hosting local, national, and international sports championship events." In making future appointments, the Board of County Commissioners may consider and balance its appointments to reflect the diverse demographic and geographic representation within the county. The bill provides that nothing in the act is to be construed to affect the terms of those members currently serving on the council or any actions taken by the council prior to the additional appointments. The bill specifically provides that the special act supersedes the provisions of s. 125.0104, F.S., to the extent of any conflict. **Chapter No. 2009-259; Effective Date: June 16, 2009.**

### **West Park/Pembroke Park Annexation/De-annexation**

HB 777 extends and enlarges the corporate limits of the City of West Park to include specified lands within the Town of Pembroke Park within said corporate limits of the City of West Park. **Chapter No. 2009-253; Effective Date: June 16, 2009.**

# Section V: Appropriations

## STATE BUDGET OVERVIEW:

At the end of the 2008 Session, the Florida Legislature passed a spending plan for FY 08-09 that totaled \$66.2 billion. This budget quickly turned to deficit as the national recession caused sharp declines in state revenues. The Florida Legislature, in a Special Session, brought the budget into balance by using most of the state's non-recurring reserves, sweeping uncommitted trust fund balances, and reducing state recurring spending by a billion dollars (4 percent). The large use of non-recurring revenues and the continued decline in state revenues left the 2009 Legislature facing a \$6 billion budget shortfall for the coming fiscal year. The 2009 Legislature produced a FY 09-10 budget that totaled \$66.5 billion, a .51 percent increase over the current year's beginning budget. The Legislature addressed the \$6 billion shortfall with a combination of non-recurring Federal Stimulus funds, a comprehensive revenue enhancements package, more trust fund sweeps, and some budget reductions.

## FINANCING THE \$6 BILLION DEFICIT

The FY 09-10 Appropriations Bill was balanced with a combination of \$5.6 billion in Federal Stimulus funds (\$3.2 billion discretionary), \$1.5 billion in recurring revenue enhancements, \$588 million in Trust Fund sweeps, and modest budget reductions.

## FEDERAL STIMULUS USED TO BALANCE THE BUDGET

The Federal Stimulus program is anticipated to produce \$14.1 billion in assistance over three fiscal years: FY 08-09, FY 09-10, and FY 10-11. The legislative financial plan balanced the use of flexible non-recurring stimulus dollars over the next two fiscal years, using approximately \$3.2 billion in stimulus in FY 09-10 to support the general revenue fund and reserving approximately \$3.2 billion of discretionary stimulus funds for FY 10-11. The remaining balance of these stimulus funds is hoped to build a bridge to the economic recovery.

## TAXES, FEES, AND SURCHARGES TOTAL \$2.4 BILLION

For the first time in almost 20 years, the Florida Legislature balanced the budget with new revenues. The recurring revenue enhancements included \$980 million from a \$1.00 increase in tobacco user fees, \$990 million in highway safety fee increases, \$250 million in court fee increases, and at least \$125 million from the Gaming Compact and other gaming issues.

## TRUST FUND SWEEPS ADDED \$588 MILLION

The legislative financial plan returned one more time to the uncommitted balances of major trust funds sweeping \$588 million into the general revenue fund. Major trust funds included: \$120 million transportation, \$94 million in housing, and \$232 million in environmental protections.

## EDUCATION Pre-K -12

Public schools were essentially funded at current year levels, avoiding major budget cuts. Public school funding for FY 09-10 totaled \$17.925 billion, an increase of only \$5.1 million (.03 percent) compared to the current year's funding levels. Public schools were funded with \$902.7 million less in state and local revenues, which was offset with \$907.9 million in non-recurring Federal Stimulus dollars, creating a recurring deficit for FY 10-11.

## HIGHER EDUCATION

Universities avoided major budget reductions by using a little over \$200 million in Federal Stimulus dollars and raising tuition by \$6.50 a credit hour. The resulting \$3,411.5 million appropriation was .12 percent lower than the FY 08-09 appropriation. Community colleges used a little over \$100 million in Federal Stimulus dollars and raised tuition by 8 percent; however, the \$1,051.6 million appropriation was 4.5 percent below the FY 08-09 appropriation.

