



2007

*State
Legislative
Final
Report*



BOARD OF COUNTY
COMMISSIONERS



BOARD OF COUNTY COMMISSIONERS



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SECTION ONE: LEGISLATIVE ISSUES

Affordable Housing

CS/HB 1375 by Representative Mike Davis further expands comprehensive affordable housing revisions enacted by the Florida Legislature in 2006. This legislation, in part, is comprised of the recommendations of the House of Representatives' Affordable Housing Workgroup. It makes permanent the pilot public/private partnership from the 2006 legislation known as the Community Workforce Housing Innovation Program (CWHIP).

The bill also was amended to incorporate Senator Margolis' bill that provides local government with the option to defer ad valorem taxes on affordable rental housing. If a local government adopts this through ordinance, the procedures for issuing the deferred payment tax certificates are specified in the legislation. **Chapter Reference: 2007-198. Effective Date: July 1, 2007.**

Alternative Water Supply Development

In 2005, the Florida Legislature enacted Chapter 2005-291, Laws of Florida, which made substantial changes to the state's water resource development efforts. This act provided greater legislative direction for the planning and development of alternative water supplies (AWS), including defining the roles of local governments and the state's water management districts.

The act amended §373.1961, Florida Statutes, creating a new alternative water supply development program. Under this program, applicants seeking funding pursuant to the Water Protection and Sustainability Program must pay for 60% of the AWS project's construction costs. The act also established factors to be utilized by the applicable water management district's governing body in deciding which projects will receive funding.

The House approved HB 7059, by the Environmental & Natural Resources Council, permanently eliminating half of the funding (\$30 million) for alternative water supply development projects provided through the Water Protection and Sustainability Trust Fund established in 2005. However, full funding of \$60M was negotiated during the Budget process and the House agreed to take up the Senate position to fully fund the Trust Fund. **Chapter Reference: 2007-72 (FY 2008 Appropriations Act). Effective Date: May 24, 2007.**

Article V - \$2 Technology Fee Diversion

In implementing Revision 7 during the 2004 Legislative Session, the Florida Legislature authorized an additional \$4 per page fee on certain documents recorded in the official records. Part of the fee (\$1.90) is retained by the clerks of the circuit court to fund their court-related technology needs and \$0.10 is distributed to the Association of Court Clerks and Comptrollers, Inc., to maintain the Clerks' Comprehensive Case Management System. The remaining \$2 is distributed to counties to fund technology-related services for the state trial court, state attorneys, and public defenders.

SB 2062 by Senator Baker would have eliminated the distribution of the \$2 technology fee to counties. Instead, the Clerk of the Courts was charged with depositing the proceeds of the fee in a separate fund and counties were directed to utilize the monies to fund the particular judicial circuit's strategic technology plan as approved by the circuit's chief judge. This action would have required counties to fund the court-related technology needs of the state attorneys and public defenders offices from its own general revenue. The bill died in the Senate Judiciary Committee. However, this issue is expected to be revisited in the 2008 Session.

Article V - Criminal Conflict and Civil Regional Counsel

As approved by voters in 1998, Revision 7 amended Article V of the Constitution to require that the state pay for expenditures associated with court-appointed counsel. CS/SB 1088 by Senator Crist creates five Offices of Criminal Conflict and Civil Regional Counsel ("Regional Counsel") whose regions have the same geographic boundaries as district courts of appeal. The Governor appoints the Criminal Conflict and Civil Regional Counsel in each judicial district, subject to confirmation by the Florida Senate.

Effective October 1, 2007, when the public defender has a conflict of interest and cannot provide representation to an indigent defendant, the court must now assign the case to the applicable regional counsel. If regional counsel also has a conflict of interest, the court must appoint private counsel for the defendant. Regional counsels must also provide due process representation in certain authorized statutory proceedings such as dependency and parental termination hearings.

The bill amends current law to include the "regional counsel offices" within the term "public defender." The intent of this change is to bring the regional counsel offices within §29.008, Florida Statutes, which sets forth the counties' Article V county funding obligations. As a result, counties will be required to fund the costs of providing such offices with the following:

- Facilities including maintenance, utilities, security, access to parking facilities, and necessary equipment and furnishings;
- Communication services including telephone infrastructure systems, wireless communications, cell phones, video teleconferencing; and computer networks, systems and related equipment including computer hardware and software, support staff or services, and training;
- Existing radio systems;
- Existing multiagency criminal justice information systems as defined §943.045, Florida Statutes; and
- Salaries, costs, and expenses associated with local requirements.

In addition, CS/SB 1088 expands county funding obligations to guardian ad litem offices by also including references to such offices within the funding definitions in §29.008, Florida Statutes. As passed, CS/SB 1088 also makes other statutory changes in order to revise the process for providing criminal and civil representation to indigent individuals at state expense. The bill's provisions take effect upon becoming law unless another effective date is specified. **Chapter Reference: 2007-62.**

Effective Date: May 24, 2007.

Beaches

CS/SB 1472 by Senator Saunders contains four substantive issues related to the preservation of beaches. Specifically, the bill:

- Amends the definition of "public access" to include certain private properties and provides that accessways cannot be impacted by development or construction unless a comparable alternative is provided;
- Allows the Department of Environmental Protection (DEP) to issue permits for dune restoration projects that incorporate geotextile containers and specifies certain stringent requirements governing installation of geotubes;
- Requires the DEP to develop an inventory of identified offshore sand sources and to provide notice to local governments and others of their intention to utilize sand outside of their jurisdiction; and
- Provides guidance to evaluate the impacts of an alleged taking of property rights due to beach restoration projects. The bill determines that if a taking has been judicially determined due to a restoration project, the enhancement in value must be offset against the value of the damage. If the enhancement in value exceeds the value of the damage there shall be no recovery against the property owner for such excess. This issue is the result of a suit brought by a Walton County property owner against the DEP for a perceived taking of beachfront sand during a beach renourishment project. The property owner argued that the Erosion Control Line changed, eliminating a portion of their property. The District Court of Appeals found for the property owner, and DEP appealed the case to the Supreme Court. **Chapter Reference: 2007-99. Effective Date: July 1, 2007.**

Campaign Finance – Local Government Issue Advocacy

SB 734 by Senator Justice (HB 749 by Representative Long), as initially filed, prohibited local governments from using public funds to support or oppose any referendum issue or amendment subject to a vote of the electorate. This statewide bill was filed in response to city-county charter disputes in Pinellas and Volusia counties. Individuals and groups were also prohibited from accepting public funds from a local government intended to support or oppose such referendum. Local governments were further prohibited from expending or authorizing the expenditure of public funds for any political advertisement. The prohibitions would not have applied to the dissemination of any factual and objective communication that did not advocate the passage or defeat of the particular referendum issue or amendment, if prior to its dissemination the communication was approved by the local government's governing body. Any person violating the proposed statute would be subject to civil penalties of \$1,000 per count pursuant to §106.265, Florida Statutes. The bill was heard in the Senate Ethics and Elections Committee and was amended to address some member concerns with the ability of local government officials to address issues of public concern and communicate with their constituents. However, even with the changes the bill remained objectionable. Through a strong effort of city/county interests the bill died in the Committee on Community Affairs and HB 749 did not receive a hearing in the House Committee on Ethics and Elections.

Construction Bonds

CS/HB 1489 by Representative Aubuchon makes changes to current requirements for performance and payment bonds. The bill clarifies that in situations where the contract price for a public work exceeds \$250 million, the public entity (i.e., owner) may set the amount of a performance and payment bond for less than the contract price (but not less than \$250 million) if it finds that a bond for the entire contract price is not reasonably available. For construction-management and design-build contracts, the bond may not be conditioned on the performance of design or other nonconstruction services or payment to individuals furnishing such services if the public entity failed to include the cost of such services in the bond. The bill creates a new section relating to construction management and program management entities to address the effects of Attorney General Opinion 2007-12 which advised the City of Cape Coral that separately negotiating each phase of a multi-phase design-build project awarded to a CM-at Risk manager or program manager did not comply with the CCNA. **Chapter Reference: 2007-159. Effective Date: July 1, 2007.**

County Boundary Adjustment/Parkland Annexation

CS/HB 1315 by Representative Hasner amends the boundaries of Broward County and Palm Beach County to bring 1,949 acres of land (known as The Wedge) into the jurisdiction of Broward County. The bill provides for the annexation of the majority of "the wedge" into the City of Parkland. All public roads and rights-of-way are transferred to Broward County, except those that are within the lands annexed into the City of Parkland. In accord with Article VII, §1(a) of the State Constitution, Broward County and Palm Beach County are required to enter into an interlocal agreement no later than September 30, 2007, to address the payment or apportionment of any public debt associated with the transferred lands. Due to the controversy surrounding the extension of University Drive, the effective date is contingent upon the approval of a comprehensive plan amendment deleting the extension of Riverside Drive and University Drive in Palm Beach County, or upon the successful abandonment of the roadway rights-of-way by Palm Beach County. **Chapter Reference: 2007-222. Effective Date: Contingent.**

Domestic Violence Leave Allowance

CS/HB 55 by Representative Porth requires employers with 50 or more employees to allow employees who have been employed for at least 3 months to request or take up to three working days of leave with or without pay within a 12-month period if the employee is the victim of domestic violence and the leave is sought to:

- seek an injunction for protection against domestic violence;
- obtain medical care or mental health counseling;
- obtain services from a victim-services organization;
- make the employee's home secure or to seek new housing; or
- seek legal assistance to address issues arising from the act of domestic violence and to attend and prepare for court-related proceedings arising from the act of domestic violence.

The bill also requires employees to provide advance notice of the leave (except in cases of imminent danger) and use all available annual or vacation leave, personal leave, and sick leave available to the employee prior to using the leave provided for in this bill (unless this requirement is waived by the employer). **Chapter Reference: 2007-107. Effective Date: July 1, 2007.**

A linked bill, HB 63 by Representative Porth provides the public records exemption needed to keep leave due to domestic violence confidential in public employee personnel files. **Chapter Reference: 2007-108. Effective Date: July 1, 2007.**

Elections

CS/HB 537 by Representative Rivera is an omnibus act that makes many changes to Florida's elections code. More specifically the act addresses the following:

- The act moves the Florida Presidential Preference Primary to the last Tuesday in January beginning in 2008. Municipalities that have elections scheduled for March 2008 can, by ordinance, change the date of their elections to hold them concurrently with the 2008 Presidential Preference Primary. Individuals employed or volunteering with third party voter registration organizations will no longer be subject to liability for voter registrations that are not promptly returned to the supervisor of elections. The act also reduces the fine amounts that may be levied against third party voter registration organizations by the Division of Election.
- Effective July 1, 2008, all voting shall be by marksense ballot, with the exception of the technology used by disabled individuals. Disabled voters may continue to use a voter interface device that complies with the federal Help America Vote Act (HAVA) and state law until 2012. County canvassing boards are required to conduct voting system audits after certifying an election under new standards set forth in the act. Effective July 1, 2007, the Florida Secretary of State is authorized to purchase optical scan and ballot on demand voting equipment for counties presently utilizing touch screen voting machines. The bill appropriates about \$28 million dollars for the Florida Secretary of State to purchase the equipment. The U.S. Elections Assistance Commission has issued a formal decision allowing Florida to use \$28 million in HAVA trust fund dollars for the purchase of the equipment for the 15 counties currently using touch screen equipment. Any covered county may opt out of the purchasing scheme by June 30, 2007, but must purchase the required equipment as provided in state law and with its own funds. If a covered county chooses to opt out it must notify the Secretary of State by June 30th.
- County canvassing boards are authorized to canvass absentee ballots on the sixth day, as opposed to the fourth day, prior to an election, and therefore are given two additional days. The deadline for county canvassing boards to file general election returns with the Secretary of State is also extended by 19 hours. Current state, district, county and municipal officers no longer need to resign their offices to run for federal office as Florida's resign-to-run law will no longer apply to persons seeking federal public office.

