



Volume X, Issue 7 • March 14, 2008

**Week Two**

**Medicaid Suspension Instead of Termination for Incarcerated Individuals**

HB 525 by Rep. Roberson was heard on Tuesday morning in Health Innovation. The bill is a legislative priority of the County Commissioners and until recently had been saddled with a large fiscal impact to the State of nearly \$1.5 million. The Florida Association of Counties (FAC) in concert with Broward staff worked with the committee and bill's sponsor to rebut the initial fiscal impact, reducing it in the final analysis to less than \$400,000. Staff also visited with a majority of the Health Innovation's membership to ensure questions were clarified prior to the bill's hearing. The bill passed out of committee unanimously. SB 1456 by Sen. Wilson has not yet been heard.

**Juvenile Justice**

As discussed in last week's update, HB 273 by Rep. Adams is an attempt to create a juvenile system with more consequences and additional judicial discretion relating to sentencing, while extending predisposition secure detention periods from 21-30 days for youth charged with committing the most serious offenses. The bill was temporarily postponed in Policy and Budget Council this week after a lengthy debate. While all agreed that the sponsor's intent had merit, the unintended consequences of the legislation remain grave, including the additional costs of secure detention being borne by counties. The sponsor agreed to work with opponents and members of the committee who expressed concerns to revise the bill.

**Sand Management**

This week, bills to encourage more efficient inlet sand management passed their first committees of reference favorably in both the House and Senate. HB 1427 by Rep. Mayfield and SB 1672 by Sen. Jones, would address a long-standing problem with the implementation of a 1986 Ch.

161 provision requiring sand bypassing at most inlets with deep water ports, and encourage those ports to implement Inlet Management Plans. Because navigation channels interrupt the flow of sand and create accretion in the channel and not on the beaches to the south of the channel, management of the sand which accretes in the channel is necessary. It is estimated that 85% of the erosion of Florida's beaches is caused by lack of inlet sand management. Broward County created an Inlet Management Plan for bypassing in the mid-1990s, which was subsequently approved by the state. We are currently entering into engineering/design and permitting for constructing a sand bypassing system at Port Everglades, and the project is currently authorized for a 50% cost share. With the passage of HB1427/SB1672, the project would be eligible for 75% state cost-sharing. The Senate bill is now available for the floor, while the House bill's next stop is the Council.

**Senate Community Affairs Committee**

The Committee heard the Transportation Disadvantaged bill, SB 788 sponsored by Sen. Fasano, which will increase the tracking and accountability of dollars spent on transportation at the local level. If the bill passes, MPOs will be required to submit actual (not estimated) expenditures on services from each local government in its jurisdiction. MPO's or official planning agency's consolidated reports will then be submitted to the commission on September 15<sup>th</sup> of each year, rather than at the beginning of the fiscal year. The bill received widespread support and passed favorably from committee.

The committee also workshopped the Affordable Housing bill, a proposed committee substitute for SB 482. Affordable Housing programs such as State Apartment Incentive Loan (SAIL) and State Housing Initiatives Partnership (SHIP) would be

amended under the proposed committee bill. Significant changes to current would law include:

Allowing the Florida Housing Finance Corporation to withhold \$5 million to provide funding for counties and cities to purchase properties subject to a State Housing Initiatives Partnership (SHIP) lien on which foreclosure proceedings have begun, to purchase these homes and return them as affordable housing.

Permitting SHIP funds (up to 3%) to be used for preconstruction due diligence, to determine whether a property can successfully be rehabilitated or preserved, rather than maintaining the prohibition against such activities. Currently, a local program can be punished by losing the funds from their operating budgets if they offer an incorrect assessment about the feasibility of preserving a property through rehabilitation.

Offering residents of high-cost counties and cities receiving SHIP dollars an increase in eligible individual and/or family median income from 120% to 140%.

The existing policy prohibiting use of SHIP dollars to purchase or rehabilitate mobile or manufactured homes remained a contentious issue and one that was debated during the workshopping process. The committee requested additional changes to the proposal based on testimony and expects to have the legislation ready for a vote next week.

#### **Budget Update**

Even after the \$500 million cuts last week to the 2007-2008 budget, the most recent revenue estimating conference reported an expected \$3 billion loss in recurring revenue in the 2008-2009 fiscal year; equal to 12% negative growth. The occurrence of negative growth in Florida's economy and budget is unprecedented. The reductions in spending between Special Session C and the past week totaled \$1.5 billion. Unfortunately, these cutbacks did not address the \$1 billion in mandatory growth items for next year, leaving the state with \$2.5 billion in shortfall for the 2008-2009 fiscal year.

Since the vast majority (between 88-94% depending on the year) of Florida's general revenue (GR) spending is comprised of three

major components—education, health and human services, and criminal justice—the only way to balance the budget is in these areas. Reductions in the K-12 arena of education are limited by the constitutionally-mandated class-size and the justice system is similarly protected in many areas by constitutionally-required services. As a result, many fear that health and human services will bear the brunt of 2008-2009 cuts, eliminating non-mandated programs, such as Medically-Needy. Advocates are quick to point out that cuts to federally matched programs may offer short-term GR relief while robbing the state of \$1.27 in federal money for every state dollar spent.