## HEALTH & HUMAN SERVICES

The Legislature appropriated \$26.04 billion, an increase of \$2.7 billion (11.4 percent) over the FY 08-09 original budget, which included a \$1.9 billion reduction in general revenue offset by a \$4.6 billion increase in trust funds. The trust fund increases included: \$1.6 billion in stimulus funds (FMAP increased from 55 percent to 68 percent), \$.98 billion from cigarette tax, and the remaining in federal funds needed to match the growth in caseload and utilization. The reduction of \$1.9 billion in General Revenue was used to help balance the rest of the state budget. The state's Medicaid program was increased from \$16.2 billion to \$18.2 billion. Funds were provided to maintain funding for the Meds-AD and Medically Needy programs which provide very low-income Floridians with chronic high-cost medical care conditions with essential medical services. While cigarette fee increases and Federal Stimulus provided much of the funding assistance, hospitals and nursing homes contributed through reimbursement rate reductions of 1.25 percent and 3 percent, respectively. Some institutions may have an opportunity to buy-back these cuts.

## TRANSPORTATION FUNDING

The Legislature appropriated \$7.4 billion in transportation funds in FY 09-10 a reduction of \$755.6 million from the \$8.2 billion appropriated for FY 08-09. In addition, \$120 million was swept from the trust fund for use in the general revenue fund.

## JUDICIAL AND CRIMINAL JUSTICE

### A. State Attorney's Office - 17<sup>th</sup> Judicial Circuit

Line item	<b>Broward 17<sup>th</sup> Circuit</b>
921 FY 08-09 Appropriated	\$ <b>33,207,546</b>
894 FY 09-10 Appropriated	\$ <b>32,922,688</b>
Salary and Benefits	\$ <b>30,929,579</b>
Total Positions	<b>509</b>
Position Reduction	<b>(7)</b>

### B. Public Defender - 17<sup>th</sup> Judicial Circuit

Line item	<b>Broward 17<sup>th</sup> Circuit</b>
1008 FY 08-09 Appropriated	\$ <b>16,858,167</b>
980 FY 09-10 Appropriated	\$ <b>16,569,353</b>
Salary and Benefits	\$ <b>14,517,374</b>
Total Positions	<b>223</b>
Position Reduction	<b>(3)</b>

## PUBLIC SCHOOLS/OPERATIONS

Public Schools/Funds Per Weighted FTE

	<b>Broward Public Schools</b>	Statewide Funding
FY 08-09	\$ <b>3,886.14</b>	\$ 3,886.14
FY 09-10	\$ <b>3,630.62</b>	\$ 3,630.62
	\$ <b>(255.52)</b>	\$ (255.52)
	<b>-7.04%</b>	-7.04%

### Categorical Funding

State Categorical Funding	FY 08-09	FY 09-10	change
1. Instructions Material	\$ 253,945,129	\$ 216,031,121	-14.9%
2. Student Transportation	\$ 460,903,559	\$ 428,931,491	-6.9%
3. Teacher Lead Program	\$ 36,756,829	\$ 33,283,309	-9.4%
4. Class Size Reduction	\$ 2,729,491,033	\$ 2,845,578,849	+4.3%

*Categorical Funds were reduced relative to FY 08-09 appropriated and then rolled in the FEFP*

Local Property Tax Support of PS	FY 08-09	FY 09-10	change
1. Required Local Effort Millage	5.136	5.314	0.178
2. Discretionary Millage	0.498	0.748	0.250
3. Additional Discretionary Millage	0.250	0.000	-0.250
	<b>5.884</b>	<b>6.062</b>	<b>0.17</b>

**Aid to Local Government – Performance- Based Incentives**

		<b>Broward County</b>	Statewide
118	FY 08-09 Appropriated	<b>\$ 927,612</b>	\$ 5,986,007
109	FY 09-10 Appropriated	<b>\$ 865,827</b>	\$ 5,286,953
		<b>-6.7%</b>	-11.7%