Chapter Reference: 2007-30. Effective Date: January 1, 2008, unless otherwise provided.

Electronic Recording

CS/CS/SB 2038 by Senator King provides county recorders the legal authority to prepare for electronic recording of real property instruments, and authorizes county recorders to begin accepting records in electronic form, storing electronic records, and setting up systems for searching for and retrieving these records. The bill creates an Electronic Recording Advisory Committee (Committee), which the Department of State consults with when adopting standards to implement electronic recording. The Committee consists of nine members: five members appointed by the Florida Association of Court Clerks and Comptrollers -- including a county recorder from a large urban county where the duties of maintaining the official records exists in a county office other than the clerk of the court or comptroller (Broward), two members appointed by the Florida Land Title Association, one member appointed by the Florida Bankers Association, and one attorney who is a member of the Real Property, Probate and Trust Law Section of the Florida Bar. The Committee terminates on July 1, 2010. **Chapter Reference: 2007-233. Effective Date: June 27, 2007.**

Energy

CS/HB 7123 by the Environmental & Natural Resources Council, Representative Mayfield and Representative Allen includes provisions of numerous energy/climate change bills discussed throughout the Session. CS/HB 7123 addresses alternative energy and energy efficiency measures by: encouraging alternative fuels and energy efficient standards in government buildings; requiring the development of greenhouse gas inventories to address Climate Change; incentivizing the use of solar energy; and establishing a Green Schools Pilot Program for three school districts. Specifically the bill:

- Creates an Energy Policy Governance Task Force to recommend Statewide energy policy, includes 12 members, and does not include any local government representation;
- Requires state buildings to be constructed to meet green building standards such as Leadership in Energy and Environmental Design (LEED) standards;
- Requires state agencies to inventory all state-owned buildings to determine suitability for a guaranteed energy performance savings contract, provides for a report by March 1, 2008, and requires the development of an energy efficiency projects schedule;
- Requires DEP to develop greenhouse gas inventories that account for annual greenhouse gases emitted to and removed from the atmosphere;
- Establishes Farm-to-Fuel Grants Program within DACS for demonstration, commercialization, research, and projects related to bioenergy;
- Requires the Florida Building Commission to develop a model residential energy ordinance that provides incentives to meet energy efficiency standards and provide a report by March 1, 2008 that may be adopted for the construction of all new residential, commercial, and government buildings;
- Establishes minimum standards for diesel fuel purchases for state-owned diesel vehicles to include biodiesel fuel;
- Establishes a Green Schools Pilot Project for three schools to receive funding to construct a new school built to LEED standards. Schools will be selected by January 1, 2008. The Broward County School Board falls within the criteria for this pilot project.

CS/HB 7123 was vetoed by the Governor on June 20, 2007.

HB 549 by Representative Traviesa expands the "Florida Renewable Energy Technologies and Efficiencies Act". HB 549 provides the same provisions governing determination of need and cost recovery for Integrated Gasification Combined Cycle (IGCC) power plants as provided for nuclear power plants. IGCC power plants convert coal into a synthetic gas, which is then burned to create electrical power. Additionally, the bill allows IGCC power plants to recover their pre-operational costs prior to completion of the project and costs will be passed onto the ratepayers. **Chapter Reference: 2007-117. Effective Date: June 12, 2007.**

Everglades Restoration

CS/CS/SB 392 by Senator Saunders modifies the Lake Okeechobee Protection Program to the Northern Everglades and Estuaries Protection Program; expands the protection of the Lake Okeechobee Watershed and the Caloosahatchee & St. Lucie Rivers Watersheds; reflects the significance of pollutants other than phosphorous to water quality; requires the Department of Environmental Protection to expedite the development and implementation of Total Maximum Daily Loads and to develop Best Management Action Plans for certain watersheds and estuaries. Additionally, the bill expands the use of the Save Our Everglades (SOE) Trust Fund and appropriations to be used for the Lake Okeechobee Protection Plan and Caloosahatchee and St. Lucie River Watershed Protection Plans. Funds distributed from SOE for River Watershed Protection Plans must be equally matched by the SFWMD and Martin and Lee Counties. **Chapter Reference: 2007-253. Effective Date: July 1, 2007.**

Fertilizer Regulation

CS/SB 1952 by the Commerce Committee provides for regulations related to private investigators, private security and repossession services, and amends the registration process for registering brake fluid brand names. Amendments were considered that preempted local governments from passing rules, regulations and ordinances related to fertilizer contents. Such amendments were successfully fought and the final version of the bill provides for a Consumer Fertilizer Task Force to develop statewide fertilizer guidelines governing non-agricultural fertilizer use. Efforts to include local government representation on the Task Force were not successful. **Chapter Reference: 2007-232. Effective Date: July 1, 2007.**

Fire Hydrants Mandate

CS/CS/CS/SB 2054 by the Senate Committee on Environmental Preservation and Conservation was the subject of several amendments during the session that would have required counties within a certain population threshold to install internal check-valve devices in each new or replacement fire hydrant within the county. An internal check-valve device is intended to prevent the intentional or accidental backflow contamination of the public water supply. The County, along with other affected local governments, lobbied against these proposals resulting in the removal of the amendment in Committee and the withdrawal of all floor amendments impacting Broward County and other jurisdictions. While the County has moved forward with this technology on much of our current system, there is other less expensive technology available for new or replacement hydrants. In addition, passage of these measures would have resulted in an unfunded mandate and the mandatory utilization of a sole source provider.

Florida Retirement System Rates

HB 7085 by the Government Efficiency & Accountability Council and Representative Grant revises the payroll contribution rates for membership classes of the Florida Retirement System for state fiscal years effective July 1, 2007 and July 1, 2008. The revised rates are as follows:

Current and Proposed FRS Payroll Contribution Rates (Percent of Gross Compensation)		
Retirement Class	FY 2008 Rates (Proposed)	FY 2009 Rates (Default)
Regular	8.69	9.59
Special Risk	19.76	22.01
Special Risk – Adm Spt.	11.39	11.90
Elected Officers – State	13.32	14.99
Elected Officers – County	15.37	17.15
Elected Officers – Judges	18.40	20.46
Senior Management	11.96	13.35
DROP	9.80	10.89

Chapter Reference: 2007-84. Effective Date: July 1, 2007.

Growth Management

HB 7203 by the Economic Expansion & Infrastructure Council, Representative Cannon and Representative Kravitz establishes a pilot program in Broward and Pinellas Counties, as well as the cities of Jacksonville, Miami, Hialeah, and Tampa. The pilot jurisdictions will expedite the comprehensive plan amendment and adoption review process and will be exempt from compliance review by the Department of Community Affairs. Municipalities that are located within a pilot county may opt out of the pilot by vote of the governing body.

The legislation also addresses implementation issues related to SB 360 enacted in 2005. Changes in the bill include: expanding the use of transportation concurrency exemption areas; revising the definition of financial feasibility; directing that proportionate share payments may not be used for addressing transportation or school deficiencies; and extending the deadline for local governments to update their capital improvements element from December 2007 to December 2008.

Additionally, transportation concurrency exemptions are permitted for housing close to employment centers. The comprehensive plan amendment process is expedited for amendments consistent with local housing incentive strategies identified by local government. All Development of Regional Impact (DRIs) are extended for three years in recognition of the 2007 real estate market conditions.

Chapter Reference: 2007-205. Effective Date: July 1, 2007.

Homestead Exemptions

In November 2006, Florida voters approved two constitutional amendments for additional homestead exemptions, one for senior citizens and one for disabled veterans.

Currently low income seniors are eligible, at the option of their cities and counties, for an additional \$25,000 homestead exemption to the basic \$25,000 exemption. CS/HB 333 allows for implementation of the approved amendment and allows cities and counties by ordinance to add an additional \$25,000 exemption thus allowing for a \$50,000 additional homestead exemption to the basic \$25,000 exemption. Cities and counties that had enacted the already current additional \$25,000 may adopt the additional \$25,000 for the 2007 tax year. Cities and counties that had not enacted the discretionary \$25,000 may enact the exemption for the 2008 tax year. **Chapter Reference: Chapter 2007-4. Effective Date: April 9, 2007 and shall apply retroactively to January 1, 2007.**

CS/CS/SB 1026 implements the constitutional amendment regarding disabled veterans. Partially or totally disabled veterans age 65 or older who were a resident of the state of Florida when entering military service, suffered a combat related disability, and were honorably discharged qualify for an ad valorem discount proportionate to their disability.

Chapter Reference: 2007-36. Effective Date: May 22, 2007 and shall apply retroactively to December 7, 2006.

CS/HB 1051 provides that the certification of a total and permanent disability due to blindness for the purposes of property tax exemption can be documented by an optometrist. The documentation required continues to be two persons, but only one must be a physician and the exemption continues to require an income threshold. **Chapter Reference: 2007-121. Effective Date: July 1, 2007.**

KidCare

A bill that would have revamped the Florida KidCare Program, CS/CS/CS/SB 930 by Senator Dawson, died in the Senate Health and Human Services Appropriations Committee. The bill would have enhanced the current health insurance program for poor children including eligibility changes, outreach programs, premium assistance requirements, plan choices, and administrative changes. The House passed a bill which included extending coverage to immigrant children and children of state employees which do not qualify for matching federal dollars and appropriated \$6 million. The Senate version did not include House provisions and consequently the legislation failed. Therefore the current Florida KidCare program requirements remain the same, and the 2007 appropriation provides for an additional 31,000 slots.

Land Use Preemption

HB 791 by Representative Gonzalez and SB 2080 by Senator Bennett expanded on last year's attempt to curtail charter county home rule authority. Any amendment to a county charter that transferred or restricted the powers of a municipality would have required a dual referendum of both the municipality and county voters. Additionally, charter county land use authority over municipalities and districts within county would be eliminated. The 2007 bills were not heard and died in their first committee of reference.