Continued use of trust funds to balance the budget is similarly problematic, since many were nearly depleted during last week's reduction exercises. Additionally, the Working Capital Fund is now at \$300 million, down from its 2007 level of \$1.2 billion. And while the Budget Stabilization Fund has not been touched and contains over \$1 billion, the state's bond rating would be negatively impacted if monies were to be utilized to balance the budget. Revenue generating proposals continue to be rejected by leadership. A \$1-a-pack cigarette tax increase is under consideration, and although generally not well-received, would generate over \$1 billion in recurring revenue with another \$400-\$600 million in federal matching dollars for the state.

#### **Return for Transfer of Interest in Real Property Form (DR-219)**

HB 7019 seeks to repeal Section 201.022, F.S., which requires the filing of Return for Transfers of Interest in Real Property Form (DR-219) when submitting a deed to county clerks to transfer interest in real property. To carry out the law, the Department of Revenue (DOR) developed the form to include the sale price of the property, the date of the sale, an attestation of truthfulness, and doc stamps paid. In 1992, the Legislature amended the law to allow the agency processing the form (in Broward, it is County Records) to retain 1% of the documentary stamp tax collections pertaining to the deed proportion on each property to cover the cost of processing the forms, and performing accuracy checks on the doc stamp calculation.

DOR states that information on the DR-219 is frequently incomplete, inaccurate, or illegible,

making the information unreliable and that other, more reliable resources are available. The state seems to be asserting that since the doc stamp amount is always submitted, it will be a simple enough task to work backwards to extrapolate the actual price. Recorders assert that if recorders are left with no choice but to accept the information submitted for the doc stamps as accurate, which it frequently is not, the state creates the potential for increased fraud and loss of revenue. The County is actively opposing HB 7019.

### **Autism Spectrum Disorders Bills**

HB1291/SB2654 by Rep. Porth and Sen. Geller, address many issues surrounding youth diagnosed and living with autism. The bill requires that health insurance cover treatments and medications. The bill also requires educators to receive training in autism spectrum disorders prior to certification and mandates Department of Health to actively disseminate information to the public. SB 2654 will be heard in Banking and Insurance on March 18<sup>th</sup>.

### **Red Light Camera Legislation**

The Senate Transportation Committee this week passed SB 816 by Sen. Bennett which authorizes the use of traffic infraction camera technology to reduce red-light signal violations. The Committee adopted a strike-all amendment that makes the following changes:

Preempts to the state the regulation and use of cameras for enforcing red-light signal traffic violations.

Authorizes the Department of Transportation (DOT), counties and municipalities to use traffic infraction detectors (i.e. cameras) to enforce red-light signal traffic violations. The detector must provide two or more sequenced photographic or electronic images or a streaming video showing the rear of the vehicle and how it failed to properly stop at the traffic signal.

DOT, counties and municipalities may authorize by rule or ordinance, enforcement officers to issue citations for red-light traffic signal violations.

Requires that citations be issued to the vehicle owner within seven days after the violation occurred and gives the owner 14

days to respond to the citation. Points are not imposed on camera-enforced traffic violations.

Violations determined through the use of a traffic infraction detector are subject to a \$60 fine for the first three violations and \$125 for each violation thereafter.

DOT may, after a hearing pursuant to 14 days' notice, direct the removal of any detection device which fails to meet the minimum specifications. The public agency who installed the failing device may not install a replacement detector for five years unless prior written approval is received from DOT. Any additional violations by a public agency may be cause for withholding state funds for traffic control purposes.

The bill passed by a 7-1 vote, but several members expressed concern over the fines and the provisions that maintain higher fines when the violation is directly witnessed by a law enforcement officer as opposed through a camera by a traffic infraction enforcement officer. The bill next moves to the Senate Criminal Justice Committee for consideration.

### **2008 Gun Rights Legislation**

HB 503 by Rep. Evers creates "The Preservation and Protection Right to Keep and Bear Arms in Motor Vehicles Act of 2008." The bill severely restricts public and private entities from prohibiting the carrying and possessing of concealed weapons in a locked vehicle while parked on the property of the public or private entity, and provides legislative intent regarding the rights of individual in Florida to keep and bear arms. The bill restricts a public or private entity from:

Prohibiting a customer, employee, or invitee from possessing any legally owned and lawfully possessed firearm that is locked inside a motor vehicle in a parking lot while the person is lawfully on the property.

Violating the privacy rights of a customer, employee, or invitee by inquiring verbally or in writing about the presence of a firearm in side the parked vehicle.

Taking any action against a customer, employee or invitee based on verbal or

written statements concerning a firearm in a parked motor vehicle.

Conducting a search of a customer, employee, or invitee's parked motor vehicle for a firearm except by an on-duty law enforcement officer and subject to all due process and constitutional protections.

Conditioning employment on an employee's holding or not holding a concealed weapons license, or an agreement that prohibits an employee from keeping a lawful firearm locked inside a parked motor vehicle.

Prohibiting a customer, employee, or invitee from entering the public or private entity's parking facility because the person has a lawful firearm in the vehicle out of sight.

Terminating the employment, or otherwise discriminating against an employee, because the employee has exercised his or her constitutional rights to keep and bear arms or for self-defense, so long as the firearm is not exhibited on company property except for self-defense purposes.

The Attorney General must commence a civil action for damages, injunctive relief, and civil penalties if there is reasonable cause to believe that a person's rights under the bill have been violated. An aggrieved person may also file a civil action and, if successful, will be entitled to an award of "all court costs, attorney's fees, and reasonable personal costs and losses suffered by the aggrieved person as a result of the violation of rights under this act." The bill passed the House Environmental and Natural Resource Council largely along a party line vote. With no further council stops, the bill next moves to the House Floor for consideration.