**Aid to Local Government- Workforce Development**

		<b>Broward County</b>	Statewide
120	FY 08-09 Appropriated	<b>\$ 66,748,539</b>	\$ 376,797,992
111	FY 09-10 Appropriated	<b>\$ 65,584,229</b>	\$ 373,474,452
		<b>-1.7%</b>	-0.9%

**GENERAL GOVERNMENT**

**Federal Stimulus Funds To State Community Affairs**

**In Millions**

1. Community Services Block Grants	\$	29.1
2. Weatherization	\$	158.0
3. Housing and Community Development Act Funds	\$	7.5

**Fixed Capital Outlay - Emergency Management Critical Facility Needs**

1540A	FY 08-09 Appropriated	\$	5,070,000
1496	FY 09-10 Appropriated	\$	3,000,000
			-40.8%

**Housing Finance Corporation (HFC) - Affordable Housing Programs**

1616	FY 08-09 Appropriated	\$	128,000,000
	FY 09-10 Appropriated		Not Funded

**Housing Finance Corporation (HFC) - State Housing Initiatives Partnership (SHIP) Program**

Provides loans to Florida home buyers in an amount equal to the buyer’s anticipated federal assistance. After the expiration of Federal Assistance programs the unexpended funds may be used in accordance with requirements of the state SHIP program.

1617	FY 08-09 Appropriated	\$	166,183,500
1570	FY 09-10 Appropriated	\$	30,110,000
			-81.9%

**Federal Stimulus Funds To Environmental Protection**

**Major Programs**

**In Millions**

1. Clean Water State Revolving Fd.	\$	132.3
2. Drinking Water State Revolving Fd.	\$	89.1
3. Petroleum Cleanup Programs	\$	12.7
4. Land Management, State Parks and Coastal/Aquatic Management Areas	\$	11.2

**Special Category - Florida Forever Bonds - New Series**

*The Florida Forever bond program was suspended for FY 09-10. This program historically distributed \$300 million dollars to a number of land acquisition programs administered by: Division of State Lands, Division of Parks and Recreation, Florida Recreation, Development and Assistance Program, and Fish and Wildlife*

1655	FY 08-09 Appropriated	\$	7,974,167
	FY 09-10 Appropriated		<b>Not Funded</b>

**Land Acquisition - Environmentally Endangered, Unique/Irreplaceable Lands**

1657	FY 08-09 Appropriated	\$	105,000,000
1615	FY 09-10 Appropriated		<b>Not Funded</b>

**Fixed Capital Outlay - Aid to Water Management Districts - Land Acquisition**

1661	FY 08-09 Appropriated	\$	164,000,000
1619	FY 09-10 Appropriated	\$	18,300,000
			-88.8%

**Fixed Capital Outlay - Beach Projects - Statewide**

1748	FY 08-09 Appropriated	\$	21,935,695
1695	FY 09-10 Appropriated	\$	15,000,000
			<hr/>
			-31.6%

**Fixed Capital Outlay - Environmental Restoration/Water**

1772B	FY 08-09 Appropriated	\$	15,000,000
	FY 09-10 Appropriated		<b>Not Funded</b>

**Fixed Capital Outlay - Water Projects**

1772c	FY 08-09 Appropriated	\$	66,500,000
	FY 09-10 Appropriated		<b>Not Funded</b>