Local Business Tax Revision

CS/SB 1178 by Senator Rich allows municipalities that adopted a local business tax ordinance after October 1, 1995, to revise its current tax rate or classification structure before October 1, 2008. A municipality restructuring its rate or structure must follow the currently required procedures and any increase is limited but a decrease or repeal of the business tax, formerly known as an occupational license, is allowed. The bill only applies to municipalities as they were not previously provided the opportunity to reclassify as counties were. While the rate and structure revision does not apply to counties, the bill does change the due date of the fee for all local governments. Local governments may start to collect the business tax one month earlier, July 1 instead of August 1. **Chapter Reference: 2007-97. Effective Date: July 1, 2007.**

Local Cable Franchise Authority

The Cable TV/Video Service Franchises bill, also known as the "Consumer Choice Act of 2007," was heavily lobbied by cable companies, the telephone industry, the Florida Association of Counties, and the Florida League of Cities. CS/CS/HB 529 by Representative Traviesa prohibits counties and municipalities from awarding cable service franchises and designates the Department of State as the authorizing authority and the Department of Agriculture and Community Services to receive customer service complaints. Franchise fees imposed by local governments and permitting fees collected for right-of-ways are prohibited as well as build out requirements. The bill does provide for free cable or video services for K-12 public schools, public libraries or local government administrative buildings under certain conditions. Certificate holders must provide the same number of public, educational, and governmental access channels that a city or county has through franchise agreement as of July 1, 2007. The bill provides criteria for additional channels and for two channels if franchise agreements exist. The Broward Board of County Commissioners opposed this legislation and joined many local governments in requesting a veto of the bill. **Chapter Reference: 2007-29. Effective Date: May 18, 2007.**

Mental Health Insurance Coverage

HB 291 by Representative Homan, with 91 House sponsors, and SB 1834 by Senator Jones were filed regarding equity mental health insurance coverage. The bills died in their respective chambers but the bills would have deleted current law limiting mental health benefits by service areas and inserting a general statement that mental health benefits may not be more restrictive than the treatment applicable to other diseases, illnesses, and medical conditions.

CS/SB 1116 by Senator Peaden changed current law requiring behavioral health service providers to spend at least 80% of their Medicaid payments on patient care instead of administrative overhead. The state has collected refunds when providers have spent funds on expenses other than patient care. **CS/SB 1116 was vetoed by the Governor on May 24, 2007.**

Mining Regulation

CS/HB 985, this year's transportation bill, was amended late in session to address the heavily debated aggregate mining issue. Language that would nullify environmental, land use, zoning, and safety laws and would limit the ability of local governments to regulate limestone mining, including operations, was debated throughout session until a compromise was reached. The approved compromise language in CS/HB 985 establishes the Strategic Aggregate Review Task Force to address the state's growing need for aggregate for roads. **Chapter Reference: 2007-196. Effective Date: July 1, 2007.**

Mobile Homes

CS/HB 259 by Representative Attkisson initially would have required that counties provide additional funds to relocate mobile home owners displaced by a change in the use of the land of a mobile home park. Based upon the successful lobbying effort of counties and cities, the final bill as passed by the Legislature removed all the unfunded mandates. The legislation requires the eviction notice to inform the mobile home tenant that he/she may be entitled to relocation compensation from the Florida Mobile Home Relocation Corporation (Corporation). It establishes a penalty system for park owners that fail to make the required relocation compensation payments timely to the Corporation, and extends the timeframe for a displaced mobile home owner seeking compensation from the Corporation to submit his/her application from six months to one year after the eviction. **Chapter Reference: 2007-47. Effective Date: July 1, 2007.**

Moving Services

CS/HB 765 by Representative Jenne in its original form preempted local government regulation of household moving services to the Florida Department of Agriculture & Consumer Affairs. Four Florida counties have moving ordinances that provide for broader consumer protections than exist today in current law. Throughout the Session, Representative Jenne was willing to include consumer protection compromise language however the moving industry did not want to provide disclosure for sub-contracting to levels that several counties currently have in existence. These measures were defeated in the final days of Session.

No-Fault Insurance Law (PIP)

In 1971, Florida became the second state in the country to adopt a no-fault automobile insurance system. The no-fault system is designed to compensate victims of motor vehicle accidents regardless of fault. Under Florida's Motor Vehicle No-Fault Insurance Law, motorists are required to purchase and maintain \$10,000 in personal injury protection (PIP) insurance coverage. This PIP "no-fault" insurance covers payments for medical expenses, loss of income, and a \$5,000 death benefit. The PIP coverage also provides the policyholder with immunity for economic (medical and lost wages) and non-economic (pain and suffering) damages except for a few specified injury types.

In 2003, the Legislature passed Chapter 2003-411 which provided for the automatic repeal of Florida's Motor Vehicle No-Fault law effective October 1, 2007, unless otherwise saved from repeal by further act of the Legislature. CS/CS/SB 1880 by Senator Posey would have extended the PIP law and provided for its repeal on January 1, 2012. In the interim, the bill required the Department of Financial Services and the Office of Insurance Regulation to conduct a review of Florida's no-fault insurance system and submit a report to the Governor and the presiding officers of the Legislature by October 1, 2010.

The bill would have also authorized 30 new senior fraud investigator positions and appropriated about \$2.4 million to support increased insurance fraud investigations and prosecutions. While CS/CS/SB 1880 passed the Senate, the lack of a viable agreement between the insurance industry and the trial lawyers association prevented the bill's consideration on the House Floor.

Noise Mitigation of Transportation Projects

Broward County was successful in passing an amendment to CS/CS/HB 985 by Representative Glorioso that encourages and permits the Department to use funds to construct and maintain noise mitigation facilities or walls at the request of the proper authorities. **Chapter Reference: 2007-196. Effective Date: July 1, 2007.**

Notaries Public

CS/HB 1305 by Representative Thompson authorizes electronic notarization and provides requirements and standards to allow for the electronic filing of notarized documents. No bill was introduced requiring governmental notaries to maintain journals. **Chapter Reference: 2007-257. Effective date: January 1, 2008.**

Nursing Home Medicaid Pilot

HB 7065 by the Health Care Council and Representative Gipson implements an integrated, fixed-payment service delivery system for Medicaid clients who are age 60 and older or individuals who are eligible for both Medicaid and Medicare. This legislation is an outcome of the 2005 Medicaid Reform Act which required Agency for Health Care Administration (AHCA) and the Department of Elderly Affairs to create an integrated service delivery system combining all Medicaid funds including home and community based waiver services and all mandatory and optional service funding. The pilot is to be implemented in Orange, Osceola, Seminole, Brevard, Miami-Dade, and Monroe counties. The bill provides AHCA with the authority to implement the pilot programs in accordance with approved federal waivers. Participation in the program is voluntary, and the bill specifies that individuals who choose to participate may remain in their current licensed residence even if that residence is not under contract to the managed care program operator. Florida Senior Care is intended to address fragmentation of service coordination for Medicaid clients by having one managed care provider that provides all Medicaid services including long term care. **Chapter Reference: 2007-82. Effective Date: July 1, 2007.**

Organ and Tissue Donation

CS/CS/HB 455 by Representative Cretul provides for the donor registry currently administered by the Agency for Health Care Administration (AHCA) to be administered by the Coalition for Donation. AHCA will continue oversight of organ procurement organizations. The Department of Highway Safety and Motor Vehicles is required to coordinate donor application and registration information with the Coalition and to disburse the monies collected from driver's license fee contributions to the Coalition. **CS/CS/HB 455 was vetoed by the Governor on June 13, 2007.**

Owner-Controlled Insurance Programs

CS/SB 1624 by Senator Bennett amends §255.0517, Florida Statutes, concerning owner-controlled insurance programs (OCIPs). The bill provides that a "specified contracted work site" for purposes of an OCIP applies to a single continuous system. The bill clarifies when a capital infrastructure improvement program at multiple work sites meets the \$75 million threshold requirement in order for the construction project to be eligible to use an OCIP. A capital infrastructure improvement program is defined to include a public service, system, facility or other public work that cannot be combined with another project to meet the \$75 million threshold unless certain conditions are met. Permissible projects which may be combined include infrastructure projects under a single prime contractor, and interrelated infrastructure projects totaling more than \$125 million that interconnects the housing or transportation of persons or cargo arriving through a seaport or airport. Under an OCIP with a large deductible workers' compensation rating plan, the individual contractors and subcontractors are not required to individually satisfy eligibility requirements and may combine their payroll if the deductible is \$100,000 or more and the standard premium is \$500,000 or more. OCIPs will be required to provide completed operations coverage, which insures against construction defections after the completion of the project, for at least 10 years rather than 5 years. Lastly, the requirements of the statute do not apply to projects covered under an ongoing OCIP issued before October 1, 2007. The County's airport OCIP continues to be exempt from this statute as well as other county construction projects covered under an OCIP issued before October 1, 2007. **Chapter Reference: 2007-216. Effective Date: October 1, 2007.**

Prescription Drug Tracking Database

HB 1155 by Representative Glorioso prohibits the sale, manufacture, alteration, delivery, or possession of counterfeit-resistant prescription blanks for controlled substances and requires the Agency for Health Care Administration (ACHA) to monitor and report on implementation of electronic prescribing. ACHA will promote the advantages of electronic prescribing to health care practitioners, health care facilities, and pharmacies. The Agency is required to work with private-sector initiatives and stakeholders to create a clearinghouse of information on electronic prescribing for healthcare practitioners, healthcare facilities, and pharmacies. AHCA is to report annually to the Governor and Legislature on electronic prescribing implementation and usage by health care practitioners, health care facilities, and pharmacies. The bill also includes numerous changes to Florida law relating to dispensing of controlled substances. **Chapter Reference: 2007-156. Effective Date: July 1, 2007.**

Property Insurance

CS/SB 2498 by the Committee on Banking and Insurance and Senators Garcia, Posey, Fasano, and Atwater makes changes to the Citizens Property Insurance Corporation ("Citizens") law, prohibits the formation of new Florida domestic residential property insurance subsidiaries and requires rate filings for all insurance subsidiaries to include parent company profit information. More specifically, the bill addresses the following:

Citizens Property Insurance Corporation ("Citizens") [§627.351(6), F.S.]