**Fixed Capital Outlay - Non-Point Source Planning**

1774	FY 08-09 Appropriated	\$	5,000,000
1716	FY 09-10 Appropriated	\$	5,000,000

**Fixed Capital Outlay - Drinking Water Facilities Drinking Water Stimulus**

1775	FY 08-09 Appropriated	\$	64,690,000
1717	FY 09-10 Appropriated	\$	90,474,000*
			<hr/>
			+39.9%

*\*Includes \$63,474,000 of non-recurring Stimulus Funds Appropriated in 1717A*

**Fixed Capital Outlay - Waste Water Treatment Construction**

1776	FY 08-09 Appropriated	\$	117,770,000
1718	FY 09-10 Appropriated	\$	163,386,374
			<hr/>
			+38.7%*

*\*Includes \$97,286,374 of non-recurring Stimulus Funds Appropriated in 1718A*

**Fixed Capital Outlay - Alternative Water Supply**

1778	FY 08-09 Appropriated	\$	7,700,000
	FY 09-10 Appropriated		<b>Not Funded</b>

**Florida Recreation & Development Assistance Grants (FRDAP)**

1839	FY 08-09 Appropriated	\$	24,474,875
	FY 09-10 Appropriated		<b>Not Funded</b>

**Fixed Capital Outlay - Local Parks**

1839A	FY 08-09 Appropriated	\$	3,628,000
	FY 09-10 Appropriated		<b>Not Funded</b>

**Historical Resources Preservation**

Grants and Aids - Historic Museum Grants

3154A	FY 08-09 Appropriated	\$	500,000
	FY 09-10 Appropriated		<b>Not Funded</b>

Grants and Aid - Historic Preservation Grants

3156	FY 08-09 Appropriated	\$	685,870
3070	FY 09-10 Appropriated	\$	662,450
			<hr/>
			-3.4%

**Library, Archives and Information Services**

Grants In Aid - Library Cooperatives

3173	FY 08-09 Appropriated	\$	1,500,000
3086A	FY 09-10 Appropriated	\$	1,200,000
			<hr/>
			-20.0%

**Grants In Aid - Library Grants (Broward is a recipient)**

3174	FY 08-09 Appropriated	\$	29,473,839
3087	FY 09-10 Appropriated	\$	24,396,017
			<hr/>
			-17.2%

Grants in Aids - Library Resources			
3178	FY 08-09 Appropriated	\$	3,597,746
3091	FY 09-10 Appropriated	\$	3,575,559
			-0.6%

### Cultural Support and Development Grants

Grants and Aid - Art Grants			
3188	FY 08-09 Appropriated	\$	1,882,405
3101	FY 09-10 Appropriated	\$	297,200
			-84.2%

Grants In Aid - Science Grants			
3189	FY 08-09 Appropriated	\$	435,931
	FY 09-10 Appropriated		<b>Not Funded</b>

Aid to Local Government - Arts in Education			
3190	FY 08-09 Appropriated	\$	435,931
	FY 09-10 Appropriated		<b>Not Funded</b>

Grants in Aids - Local Arts Agencies State Services Organizations			
3191	FY 08-09 Appropriated	\$	317,041
	FY 09-10 Appropriated		<b>Not Funded</b>

Grants and Aid - Youth and Children Museums			
3192	FY 08-09 Appropriated	\$	214,003
	FY 09-10 Appropriated		<b>Not Funded</b>

Grants and Aid - Cultural and Museum Grants			
3193	FY 08-09 Appropriated	\$	2,474,108
3102	FY 09-10 Appropriated	\$	2,500,000
			1.0%

Grants and Aid - Florida Endowment for the Humanities			
3194	FY 08-09 Appropriated	\$	300,000
	FY 09-10 Appropriated		<b>Not Funded</b>

## TRANSPORTATION

### Federal Stimulus Funds To Transportation (Major Programs)

The Legislative Budget Commission Appropriated \$1,367.1 million of Federal Stimulus Funds for Transportation Projects for FY 08-09. No additional Stimulus Funds for Transportation were Appropriated for FY 09-10

### Transportation Systems Development

Grants and Aids Transportation Disadvantaged			
2068	FY 08-09 Appropriated	\$	40,395,709
1995	FY 09-10 Appropriated	\$	40,395,709
			0.0%

Transportation Disadvantaged Medicaid Services			
2069	FY 08-09 Appropriated	\$	72,939,505
1996	FY 09-10 Appropriated	\$	65,969,126
			-9.6%

Aviation Development Grants			
2071	FY 08-09 Appropriated	\$	216,016,689
1997	FY 09-10 Appropriated	\$	40,732,567
			-81.1%

Public Transit Development Grants			
2072	FY 08-09 Appropriated	\$	296,668,405
1999	FY 09-10 Appropriated	\$	432,462,409
			+45.8%

**Right-of-Way land Acquisition**

2073	FY 08-09 Appropriated	\$	647,178,690
2000	FY 09-10 Appropriated	\$	411,894,223
			-36.4%

**Seaport - Economic Development**

2074	FY 08-09 Appropriated	\$	15,000,000
2001	FY 09-10 Appropriated	\$	15,000,000
			0.0%

**Seaport - Access Program**

2075	FY 08-09 Appropriated	\$	10,000,000
2002	FY 09-10 Appropriated	\$	10,000,000
			0.0%

**Seaport - Grants**

2076	FY 08-09 Appropriated	\$	31,877,045
2003	FY 09-10 Appropriated	\$	21,916,910
			-31.2%

**Fixed Capital Outlay - Rail Development Grants**

2077	FY 08-09 Appropriated	\$	265,343,649
2004	FY 09-10 Appropriated	\$	44,492,270
			-83.2%

**Fixed Capital Outlay - Intermodal Development Grants**

2078	FY 08-09 Appropriated	\$	17,329,270
2005	FY 09-10 Appropriated	\$	47,398,950
			+173.5%

**Transportation Projects - Broward County**

1. Aviation - Hollywood International Runway Extension	\$	8,549,998
2. Aviation - North Perry Airport Overlay Runway	\$	1,477,500
3. Aviation - Fort Lauderdale Executive Airport Taxiway	\$	1,200,000
4. Bridge - Sr-869/I-75 Interchange 1- bridges	\$	3,977,231
5. Bridge - SR 814 Atlantic Blvd Bridge	\$	2,470,106
6. Bridge - SR 838 Sunrise Blvd Bridge	\$	1,944,170
7. Con., Eng., & Insp - Widen TPK Sunrise Blvd to Atlantic	\$	4,495,050
8. Con., Eng, & Insp. - Sr-869. I-75 Interchange 10 Bridges	\$	1,376,285
9. Con., Engi, & Insp. -I-595/P3/CEI from I-75 to W. of I-95	\$	4,900,000
10. Other Arteries - Pembroke Rd (SW 106th Ave-SE 136)	\$	12,750,000
11. Other Arteries - Sr-7/US-441 Landscaping Project	\$	1,000,000
12. Other Arteries - NW 21st - (NW 19th-SW 136th)	\$	2,127,000
13. Rail - SFRC Bridge (S Fork New River Exit) Bridge	\$	2,020,000
14. Rail - SFRTA/New River Bridge Maintenance	\$	1,300,000
15. Resurfacing - I-95/SR9 (S Davie Boulevard-NW 6th)	\$	5,506,653
16. Resurfacing - SR-84/EB/ (E of 136th to W of Weston)	\$	3,366,851
17. Resurfacing - SRA1A/Ocean Dr (Orange Drive to I-595)	\$	2,337,992
18. Resurfacing - SR-7/US441 (Orange Dr-S of I-595)	\$	1,775,560
19. Resurfacing - SR-7/US441(N of Bailey RD-Champions)	\$	1,344,968
20. Resurfacing - SR7/US441 (Cypress Creek-Sample)	\$	6,211,415
21. Resurfacing - SR-822/Sheridan (E. SR7-W SR-9/I-95)	\$	5,192,670
22. Resurfacing - HEFT(SR821)	\$	2,822,836
23. Resurfacing - SR84(W Weston-Arvida/Glades Prkway)	\$	4,772,220
24. Right-of-way-land - SR7/US441 (N Hallandale Bch)	\$	9,028,333
25. Right-of-way-land - Andrew Ext (18st -Capone Rd)	\$	9,971,833
26. Safety - I-75/SR93 (Broward Toll Plaza-Collier line)	\$	2,435,403
27. Seaport Development - Port Everglades Berth 33	\$	2,800,000
28. Interstate Highways -Widen Turnpike (Sunrise-Atlantic)	\$	2,760,000
29. Interstate Highways - Sawgrass Expressway Open Road Tolling	\$	2,864,128