- Revises the legislative findings for establishing Citizens, in order to support its tax exempt status, finding that the absence of affordable property insurance threatens the public health, safety, and welfare and that the state has a compelling public interest in assuring that property is insured at affordable rates.
- Prohibits any rate increase in Citizens until January 1, 2009. This extends for an additional year, the current prohibition against a rate increase until January 1, 2008. The rates in effect on December 31, 2006 shall remain in effect for 2007 and 2008 except for any rate change that results in a lower rate.
- Provides that if a new applicant to Citizens is offered coverage from an insurer at its approved rate, the applicant is not eligible for a Citizens policy unless the insurer's premium is more than 15 percent greater than the premium for comparable Citizens' coverage. (Current law has a 25 percent limitation.). Also provides criteria for determining when "comparable coverage" has been offered and allows an insurance agent to make this initial determination.
- Extends until January 1, 2009 (rather than July 1, 2008) the ineligibility of coverage in Citizens for personal lines residential structures that have a dwelling replacement cost of \$1 million or more (except for dwellings insured by Citizens on December 31, 2008, which may reapply and obtain coverage under certain conditions).
- Clarifies that the expanded Citizens assessment base (per HB 1A in Special Session) applies only to deficits incurred after January 25, 2007.
- Permits a policyholder whose coverage with Citizens has been assumed by another insurer to continue to be eligible for Citizens coverage through the end of the assumption period regardless of any offer of coverage by the insurer.
- Deletes the requirement that by July 1, 2007, an application for new coverage with Citizens is subject to a 10-day waiting period before coverage is effective.
- Limits the post-employment restrictions on employees of Citizens to senior managers of Citizens.
- Provides that Citizens may be liable for attorney's fees in an action for breach of contract for benefits.
- Requires a Citizens employee to notify the Citizens' Office of the Internal Auditor and the Division of Insurance Fraud of suspected fraud by a Citizens employee.
- Authorizes the Office of Insurance Regulation to establish a pilot program in one or more counties, to allow Citizens to exclude sinkhole coverage (and offer sinkhole coverage as an option) pursuant to the sinkhole coverage changes enacted in HB 1-A, without being required to give the policyholder a notice of non-renewal.
- Deletes the requirement that an insurer that writes the ex-wind coverage must contract with Citizens to adjust the windstorm claims on behalf of Citizens.
- Allows for cross-collateralization of assets of the Personal Lines Account and the Commercial Lines Account for any bonds or other debt for new financing by Citizens, as current law allows for debt that Citizens inherited in the merger with the old Residential Property and Casualty Joint Underwriting Association.
- Creates the "Citizens Property Insurance Corporation Mission Review Task Force" to analyze and compile data for development of a report specifying the statutory and operational changes needed to return Citizens to its former role as a state created, noncompetitive residual market.

- o The Task Force consists of 19 members: the Governor appoints four (4) members, of which two (2) must be consumer representatives, the President of the Senate appoints three (3) members, and the Speaker of the House of Representatives appoints three (3) members. An additional six (6) members are appointed as representatives of private insurance companies, of which three (3) are appointed by the Governor, President, and Speaker, respectively. The Chief Financial Officer appoints three (3) members representing insurance agents.
- o The Task Force must submit its report to the Governor, President of the Senate, and Speaker of the House by January 31, 2008.
- o Appropriates \$600,000 from the Insurance Regulatory Trust Fund of the Department of Financial Services (DFS) to the Task Force, which may employ consultants. DFS must provide administrative support.

Prohibition on New Florida Subsidiaries; Profits of Parent Company

- Prohibits a new certificate of authority for the transaction of residential property insurance to any insurer domiciled in Florida which is a wholly owned subsidiary of an insurer authorized to do business in any other state. **Effective December 31, 2008.**
- Requires the rate filings of an insurer domiciled in Florida that is a wholly owned subsidiary of an insurer authorized to do business in any other state to include information relating to the profits of the parent company. **Effective December 31, 2008.**

Payment of Claims [§627.70131, F.S.]

- Revises the requirement for a property insurer to pay or deny a claim within 90 days of receiving notice of a claim to:
 - o Apply this requirement to residential property insurance claims and to commercial property claims for structural or contents coverage if the structure is 10,000 sq. ft. or less. However, this would not apply to a policy covering commercial nonresidential structures or contents in more than one state.
 - o Alternatively require the insurer to pay a “portion of the claim” within the 90-day period.
 - o Require an insurer to pay interest pursuant to §55.03, Florida Statutes (as required for legal judgments) to a policyholder if the insurer fails to timely pay a claim within 90 days of receipt, or 15 days after circumstances that have reasonably prevented payment no longer exist, whichever is later.

Florida Hurricane Catastrophe Fund (FHCF) [§215.555, F.S.]

- Allows any insurer that qualifies as a limited apportionment company (\$25 million in surplus or less) to purchase up to \$10 million of additional coverage from the FHCF (at a premium of 50 percent of the coverage amount, above a retention of 30 percent of the insurer’s surplus).
- Exempts medical malpractice insurance from FHCF assessments through May 31, 2010.
- Clarifies the method of determining coverage and premium for insurers purchasing optional (TEACO) coverage below the insurer’s retention for the mandatory FHCF coverage.
- Deletes the June 1, 2007 expiration date of the provision that allows Citizens to mutually agree with the State Board of Administration on how to structure FHCF coverage for policies that Citizens assumes from an insolvent insurer.

Policy Exclusions and Deductibles [§§ 627.701 and s. 627.712, F.S.]

- Requires an insurer to make available a policy that excludes coverage for windstorm coverage (rather than hurricane or windstorm coverage), and requires that all property insurers (commercial and residential) offer this coverage.
- Excludes a tenant’s policy from the requirement for an insurer to offer an exclusion of contents coverage.
- Specifies that the policy exclusions for windstorm or contents coverage may only be implemented as of the date of a policy’s renewal.

- Specifies that a new deductible for residential property insurance may only be implemented as of the date of the policy's renewal.

Rating Law [§§ 627.062 and 627.0655, F.S.]

- Specifies that the temporary prohibition against making a "use and file" rate filing applies to property insurance (but not casualty insurance) rate filings and clarifies that it applies to a rate filing submitted after January 25, 2007 (the effective date of HB 1-A).
- Prohibits an insurer from recouping in its rates the interest payments the insurer makes for failure to pay or deny a property insurance claim within 90 days as required by statute.
- Clarifies that a multi-line discount may only be offered by an insurer to a consumer that has purchased another policy from the same insurer or insurer group.

Insurance Capital Build-Up Incentive Program [§215.5595, F.S.]

- Allows an insurer that exclusively writes manufactured housing to obtain a surplus note of up to \$7 million from the Insurance Capital Build-Up Incentive Program. Current law allows such an insurer to have a total amount of surplus, new capital, and surplus note equal to \$14 million, rather than \$50 million.
- Provides that an insurer is considered to be "writing only manufactured housing" if it is: 1) a Florida domiciled insurer that began writing policies after March 1, 2007, removes at least 50,000 policies from Citizens without a bonus, and at least 25 percent of its policies cover manufactured housing; or 2) a Florida domiciled insurer that writes at least 40 percent of its policies covering manufactured housing in Florida.
- Between insurers writing manufactured housing policies, priority shall be given to the insurer writing the highest percentage of manufactured housing policies.

Florida Insurance Guaranty Association (FIGA) [§§ 631.52, 631.57, and 631.695, F.S.]

- Specifies that any kind of self-insurance fund, liability pool, or risk management fund is not covered by FIGA.
- Clarifies that FIGA's authority to levy emergency assessments of 2 percent of premium is for payment of covered claims (not just homeowners claims) of insurers rendered insolvent by the effects of a hurricane.
- Permits all municipalities and counties in the state to issue bonds to assist FIGA in expediting the handling and payment of covered claims of insolvent insurers.

Surplus Lines Policies [§§ 626.914, 626.916, and 626.9201, F.S.]

- Requires a retail agent to inform a policyholder that coverage may be available and less expensive from Citizens before export to the surplus lines insurance market. The notice must also include information that Citizens assessments are higher and that Citizens coverage may be less than the property's existing coverage.
- Requires only one rejection from an authorized insurer, rather than three rejections, in order for coverage for a \$1 million residential structure to be exported to the surplus lines market.
- If a policyholder pays for a surplus lines insurance policy with a bad check, or fails to maintain membership in an organization necessary to obtain insurance coverage, the policy may be cancelled for nonpayment of premium. If a bad check is the initial premium payment, the policy is retroactively void unless payment is tendered within the earlier of 5 days after actual notice by certified mail is received by the applicant, or 15 days after notice is sent to the applicant by certified or registered mail.

Florida Building Code; Internal Pressure Option

- Retains the internal design (pressure) options in the Florida Building Code (as an option to opening protections in the wind-borne debris region) until June 1, 2007, for a building permit application made prior to that date. This applies retroactively to January 25, 2007, the effective date of HB 1-A that repealed this option, and applies to any action taken on a building permit affected by that act.

Other Provisions

- Applies the \$50 million surplus requirement to a domestic residential property insurer if it is a subsidiary of an insurer domiciled (rather than “doing business”) in another state.
- Provides that the annual report card for insurers prepared by the Consumer Advocate regarding consumer complaints and the time it takes to pay claims applies to personal residential property insurers, rather than all property insurers, and requires the report to include the number of consumer complaints “as a market share ratio.”
- Provides that 100 days’ notice of non-renewal is required, rather than June 1, if earlier, for a nonrenewal effective during hurricane season, if the policy is being non-renewed for the sole purpose of revising the coverage for sinkhole losses; or if the policy is nonrenewed by Citizens for a policy assumed by an insurer that offers replacement or renewal coverage.
- Transfers and amends §627.7277(4), Florida Statutes, to §627.4133(7), Florida Statutes, to place in the proper section the requirement of HB 1-A that each residential property insurance renewal premium specify the amounts recouped for assessments, the dollar amount of a premium increase that is due to an approved rate increase, and the total dollar amount of increase due to coverage changes. The bill applies this to residential property policies and specifies that the amount of the increase for coverage changes need only specify the total dollar amount due to all coverage changes. It also is limited to identifying the amount of an “approved” rate increase which is intended to not require identification of a rate increase that is due, for example, to the home being one year older or such other rating change that was in a rate schedule that was not affected by a rate filing approved since the prior renewal.
- Creates the Florida Catastrophic Storm Risk Management Center at Florida State University, to promote and disseminate research on issues related to hurricane catastrophe loss and to assist in developing education and research grant funding opportunities. (The General Appropriations Act appropriates \$1 million for this center.)

Chapter Reference: 2007-90. Effective Date: June 11, 2007, unless otherwise specified.

Property Tax Reform

Property tax reform was the foremost issue of the 2007 Legislative Session. The Governor and the Legislature were committed to lowering property taxes for Floridians. During the Regular Session, the House and Senate proposed vastly differing plans as to the methodology for bringing tax relief from completely eliminating the property tax system and replacing it with an increased sales tax to more modest proposals combining revenue caps and varying assessment guidelines. After various attempts to resolve the existing differences between House and Senate tax relief plans, the Legislature adjourned with passing tax relief legislation.

On June 9, 2007, the presiding officers of the Legislature issued a proclamation calling a special session for June 12th through the June 22nd to enact property tax relief and reform legislation. The Legislature convened Special Session B on June 12th, passed three bills, and adjourned 2½ days later, on June 14, 2007. The following is a summary of the three bills enacted in Special Session B.

House Bill 1B – Statutory Rollback and Revenue Cap

- The bill freezes FY 2008 county and city revenues at FY 2007 levels and requires a percentage reduction of 0%, 3%, 5%, 7% or 9% in those revenues based upon the growth in per capita tax revenues during a five year period ranging from FY 2002 to 2007 (i.e., the past performance penalty). Broward County is in the five percent category. For independent special districts, FY 2008 tax revenues are limited to the rolled-back rate minus three percent.
- Fiscally constrained counties, except Gulf and Franklin, are in the zero to three percent category. For FY 2008, MSTUs and dependent special districts that primarily provide emergency medical or fire rescue services are considered independent special districts limiting their percentage reduction to three percent.

- The bill also sets the maximum taxes that can be levied by counties, cities, and independents special districts during FY 2009, 2010 and thereafter. Future revenues are limited to the prior years' taxes adjusted for new construction and the Florida per capita growth in personal income. Special rules will apply to revenues in FY 2009 if the proposed constitutional amendment (SJR 4B) is approved by voters.
- For FY 2008, county and city governing bodies may override the imposed maximum millage rate limitations by vote to levy the rolled-back rate; county governing bodies with 9 or more members, such as Broward, Miami-Dade, and Duval, may by $\frac{3}{4}$ vote levy the FY 2007 non-voted millage rate, otherwise a unanimous vote is required; and to levy a millage rate higher than FY 2007 requires a referendum. For FY 2009 and thereafter, county and city governing bodies may override the imposed millage rate limitations up to 110% of rate with a vote. Governing bodies with nine (9) or more members may impose a rate exceeding 110% of the rate by a $\frac{3}{4}$ vote or by referendum. Special override provisions will apply during FY 2009 if SJR 4B is approved.
- Overriding the revenue caps without the voted requirements results in a twelve month forfeiture of the local government's half-cent sales tax revenue distribution, regardless of the amount of deviation in additional revenue.
- By June 25, 2007, the Department of Revenue (DOR) will provide property appraisers and the chair of the local government's governing body with the amounts of the non-voted tax levies from FY 2002 to 2007 used to determine the annual growth rate needed to calculate the required rollback and additional percentage reduction. The chair of the governing body and property appraiser must certify the accuracy or inaccuracy of the information to DOR by July 2, 2007. The Governor may consider the failure to report as sufficient grounds to constitute malfeasance or neglect of duty by the person required to report to DOR. DOR is required by July 13, 2007 to publish on its website the annual growth rates in property taxes for the FY 2002-2007 period.
- The bill's provisions take effect upon becoming law, except sections 13-32 of the bill which are contingent upon the passage of the proposed constitutional amendment. House Bill 1B passed in the Senate by a 37-0 vote and in the House by a 117-1 vote.

Chapter Reference: 2007-321. Effective Date: June 21, 2007.

Senate Joint Resolution 4B – Constitutional Amendment

- Voters will approve or reject a constitutional amendment which replaces the current \$25,000 homestead exemption and the Save-Our-Homes 3% assessment cap with a "super" homestead exemption of a minimum \$50,000 and maximum \$195,000 for homes valued up to \$500,000. The minimum homestead exemption for low income seniors is increased to \$100,000. The proposed amendment authorizes the Legislature to increase the maximum home value (\$500,000) subject to the 15% tier by a vote of the Legislature during any legislative session.
- The proposed amendment allows property owners to keep their Save-Our-Homes protection on their present homestead property until the homestead is sold or until they make an irrevocable election to change their Save-Our-Homes benefit to the new "super" homestead exemption benefit. While this is a one-time "election", House Bill 1B requires the property appraiser to annually notify each Save Our Homes' taxpayer of their right to exercise the option to switch. However, once a property owner elects the new super homestead exemption, the property can no longer be assessed under the Save-Our-Homes 3% assessment cap. If the amendment is approved by voters, the super homestead exemption will apply to new homesteads established on or after January 1, 2008.
- The proposed constitutional amendment also provides a \$25,000 exemption for tangible personal property; however, the Legislature, through general law, may provide an exemption in an amount larger than \$25,000 by majority vote. Under the proposal, the Legislature also through general law may provide for property utilized for affordable housing that is subject to governmental restrictions on rent, and property used exclusively for commercial fishing purposes, water-dependent activities and to provide public access to water to be assessed at less than just value.
- If the amendment is approved, the Legislature will have the express power to limit, by general law, the ability of counties, cities, and special districts to increase ad valorem taxes, as in the action taken in HB 1B.

Senate Joint Resolution 4B passed in the Senate by a 25-12 vote and a 74-43 vote in the House, cast primarily along party lines. The proposed amendment is retroactive to January 1, 2008.

House Bill 5B – Special Election Date

- House Bill 5B calls for a special election to be held for voters to approve or reject the proposed constitutional amendment passed as SJR 4B. The special election will be held concurrently with the Presidential Preference Primary that is scheduled for January 29, 2008. The bill passed the House by a vote of 117-0 and a vote of 36-0 in the Senate.

Chapter Reference: 2007-322. Effective Date: June 21, 2007.

Other Tax Issues

There were additional issues relating to property tax reform that were considered during the Regular Session however, were not covered in the legislation passed during Special Session B. These issues are as follows:

- Value Adjustment Boards: composition of membership, uniformity of rules regarding evidence and time periods, appeals processes;
- Valuation Methods: deed restrictions, differing interpretations of highest and best use, consideration of obsolescence of property;
- Property tax relief, exemption or cap, for non-homesteaded residential property;
- Property tax relief, exemption or cap, for commercial property; and
- Property tax relief, exemption or cap, for renters not in government subsidized housing.

It is anticipated that these issues may be revisited in the 2008 Session.

Public Records Review - Personal Identifying Information

HB 7197 by the Government Efficiency and Accountability Council and Representative Attkisson continues the general public records exemption contained in §119.071, Florida Statutes, for social security numbers (SSN) held by an agency.

Each governmental entity must review whether its collection of social security numbers complies with the exemption's requirements and must by January 28, 2008, submit a report to the President of the Senate and the Speaker of the House of Representatives. Likewise, every entity is required to file a report with the Executive Office of the Governor and the presiding officer of the Legislature relating the disclosed SSNs to commercial entities engaged in commercial activities. The report is required even if the entity received no SSN disclosure requests from commercial entities.

The bill also continues the general public records exemption for bank account numbers and debit, charge and credit card numbers held by an agency. A public records exemption for credit card numbers found elsewhere instate law is repealed as duplicative of the above-mentioned general exemption.

The bill creates §119.0714, Florida Statutes, and relocates to this new section the provisions related to court files, court records, and official records. The bill extends to January 1, 2011, the date by which the county recorder must protect from release SSNs and financial account numbers contained in official records, in an electronic format, without any person having to request redaction. A person must continue to request redaction of such numbers contained in official records in any other format.

Chapter Reference: 2007-251. Effective Date: October 1, 2007.

Red Light Safety

CS/HB 1247 by Representative Reagan and SB 2558 by Senator Bennett (Mark Wandall Traffic Safety Act) authorized counties and municipalities to enact ordinances permitting the use of red light cameras at intersections. The bill included a \$125 fine and corresponding distribution formula to state and local governments. Red light camera guidelines would be included in the Uniform Traffic Code. The bill passed the Economic Expansion and Infrastructure Council unanimously, however the bill was not heard in Policy and Budget Council and died.

South Florida Regional Transportation Authority

SB 606 by Senator Geller contains clean-up language from the transition to SFRTA from Tri-Rail. The provisions include deleting references to “commuter” rail to reflect the authority’s broader transit mission; changing the date of annual county funding transfer to October 31 to reflect the county fiscal year; and deleting authorization of the three counties to collect a fee on vehicle registrations for dedicated funding. The bill maintains each county’s annual operating contribution at \$1.565 million. The bill also includes at least \$45 million of state-authorized local-option recurring funding for capital, operating and maintenance expenses, which shall be dedicated only if Broward, Miami-Dade and Palm Beach counties impose the local-option funding source. The deadline for local capital funding requirements if no federal matching funds have been received by the SFRTA was extended from 2009 to 2015. **Chapter Reference: 2007-255. Effective Date: July 1, 2007.**

Stem Cell Research

Four stem cell research bills were introduced this session: CS/HB 1065 by Representative Flores, HB 555 by Representative Sands, CS/CS/SB 2496 by Senator Haridopolos, and SB 750 by Senator Geller. CS/HB 1065 and CS/CS/SB 2496 allowed for adult stem cell research and prohibited embryonic stem cell research. HB 555 and SB 750 allowed for both adult and embryonic stem cell research. While the bills were heavily debated in both chambers, none were successful in passing.

Suicide Prevention

A Statewide Office for Suicide Prevention in the Office of Drug Control within the Executive Office of the Governor is established in CS/HB 139 by Representative Gibson. The bill requires the Director of the Office of Drug Control to employ a coordinator for the Office and requires the drafting and implementation of a statewide plan for suicide prevention. The bill also creates a 28-member Suicide Prevention Coordinating Council consisting of representatives from the private sector, state agency secretaries and executive directors, and appointees by the Governor. **Chapter Reference: 2007-46. Effective Date: July 1, 2007.**

Taxicab and Limousine Permits

During the last days of the 2007 Regular Session amendments were filed to preempt county ordinances that placed restrictions upon the transfer of taxicab certificates. One such amendment was included by Senator Baker as part of the Senate’s transportation rewrite. However, Broward County’s Senators filed an amendment, at the County’s request, resulting in the removal of this preemptive language from the transportation package. Similar amendments were also filed in the House. However, these amendments were not brought to a floor vote due, in part, to the efforts of Broward County’s House leadership members.

Tire Removal Project

Over the past year, an intergovernmental partnership has developed, and a plan created to remove and dispose of approximately two million waste tires that were placed offshore in the early 1970’s for the creation of an artificial reef. Over time the tires migrated onto the reef, causing corals and other reef organisms to be impacted. The Florida Department of Environmental Protection agreed to provide funding and contract for the transplant and the beneficial use of the tires, once they are received at the dock. Broward County, the U.S. Military and other agencies also play a role in the partnership.

The Legislature dedicated \$2 million for the local-state-federal partnership to remove and dispose of waste tires from the Osborne Reef off the coast of Broward County. The program will remove and properly dispose of hundreds of thousands of tires covering 36 acres. Additional funding will be sought next year to continue the project. **Chapter Reference: 2007-72 (FY 2008 Appropriations Act). Effective Date: May 24, 2007.**

Transportation

CS/CS/HB 985 by Representative Glorioso became the “transportation train” in the final days of session. Some of the provisions that are of importance to Broward include:

- Clarifies that Metropolitan Planning Organizations (MPO)s are separate legal entities independent from the local governing board and requires that each MPO have an executive director or staff director, who reports directly to the MPO governing board;
- Creates the Enhanced Bridge Program within the Florida Department of Transportation (FDOT) to provide a funding mechanism to improve local bridges not on the State Highway System (SHS) and highly congested roads on the SHS or local corridors on which high cost bridges are located to improve a corridor or provide an alternative corridor;
- Removes prohibitions on local governments from issuing bonds more than once a year when those bonds are based on local government infrastructure tax or local option fuel tax revenues;
- Extends to 2017 the provision allowing 90% of the turnpike tolls collected in Miami-Dade, Broward and Palm Beach counties to be used for transportation projects in those counties; and
- Allows the Turnpike Enterprise to increase bonding capacity from \$4.5 billion to \$10 billion.
- Addresses the state’s growing need for aggregate for roads (See Mining Regulation)

Chapter Reference: 2007-196. Effective Date: July 1, 2007.