30. Interstate Highways – I-595/SR862 (I-75-I-95)	\$	6,370,000
31. Interstate Highways – I-595 Drainage Offsite Drainage	\$	6,181,282
32. Toll - Toll Operations	\$	11,188,089
33. Toll - Widen TPK (Sunrise Blvd-Atlantic Blvd)	\$	55,835,090
34. Traffic Eng & Oper. - Broward ITS Facility Operations	\$	2,578,000
35. Traffic Eng & Oper. - Broward JPA Signal Maintenance	\$	1,319,000
36. Transit - Broward TD Commission Trip & Equip Grant	\$	2,983,899
37. Transit - Block Grant Operating Assistance	\$	8,278,743
38. Transit - Broward BCT Buses Purchases 12 Buses	\$	1,000,000
39. Transit - Broward BCT Buses STP funds for buses	\$	10,000,000
40. Transit - I-595 BCT Purchase Buses and Operations	\$	15,700,000
41. Transit - I-95 Express/Phase 1 Bus Operations & Main	\$	1,237,300
<b>TOTAL</b>	<b>\$</b>	<b>235,449,605</b>

**\* Broward County projects Involving County Departments**

**ECONOMIC DEVELOPMENT**

**Economic Development tools**

2631	FY 08-09 Appropriated	\$	21,637,500
2567	FY 09-10 Appropriated	\$	21,637,500

**Quick Action Closing Fund**

2635	FY 08-09 Appropriated	\$	26,460,000
2570	FY 09-10 Appropriated	\$	13,460,830

-49.1%

**Economic Development Projects**

2636A	FY 08-09 Appropriated	\$	2,090,000
2571A	FY 09-10 Appropriated	\$	650,000

-68.9%

**Florida Commission on Tourism**

2642	FY 08-09 Appropriated	\$	35,549,209
2576	FY 09-10 Appropriated	\$	25,000,000

-29.7%

**Economic Development Transportation Projects**

2649	FY 08-09 Appropriated	\$	36,750,000
2582	FY 09-10 Appropriated	\$	20,000,000

-45.6%

**HEALTH & HUMAN SERVICES**

*Federal Stimulus Funds for Medicaid (In Millions)*

*Increases Federal Medicaid Assistant Payment percentage over three fiscal years. Provides an additional increase for high unemployment. Receipt requires the continued eligibility for Meds AD and Medically Needy programs. These programs will expire December 31, 2010.*

**Children's Special Health Care**

181	FY 08-09 Appropriated	\$	471,945,857
517A	FY 09-10 Appropriated	\$	323,516,212

-31.5%

**Kid Care Enrollment**

FY 08-09 funding levels were sufficient to add approximately 20,000 new enrollments because of FY 08-09 under enrollment. Legislation that passed in FY09 also expanded eligibility and improved accessibility to the program.

**Medicaid Services To Individuals**

**Community Mental Health**

197	FY 08-09 Appropriated	\$	38,228,354
179	FY 09-10 Appropriated	\$	42,623,055

+11.5%

**Medicaid Long Term Care**

Home and Community Based Services

232	FY 08-09 Appropriated	\$ 916,955,588
215	FY 09-10 Appropriated	\$ 1,007,403,452
		<hr/>
		9.9%

Intermediate - Developmentally Disabled Community

235	FY 08-09 Appropriated	\$ 240,132,993
218	FY 09-10 Appropriated	\$ 229,943,763
		<hr/>
		-4.2%

240	FY 08-09 Appropriated	\$ 74,557,478
	FY 09-10 Appropriated	<b>Not Funded</b>

Capitated Nursing Home Diversion (1,000 additional slots funded)