Unattended Child in Motor Vehicle

SB 2 by Senator Dawson increases penalties for leaving children unattended or unsupervised in a vehicle by increasing the violation from a traffic infraction to a second degree misdemeanor and if the infraction results in great bodily harm, the violation is increased to a third degree felony. The second degree misdemeanor is punishable by possible imprisonment up to 60 days and/or a fine up to \$500. A third degree felony is punishable by potential imprisonment up to 5 years and/or a fine up to \$5,000. **Chapter Reference: 2007-205. Effective Date: July 1, 2007.**

Use of Local Vessel Registration Fees

During the 2006 Regular Session, the Florida Legislature enacted Chapter 2006-309, Laws of Florida, which amended Florida Statute §328.72(15) relating to the distribution of local vessel registration fees. The act deleted language that authorized local governments to use such fees for specified boating projects and “other boating related activity.” The elimination of this authorization caused some confusion with respect to the County’s ability to award grants to cities under the Broward Boating Improvement Program for projects to construct boat docks, marinas, and restrooms related to a primary boating facility. While no legislation was filed to clarify the uncertainties raised by last year’s legislation, OPRG staff worked with the Florida Fish and Wildlife Conservation Commission’s (FFWCC) legislative staff to obtain the Commission’s interpretation of the types of projects for which local vessel registration fees could be utilized. Based upon the FFWCC’s letter of April 3, 2007, additional legislative clarification is not needed at this time, and the Marine Advisory Committee may continue to recommend projects to the Board of County Commissioners for funding of city projects for the construction, renovation or improvement of docks and other public launching facilities.

Veterans Preference Points

HB 699 by Representative Sachs modifies Florida’s veterans’ employment preference. Florida law presently requires that government employers provide employment preferences to veterans who have served at least one day during specified wartime periods, veterans with certain service-connected disabilities and certain spouses of veterans with service-connected disabilities who are Florida residents. The employment preference is available for positions which have not been exempted by statute. Pursuant to §295.101, Florida Statutes, an eligible veteran’s employment preference expires once he/she becomes employed with a government employer. HB 699 repeals this statute so that eligible veterans may claim an employment preference when applying for non-exempt government positions in the future. **Chapter Reference: 2007-51. Effective Date: July 1, 2007.**

Wetlands Protection

In its early form, CS/CS/HB 197 by Representative Machek was amended to include a preemption of local government's ability to regulate wetlands protection and implement the Environmental Resource Permit (ERP). However, after the Governor announced his intention to veto the bill, the preemption language was amended out of the bill and it passed on the final day of Session. As approved, the bill makes changes to address certain discrepancies between the Environmental Resource Permitting Programs of the Northwest Florida Water Management District and the rest of the state. The bill includes provisions related to the South Florida Water Management District (SFWMD) including ensuring that the SFWMD and Department of Environmental Protection are not affected when adopting basin-specific criteria to prevent harm to the waters of the SFWMD. Additionally, CS/CS/HB 197 will allow SFWMD to seek greater phosphorus load reductions not authorized under current law. **Chapter Reference: 2007-192. Effective Date: July 1, 2007.**

Worker's Compensation – First Responders

CS/SB 746 by the Committee on General Government Appropriations and Senator Alexander provides standards for determining benefits for employment-related accidents and injuries of "first responders," which generally increase the amount and likelihood of eligibility for workers' compensation benefits. The bill defines "first responder" to include a law enforcement officer, a firefighter, an emergency medical technician or paramedic, and a volunteer firefighter. The bill makes the following changes in workers' compensation for first responders:

- Lowers the standard of proof and other requirements for compensability for toxic substance exposure, occupational disease, repetitive exposure, and mental or nervous injury.
- Authorizes payment for medical benefits in cases involving a mental or nervous injury without an accompanying physical injury requiring medical treatment.
- Eliminates the six-month limitation on temporary total disability benefits for compensable mental or nervous injuries after a first responder reaches maximum medical improvement and the one percent limitation for permanent impairment benefits for psychiatric impairment.
- Allows increased attorney fee awards for cases involving a first responder with alleged exposure to toxic substances or occupational diseases, by allowing the judges of compensation claims to award hourly fees as an alternative to the contingency fee schedule based on certain factors.
- Provides that any adverse result or complication caused by a smallpox vaccination is deemed to be an injury arising out of work performed in the course and scope of employment.
- Extends the payment of permanent total disability (PT) supplemental benefits beyond age 62 for first responders that were employed by a public employer that did not participate in the social security program whether or not the employer provided an alternative retirement program. Currently, PT benefits and PT supplemental benefits generally end at age 75 and 62, respectively.

Chapter Reference: 2007-87. Effective Date: June 8, 2007.

SECTION TWO: LOCAL BILLS

Annexation

Lauderdale By-the-Sea/Sea Ranch Lakes Annexation

HB 785 provides for a boundary adjustment between the Town of Lauderdale By-the-Sea and the Village of Sea Ranch Lakes along State Road A1A. The corporate limits of Lauderdale By-The-Sea will be reduced and the corporate limits of Sea Ranch Lakes will be extended. **Effective Date: June 12, 2007.**

Lauderhill Annexation

HB 953 provides for the deannexation of the Renaissance Evangelical Baptist Tabernacle parking lot. HB 953 went to the Urban & Local Affairs Committee and died awaiting a hearing.

Tamarac Annexation

CS/HB 1163 provides for the annexation of Boniello Gardens, Prospect Bend and two commercial properties into the City of Tamarac. The annexation is contingent upon a March 11, 2008 election. Only residents residing in Boniello Gardens and Prospect Bend may vote in the election and voters may choose whether to be annexed into the City of Tamarac effective September 15, 2008. The two commercial properties will be deemed a part of the City of Tamarac on September 15, 2008 if the bill is passed by the Legislature. An interlocal agreement is required between the City of Tamarac and Broward County prior to September 15, 2008. **Effective Date: June 19, 2007.**

Non Annexation

Coral Springs Improvement District

The Coral Springs Improvement District is an independent special district created in 1966 and codified in 2004 in Broward County. CS/HB 1395 provides for the conversion from a board of supervisors elected on a one-acre-one-vote basis to board members elected by qualified electors of the district. During the next general election two supervisors will be elected to four year terms and one supervisor would be elected to a two year term. Subsequently elections will be held bi-annually for expiring terms. The following criteria were established for the board:

- Seat 1: Resident of the City of Parkland and an elector
- Seat 2: Resident of the City of Coral Springs and an elector
- Seat 3: Resident of the district and an elector

The bill also makes the following changes:

- Increases the compensation of board members from \$200 to \$400 per month;
- Expands allowable travel expenses to those incurred in connection with district business;
- Increases the competitive procurement threshold from \$4,000 to \$150,000;
- Requires the board to comply with the Consultant Competitive Negotiation Act and general law governing the bidding of public construction projects; and
- Allows the district to apply to the Department of Management Services to purchase commodities and services from state term contracts.

CS/HB 1395 was vetoed by the Governor on June 28, 2007.

Hillsboro Inlet District

HB 1137 reduces the membership of the Hillsboro Inlet District's governing board from nine to eight members. The Board of County Commissioners' appointments to the District's governing board are also reduced from two to one. No later than October 1, 2007, the County Commission must determine which of its current appointees will continue to serve as the county's representative. The appointee must be a resident of Broward County and must have resided within the District's boundaries for more than six months at the time of appointment. However, an appointee who was serving on the District's governing board as of October 1, 2006, is exempt from the six month residency requirement. **Effective Date: June 15, 2007.**

Lauderdale Lakes Charter

HB 1609 amends the City of Lauderdale Lakes Charter to permit persons who are not city residents or employees to serve on city boards, authorities and commissions created by the city commission. The city is in the process of enhancing its various boards and advocates including not only city residents, but also non-resident business owners and other individuals who have a vested interest in the community. Currently, the city charter requires that persons serving on its boards, authorities and commissions be residents or employees of the city. **Effective Date: June 12, 2007.**

North Broward Hospital District

The North Broward Hospital District is an independent special tax district with the public purpose of providing for the health care needs of the people of the the District. CS/HB 1391 creates the position of President/Chief Executive Officer (formerly the position title was Superintendent) and clarifies the role of the board of commissioners in relation to the President/CEO. Commissioners are prohibited from operating in a management role and maintain an oversight authority. The bill also requires that a code of conduct and ethics be adopted. **Effective Date: June 19, 2007.**

North Springs Improvement District

The North Springs Improvement District is an independent special district created in 1971 and codified in 2005 in Broward County. HB 1029 provides for the conversion from a board of supervisors elected on a one-acre-one vote basis to board members elected by qualified electors of the district. During the next general election two supervisors will be elected to four year terms and one supervisor would be elected to a two year term. Subsequently elections will be held bi-annually for expiring terms. The bill also makes the following changes:

- Increases the compensation of board members from \$200 to \$400 per month;
- Expands allowable travel expenses to those incurred in connection with district business;
- Increases the competitive procurement threshold from \$4,000 to \$150,000;
- Requires the board to comply with the Consultant Competitive Negotiation Act and general law governing the bidding of public construction projects; and
- Allows the district to apply to the Department of Management Services to purchase commodities and services from state term contracts.

Effective Date: June 12, 2007.

Public Safety Coordinating Council

HB 783 adds the Broward County Clerk of Courts to the membership of the Broward County Public Safety Coordinating Council and requires the Board of County Commissioners to make the appointment. **Effective Date: May 24, 2007.**

South Broward Drainage District

The South Broward Drainage District is an independent special district created in 1967 in Broward County. HB 1533 makes the following changes:

- Changes the designation of "supervisors" to "commissioners" and removes the requirement for meeting of landowners within the district;
- Revises board officers to chairperson, vice chairperson, secretary and treasurer;
- Staggers the term of the commissioners;
- Increases the competitive procurement threshold from \$4,000 to \$150,000; and
- Requires the District to review and revise its boundaries when any property is added or deleted from the district's geographical area and when the population of any zone increases/decreases by more than ten percent

Effective Date: June 15, 2007.