241	FY 08-09 Appropriated	\$ 306,373,201
224	FY 09-10 Appropriated	\$ 338,177,729
		<hr/>
		+10.4%

**Federal Stimulus Funds for Children and Families**

*(Major Programs) In Millions*

1. Supplemental Nutrition Assistant Program	\$ 14.6
2. Temporary Assistance for Needy Families	\$ 44.6
3. Homeless Prevention	\$ 12.9
4. Violence Against Women	\$ 5.5
5. EV-E Foster Care	\$ 6.3
6. IV - Adoption Assistance	\$ 8.0
7. Disproportionate Share	\$ 1.6

**Family Safety and Prevention Services**

Community Care Disabled Adults

334	FY 08-09 Appropriated	\$ 2,041,955
301	FY 09-10 Appropriated	\$ 2,041,955
		<hr/>
		0.0%

Grants to Sheriffs for Protective Investigations

**Broward**

346	FY 08-09 Appropriated	<b>\$ 12,565,623</b>	\$ 47,491,157
304	FY 09-10 Appropriated	<b>\$ 12,565,623</b>	\$ 47,491,157
		<hr/>	<hr/>
		<b>0.0%</b>	0.0%

Grant and Aids - Domestic Violence

336	FY 08-09 Appropriated	\$ 27,740,653
305	FY 09-10 Appropriated	\$ 32,789,322
		<hr/>
		18.2%

**Mental Health Services**

**Mental Health and Substance Abuse Local Match (Broward receives discretionary grant from this account)**

378	FY 08-09 Appropriated	\$ 3,000,000
321	FY 09-10 Appropriated	\$ 3,000,000

Children's Mental Health Services

386	FY 08-09 Appropriated	\$ 43,485,013
322	FY 09-10 Appropriated	\$ 44,698,361
		<hr/>
		2.8%

Grants and Aids - Community Mental Health Services - Adults

379	FY 08-09 Appropriated	\$ 220,048,691
323	FY 09-10 Appropriated	\$ 228,626,118
		<hr/>
		3.9%

Grants and Aid – Adult Baker Act Services			
380	FY 08-09 Appropriated	\$	62,333,949
324	FY 09-10 Appropriated	\$	62,333,949
<b>Substance Abuse Services</b>			
Children Substance Abuse Services			
408	FY 08-09 Appropriated	\$	73,667,093
342	FY 09-10 Appropriated	\$	72,035,070
			-2.2%
Grants and Aids - Community Substance Abuse Services			
413	FY 08-09 Appropriated	\$	125,045,955
343	FY 09-10 Appropriated	\$	127,438,989
			1.9%
<b>Economic Self Sufficiency</b>			
Homeless Housing Grants			
441	FY 08-09 Appropriated	\$	5,000,000
354	FY 09-10 Appropriated	\$	5,000,000
<b>Home And Community Based Services</b>			
<i>Community Care for the Elderly (Broward receives this funding)</i>			
485	FY 08-09 Appropriated	\$	54,553,804
380	FY 09-10 Appropriated	\$	53,144,996
			-2.6%
Community Based Service Waiver			
491	FY 08-09 Appropriated	\$	85,485,333
386	FY 09-10 Appropriated	\$	103,844,950
			21.5%
Local Services Program			
494	FY 08-09 Appropriated	\$	7,032,833
389	FY 09-10 Appropriated	\$	7,015,811
			-0.2%
<b>County Health Departments Local Health Needs</b>			
County Health Units - Local Needs			
588	FY 08-09 Appropriated	\$	192,144,452
479	FY 09-10 Appropriated	\$	174,961,252
			-8.9%
Fixed Capital Outlay - Construction, Renovation Co. Health Dept.			
598a	FY 08-09 Appropriated	\$	7,533,960
488	FY 09-10 Appropriated	\$	7,028,400
			-6.7%
Total Funding to County Health Units funding, includes state, federal and local Sources			
598a	FY 08-09 Appropriated	\$	1,157,946,903
488a	FY 09-10 Appropriated	\$	1,070,613,952
			-7.5%

# NOTES

# NOTES





**Board of County Commissioners  
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