SECTION THREE: APPROPRIATIONS

Broward County Board of County Commissioners

State Appropriation Report Fiscal Year 2007-2008

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SECTION I • General Government

1. Department of Agriculture

A. Mosquito Control Grants to Local Governments
FY 2007-2008 Appropriation \$2,166,168 – Statewide
FY 2006-2007 Appropriation \$2,710,000 – Statewide
Item #1514

B. Support for Food Banks
FY 2007-2008 Appropriation \$400,000 – Statewide
FY 2006-2007 Appropriation \$1,050,000 – Statewide
Item #1550A

2. Department of Community Affairs

A. SW Ranches Emergency Vehicle \$210,000 – Vetoed
Pembroke Park EOC Equipment \$150,000 – Vetoed
Item #1621W

B. Land Acquisition – Environmentally Endangered, Unique/Irreplaceable Lands
FY 2007-2008 Appropriation \$66,000,000 – Statewide
FY 2006-2007 Appropriation \$66,000,000 – Statewide
Item #1693

* The 2007 - 2008 funding cycle begins September 2007.

C. State Hurricane Preparedness and Planning
Item #1621T

Hurricane Intensity Forecast and Improvements Project (HiFi)
Nova Southeastern University – Oceanographic Center \$199,360 – Vetoed

D. State Housing Initiative
FY 2007-2008 Appropriation \$167,183,500 – Statewide
FY 2006-2007 Appropriation \$166,400,000 – Statewide
Item #1695

* \$1M will be used for the Teachers Down Payment Assistance Pilot Program - **Vetoed**

Broward County – Total Allocation	\$15,761,159
Broward	\$3,861,483
Coral Springs	\$1,164,750
Davie	\$754,960
Deerfield Beach	\$679,306
Fort Lauderdale	\$1,580,844
Hollywood	\$1,287,687
Lauderhill	\$567,402
Margate	\$498,053
Miramar	\$991,377
Pembroke Pines	\$1,364,916
Plantation	\$762,840
Pompano Beach	\$909,419
Sunrise	\$805,395
Tamarac	\$532,727

3. Department of Environmental Protection

A. Florida Recreation & Development Assistance Grants (FRDAP)	
FY 2007-2008 Appropriation	\$33,165,471 - Statewide
FY 2006-2007 Appropriation	\$30,281,567 - Statewide
Item # 1928	
City of Hollywood – Rotary Park	\$200,000
City of Pembroke Pines – Academic Village Rec. Complex	\$200,000
City of Coconut Creek- Sabal Pines Park Amenities	\$200,000
City of Coconut Creek- Sabal Pines Park Enhancements	\$200,000
City of Lauderdale Lakes – Northgate Park	\$200,000
City of Plantation – Kennedy Community Center	\$200,000
City of Lauderdale Lakes – West Wind Park	\$200,000
City of Oakland Park – Carter Woodson Park Phase II	\$200,000
City of Margate – Serino Park	\$200,000
City of Dania – CW Thomas Park Phase II	\$107,950
Community Center Tot Lot	\$50,000
Hagen Park	\$112,500
Osswald Park	\$200,000
Wimberly Field/Dillon Tennis Center	\$200,000
B. Local Governments – FCO – Local Parks	
FY 2007-2008 Appropriation	\$10,000,000 – Statewide
FY 2006-2007 Appropriation	\$13,588,380 - Statewide
Item # 1928A	
Fort Lauderdale – Greater Hollywood Pre-school Special Needs Playground	\$100,000
Lauderdale Lakes – Northgate Park Project	\$100,000 - Vetoed
Coral Springs – Fire Tower Park	\$100,000
C. Beach Projects	
FY 2007-2008 Appropriation	\$30,566,188 – Statewide
FY 2006-2007 Appropriation	\$50M – Statewide
Item # 1834	
Broward County Beach Nourishment	\$1,198,980
Port Everglades Inlet Sand Bypassing Project	\$425,000
Broward County Beach Nourishment	\$171,283
D. Water Projects – Restoration Projects	
FY 2007-2008 Appropriation	\$153,350,000 – Statewide
FY 2006-2007 Appropriation	\$215,733,274 - Statewide
Item # 1859	
Broward County Initiative	\$800,000 - Vetoed
Davie Wastewater Improvements	\$450,000 - Vetoed
Lauderdale Lakes Stormwater Improvement Project Phase III	\$500,000 - Vetoed
South Broward Drainage District Hurricane Wilma Erosion Project	\$300,000
Tamarac Stormwater Improvements	\$500,000- Vetoed
Edgewater/River Oaks Drainage Project	\$500,000- Vetoed
Lauderdale-By-the-Sea Bel Air Sewer Improvement	\$600,000 - Vetoed
Lauderhill Holiday Village Water Main Replacement	\$300,000 - Vetoed
Lighthouse Point Stormwater System	\$250,000 - Vetoed
Pompano Beach Chlorine System Conversion	\$250,000 - Vetoed
Wilton Manors Sanitary Sewer Rehabilitation	\$300,000
Rock Island Sanitary Sewers	\$100,000

4. Department of State

A. State Aid to Libraries
FY 2007-2008 Appropriation \$35,640,870 – Statewide
FY 2006-2007 Appropriation \$35,640,870 – Statewide
Item #3283

Broward County FY 2006 allocation was \$2,591,495. *Final appropriations will be determined in December 2007

B. Library Cooperative Grant Program
FY 2007-2008 Appropriation \$2,400,000 – Statewide
FY 2006-2007 Appropriation \$2,400,000 – Statewide
Item #3282

Southeast Florida Library Network (SEFLIN) \$400,000

C. Library Construction Grants
FY 2007-2008 Appropriation \$5,000,000 – Statewide
FY 2006-2007 Appropriation \$7,153,000 – Statewide
Item #3290A

D. Cultural and Historic Projects (FCO)
FY 2007-2008 Appropriation \$1,990,000 – Statewide
FY 2005-2006 Appropriation \$872,000 – Statewide
Item # 3290S

Gospel Complex for Education \$900,000 - Vetoed

E. **Holocaust Documentation & Education Center Rail Car Site Renovation Project \$350,000**
Item #3290T

5. Department of Transportation

A. Transportation Disadvantaged Grants
FY 2007-2008 Appropriation \$40,395,709-Statewide
FY 2006-2007 Appropriation \$39,534,276-Statewide
Item #2180

B. Transportation Disadvantaged Medicaid Services
FY 2007-2008 Appropriation \$72,939,505-Statewide
FY 2006-2007 Appropriation \$72,939,505-Statewide
Item #2181

C. Aviation Development Grants
FY 2007-2008 Appropriation \$170,867,892 – Statewide
FY 2006-2007 Appropriation \$172,131,823 - Statewide
Item #2183

Fort Lauderdale Hollywood International Airport \$5,428,000
Fort Lauderdale Airport D Deck Terminal Roadway \$2,709,000

D. Public Transit Development Grants
FY 2007-2008 Appropriation \$387,510,448-Statewide
FY 2006-2007 Appropriation \$309,975,751-Statewide
Item #2184

Broward County Block Grant Operating Assistance \$8,760,813
Broward BCT Buses Purchase 12 Buses Route 18 & 11 \$1,500,000

E. Seaport – Economic Development FY 2007-2008 Appropriation FY 2006-2007 Appropriation Item #2186	\$15M – Statewide \$15M – Statewide
F. Seaport – Access Program FY 2007-2008 Appropriation FY 2006-2007 Appropriation Item #2187	\$10M-Statewide \$10M-Statewide
G. Seaport Grants FY 2007-2008 Appropriation FY 2006-2007 Appropriation Item #2188	\$152,804,345-Statewide \$30,815,000-Statewide
Port Everglades High Wind Bollards	\$2,300,000
H. Rail Development Grants FY 2007-2008 Appropriation FY 2006-2007 Appropriation Item #2189	\$491,690,448-Statewide \$181,402,176-Statewide
SFRC/New River BR New River Bridge Maintenance & Dispatching	\$1,300,000
I. Intermodal Development Grants FY2007-2008 Appropriation FY 2006-2007 Appropriation Item #2190	\$62,271,886-Statewide \$237,294,586-Statewide
Broward County Cruise Passenger, Baggage Sorting Facility	\$1,050,000
J. DOT Work plan – major projects within Broward County funded for FY 2007-2008	
Paint Bridge Interchange at Heft (SR821) & TPK (SR291)	\$1,636,458
SR-5/US-1 from Fort Lauderdale Airport to SE 18th Street	\$2,190,870
SR-5/US-1 from NE 3rd Street to Ft. Lauderdale Airport	\$2,495,717
SR-5/US-1 from S. of Sheridan Street to NE 3rd St Dania	\$3,679,911
SR-5/US-1/Fed, Hwy. from SE 30th St. to SR 84	\$4,299,627
SR-7/US-441@ Johnson Street	\$1,311,761
SR-7/US-441@ Sheridan Street	\$1,390,695
SR-7/US-441 from .6 MI S of Griffin to .3 MI of S of Griffin Rd.	\$1,129,160
SR-7/US-441 from N of Hallandale Bch to N of Fillmore Street	\$26,496,704
SR-816/Oakland Pk Blvd from SR9/I-95 to E. of Bayview	\$5,544,885
SR-816/Oakland Pk Blvd from SR-7/US-441 to E. of NW 31st Ave	\$2,836,786
SR-817/University Drive from S. Pines Blvd to S. of Griffin Rd	\$10,111,101
SR-817/University Drive from C-14 Canal to Sample Road	\$9,505,738
SR-818/Griffin Road from E. of SR-7 to W. of SR-5/US-1	\$6,082,134
SR-823/Flamingo Rd from SR-923/823 Int. to NW 4th Street	\$3,070,115
SR-823/Red Rd from Dade Co line to Flamingo Road	\$4,892,955
SR 945/Powerline Rd from NW 58th Court to Atlantic Blvd	\$7,374,867
SR 858/Hallandale BL from W of Lakeshore Dr to E of Dixie Hwy	\$3,763,004
Widen NB of TPK from SR818 (Griffin Rd) to SR838 (Sunrise Blvd)	\$19,507,491
Widen Tpk Mainline (NB) from Sunrise Blvd to Atlantic Blvd	\$43,260,159
Davie Steel Bridge Painting	\$1,317,523
Canal Protection on Sawgrass Expressway (SR869) MP 0-8	\$1,325,949
Central City Linear Park Trail – Phase II Plantation	\$1,574,799
Modification of Cypress Creek Toll Plaza for ORT Lanes MP63	\$3,834,325

6. Administered Funds

A. Strengthening Domestic Security	
FY 2007-2008 Appropriation	\$182,024,496 – Statewide
FY 2006-2007 Appropriation	\$230,061,772 - Statewide
Item #2288A	
Urban Security Initiative – Fort Lauderdale	\$19,960,000

7. Office of Tourism Trade and Economic Development

A. Transportation Projects	
FY 2007-2008 Appropriation	\$31,421,030 - Statewide
FY2006-2007 Appropriation	\$15,250,000 - Statewide
Item #2774	
Las Olas Streetscape	\$1,300,000 - Vetoed

SECTION II • CRIMINAL JUSTICE

1. State Attorney/Public Defender and State Court System

A. State Attorney's Office – 17 th Judicial Circuit	
Salary and Benefits	
FY2007-2008 Appropriation	\$34,509,413
Total Positions	522.25
FY 2006-2007 Appropriation	\$31,938,997
Total New Positions	9.25
Item #1024-128A	

B. Public Defender – 17 th Judicial Circuit	
Salary and Benefits	
FY2007-2008 Appropriation	\$17,217,365
Total Positions	238.5
FY 2006-2007 Appropriation	\$15,363,653
Total New Positions	18.5
Item #1119-1122	

C. Guardian Ad Litem	
FY2007-2008 Appropriation	\$35,756,045 – Statewide
FY 2006-2007 Appropriation	\$33,978,176 – Statewide
Item #922-928	

*Funding for new staff positions has not been established at this writing.

D. New Judge Positions	
FY 2007-2008	No New Positions Funded
FY 2006-2007	55 - Statewide

2. Florida Department of Law Enforcement

A. Special Projects	\$2,600,000-Statewide
Item #1297	
City of West Park Law Enforcement and Fire Rescue Assistance	\$100,000 - Vetoed
A Child is Missing	\$400,000

3. Department of Juvenile Justice

A. Sheriffs' Training and Respect (STAR)	
FY2007-2008 Appropriation	\$4,318,242 - Statewide
FY2006-2007 Appropriation	\$11,057,625 - Statewide
Item #1217	
B. Legislative Initiatives to Reduce and Prevent Juvenile Crime	
FY 2007-2008 Appropriation	\$9,362,481 - Statewide
FY 2006-2007 Appropriation	\$11,272,579 - Statewide
Item # 1239	
Tamarac Youth/Recreation Center Project	\$250,000 - Vetoed
Safe Shelter for Homeless Youth	\$100,000 - Vetoed
Education/Employment Assistance for Homeless Youth	\$100,000
C. PACE Centers for Girls	
FY 2007-2008 Appropriation	\$11,578,997 – Statewide
FY 2006-2007 Appropriation	\$11,272,579 - Statewide
Item #1238	

4. Department of Corrections

A. Fixed Capital Outlay/Prison Beds	
FY 2007-2008 Appropriation	\$164,400,000 – Statewide
FY 2006-2007 Appropriation	\$73,500,000 – Statewide
(Funded approximately 8,019 new prison beds statewide)	
Item #821	

B. Anti-Murder Act – SB146
Item # Section 21

The bill appropriates \$86,236 in recurring funds and \$221,526 in non-recurring funds from the General Revenue funds and authorizes one full-time equivalent position and associated rate of \$53,093 to the Office of the State Courts Administrator.

The bill appropriates \$474,236 in recurring funds from the General Revenue Fund to the Department of Corrections for operational costs associated with inmate population increases.

** From the Analysis of SB146: The impact on local government is indeterminate but could be significant. The bill requires a violent felony offender of special concern and other designated offenders to be detained without bail pending the final hearing on the violation charge, except where the alleged violation is only for a failure to pay costs, fines, or restitution. As such the violator will be held in a county jail at county expense. One factor that makes it difficult to estimate the financial impact upon government is the lack of data concerning how many affected offenders are jailed pending a violation hearing under current practice.*

SECTION III • EDUCATION

1. Public Schools/ Operations

A. Broward County Public Schools/Total Potential Funding	
FY 2007-2008 Appropriation	\$1,877,211,769
FY 2006-2007 Appropriation	\$1,802,544,363
	Approximate 4.14 % Increase
B. Broward County Public Schools/ Total Funds per Unweighted FTE	
FY 2007-2008 Appropriation	\$7,361.85
FY 2006-2007 Appropriation	\$6,904.57
	Approximate 6.82 % Increase
C. State Categorical Programs/Broward County Schools	
1. Instructional Material	\$26,646,011
2. Student Transportation	\$35,825,430
3. Teacher Lead Program	\$4,648,872
4. Class Size Reduction	\$271,003,306
D. Pre-kindergarten Education Voluntary Pre-K Item #85	
Broward County	\$37,423,735
E. Aid to Local Governments – District Cost Differential	
Broward County	\$4,477,252
FAU Lab School	\$1,452
FSU Lab School (Broward)	\$12,820
Item #91A	
F. Special Categories – Autism Program U of M Item #105	
Includes \$297,250 for activities in Broward County through Nova Southeastern University	\$1,429,170
G. Special Categories – School & Instructional Enhancements Item #108	
Holocaust Memorial Committee	\$100,000
Holocaust Reference/Research Library	\$250,000
ArtReach After School Program for the Homeless	\$50,000 - Vetoed
Pembroke Pines After School Tutorial Program	\$50,000 - Vetoed
Hallandale Beach After School Tutorial Program	\$100,000 - Vetoed
Lauderdale Lakes Educational & Cultural Resource Center	\$50,000 - Vetoed
H. Special Categories – Instructional Technology Item #117	
WPPB-TV BECON Educational Programming	\$300,000

2. Community Colleges

A. <i>Broward Community College Lottery Funds</i> Item #12	<i>\$8,395,767</i>
B. Aid to Local Governments – Challenge Grants Item #12A <i>Broward Community College</i>	<i>\$1,695,303</i>
C. Community College Fixed Capital Outlay Item #26 <i>Broward Community College</i>	
<i>Gen ren/rem, HVAC, fires alarm sys, ADA, roofs Bldgs (8, 60, 62)</i>	<i>\$6,785,705</i>
<i>Rem/ren Library Bldg 72 to Clsrms/Labs – South</i>	<i>\$5,072,359</i>
<i>Rem/ren Public Safety Bldg 22 & Bldg 6 w/addition – Cent part</i>	<i>\$8,407,242</i>
<i>Nursing Simulation Lab Facility – Central Part (spc)</i>	<i>\$5,960,550</i>
D. Community College – Facilities Matching Program Item #30A <i>Broward Community College</i>	
<i>Automotive/Marine Technology Facility – Miramar</i>	<i>\$400,000</i>

SECTION IV • HEALTH & HUMAN SERVICES

1. Agency for Health Care Administration (AHCA)

A. Florida KidCare

1) Program/Operating Budget
FY 2007 – 2008 Appropriation
FY 2006 - 2007 Appropriation
Item # 181-186

\$418,847,259 - Statewide*
\$363,224,576 - Statewide

2) KidCare Enrollment

Monthly case load ceiling level = 259,000
Statewide

*The appropriation provides sufficient funds to finance an increase of 31,000 additional new slots above the FY 2006-2007 level.

Despite vows to revamp the KidCare program the Florida Legislature did not pass legislation this year to streamline the process, increase enrollment, or expand coverage; and now advocates and legislators are asking that the issue be contained in the special session "call" on property taxes.

B. Medicaid Program - Statewide

1) Total Funding
FY 2007-2008 Appropriation
FY 2006-2007 Appropriation

\$16 B - Statewide
\$15.9B - Statewide
Virtually NO increase

The federal share of the above cost will be approximately 57% with state and local government tax revenues financing the rest. The Medicaid estimated caseload dropped by 241,697 or 10.5% from the appropriated level in FY 2006-2007. The overall caseload level is estimated to be approximately 2.3 million recipients.

2. Agency for Persons with Disabilities

A. ***Applied Behavioral Analysis – Broward, Miami, Palm Beach***
Item #269

\$400,000

B. ***Developmentally Disabled Safety and Security Project ARC Broward***
Item #274A

\$500,000

3. Department of Children and Families (DCF)

A. Grants to Sheriffs for Protective Investigations
FY 2007-2008 Appropriation
FY 2006-2007 Appropriation
Item #

\$50,471,143 – Statewide
\$51,333,923 – Statewide

356

Broward County Sheriff

\$13,337,160

B. Special Categories – Children’s Mental Health
Item #395

Kids in Distress Therapeutic Preschool – Broward

\$100,000

C. Special Categories – Contracted Services
Item #446

Goulds Family Resource Center – Broward, Miami, Monroe

\$20,000 - Vetoed

4. Elder Affairs

A. Community Care for the Elderly
FY 2007–2008 Appropriation \$54,636,284 – Statewide
FY 2006-2007 Appropriation \$56,636,284 - Statewide
Item #489

B. Grants and Aids to Local Governments – FCO
Senior Citizen Centers \$10,000,000 – Statewide
Item # 501

Funds in specific appropriation 501 are provided for grants to construct, repair and maintain Florida’s Senior Centers. The Department of Elder Affairs shall establish criteria for grant awards that shall include a minimum 25 percent local match requirement.

C. Special Categories – Local Service Programs
Item #498

South Florida Holocaust Survivors Assistance Program –
Broward, Miami, Palm Beach \$300,000
Senior Advocate Program – Broward \$25,000
Renacer Seniors Program – Broward \$50,000

D. **Intergenerational Day Care Center – Broward \$50,000 - Vetoed**
Item #501A

5. Department of Health

A. County Health Departments

1) Total Funding to County Health Units Funding includes state, federal and local sources
FY 2007-2008 Estimated Appropriation \$1,142,959,504 – Statewide
FY 2006-2007 Estimated Appropriation \$1,030,037,835 - Statewide
Family Health Services \$545,795,729
Infection Disease Control \$130,074,362
Environmental Health Services \$27,287,293

B. **Pediatric Mobile Clinic for Indigent Care – Broward, Miami \$100,000**
Item #635

C. Special Categories – Contracted Services
Item # 551

Haitian Americans Association Against Cancer –
Broward, Miami, Palm Beach, Hillsborough, Orange \$25,000

S.H.I.N.E – Broward \$25,000 - Vetoed

Islet Cell Transplantation to Cure Diabetes \$75,000

Comprehensive Parkinson’s Community-Based Clinic Broward, Miami \$50,000

Pediatric Dental Residency – Broward \$280,000 - Vetoed

D. Minority Health Initiatives
Item #593

Jessie Trice Center – Broward, Charlotte, Gadsden, Hendry,
Hillsborough, Lee, Leon, Miami, Orange, Pasco, Pinellas, Volusia \$75,000

E. **FCO – Construction, Renovation and Equipment – \$4M**
County Health Departments Broward County Health Department

Item #603

F. **Joe DiMaggio Children’s Hospital Craniofacial Program Broward \$100,000**

Item #629

SECTION V • JUDICIAL BRANCH

1. State Court System

A. *Broward County Drug Court*
Item #3361A

\$200,000 - Vetoed



**Board of County Commissioners
Office of Public & Governmental Relations
115 S. Andrews Ave., Room 406
Fort Lauderdale, FL 33301
954.357.7575**

www.broward.org/publicandgovernmental

This public document was promulgated at a cost of \$350.00 or \$3.500 per copy, to inform the public about the 2007 State Legislative Final Report.