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Week Four

Property Valuation and TRIM Notice Legislation

Bills related to membership of value adjustment boards (VABs), property appraiser presumption-of-correctness, burden of proof and the payment of attorneys fees were all scheduled for consideration this week.

HJR 7005, calling for a constitutional amendment, allows for the award of attorneys' fees for the prevailing party, only if that party is the challenging citizen and where the property's value is found to be more than 10% less than the assessment. HJR 7005 also eliminates the presumption of correctness and shifts the burden of proof to the property appraiser.

HB/SB 1283, which does not provide for attorneys' fees nor remove the presumption of correctness, but does shift the burden to the appraiser to show that appropriate valuation methods were utilized, was also scheduled for a hearing this week. Both HB 1283 and HJR 7005 were removed from the agenda of the Policy and Budget council.

SB 2080, which had been a shell bill until the Committee meeting, was heard and passed favorably on March 26th. It allows for two citizen members to be added to VABs, without wholly eliminating elected officials, as is proposed in HB 129. It also requires the department to create, maintain and upload to its website, a standardized VAB manual to be used statewide. The bill does not contain language shifting the burden of proof, eliminating the presumption of correctness, or awarding attorneys' fees. HB 177, dealing with the appearance and substance of TRIM notices, is in the process of being amended by county staff. The amendment, as drafted, will allow the Broward County Commission to include the amounts paid in property taxes, by citizens, to various constitutional offices.

Mortgage Fraud and Quit Claim Deed Usage Restrictions

On March 26th, SB 1116 by Sen. Margolis, passed out of the Criminal Justice Committee without the language requiring additional protective measures for quit claim deed usage. Staff met with the architect of the legislation from Miami-Dade who indicated that the fraud associated with the usage of quit claim deeds would be addressed in the efforts of a statewide mortgage fraud task force.

Firearms in Motor Vehicles

SB 1130, mandating that individuals have the right to carry registered weapons onto public or private property while locked in their cars, passed out of the Senate Judiciary committee this week. The bill allows for limited exemptions including school property, correctional institutions, and locations where combustible materials are housed. Senator Deutch offered several amendments seeking to expand these exemptions to include pre-schools, day-camps, courts, religious institutions, mental health entities, and hospitals. Those amendments failed in the Senate as they had in the House. In addition, Senator Deutch sought to amend the types of "lawfully possessed firearms" that could be carried in cars, to exclude assault weapons, semi-automatic or military-style guns. Those amendments also failed. HB 503, the companion bill, passed as a committee substitute in Environment and Natural Resources Council, went to the floor where it passed by a 72-42 vote.

Medicaid Health Benefit Suspension vs. Termination for Incarcerated Persons

SB 1456 was heard in its first committee of reference on Wednesday. After diligent work by many interested stakeholders, the inaccurate negative fiscal impact hindering passage was completely removed. Commissioner Lieberman testified in support of the legislation, which passed unanimously in Senate Health Policy. Its next stop is the Criminal Justice Committee, where

discharge planning coordination will be clarified. The House Healthcare Council has yet to take up the companion HB 525, which passed unanimously from its first committee of reference two weeks ago. This is, in part, because the staff analysis attached to the House version continues to have a fiscal impact. Staff is working to encourage the adoption of the Senate's fiscal assessment.

Health & Human Services Budgetary Proposals

This week, both the Senate and the House received budget allocations. In HHS, the allocations were vastly different, both in their total reductions, as well as the structure of the cuts. In order to balance the budget in the Senate, many programs historically funded using recurring dollars are being shifted to non-recurring sources, so that if the economic decline continues into the FY 2009-10 cycle, these programs will no longer appear in the base budget and could be eliminated. The Senate is cutting \$19M from general revenue to be replaced with non-recurring trust funds (TF) in Special Projects and the child welfare information technology system. In the House, few fund-shifts occur, but the overall proposed budget reductions are greater. The Senate proposes \$803M in net reductions, while the House proposes \$1.14B in total cuts.

House and Senate proposals have similar levels of cuts to certain programs and services, to include:

- \$35,277,508 reduction to Medicaid Services
- \$152,135 loss to pharmaceutical assistance
- \$625,000 to eliminate teaching nursing homes
- \$9,540,035 reduction to contract rates for prepaid mental health plan services
- 10% cuts to DCF Departmental Administration, mental health contract administration, and outsourced child welfare legal services
- 10% cut to sheriff's protective investigations contract administration

An additional 5% cut, or \$1.95M, from community-based care administration
\$18.9M in community-based care services will be eliminated

205 positions charged with identifying eligibility for federal programs will be cut from the Access to Economic Self-Sufficiency program—a savings of \$10.7M. This reduction of staff may

place the state in jeopardy with the federal government, which identifies the optimal and necessary staffing for Welfare Eligibility programs at the state levels

The House and Senate proposals have significant differences in the following areas:

TANF Adult Substance Abuse Services—reduced by \$9,750,000 in the House and \$3,988,668 in the Senate

Home Care for the Elderly – reduced by \$952,946 in the House and \$476,473 in the Senate

Community Care for the Elderly – cut by \$3,065,350 in the House and \$1,634,910 in the Senate

Medically Needy inpatient hospitalization is eliminated for all but pregnant women and children in both proposals; however, the estimated savings to the state varies – with the Senate estimating \$349,537,140 vs. the House at \$169,623,147.

On a positive note, the Low Income Pool (LIP) is expanded in both budgets. KidCare is fully-funded in the House, and Medicaid reimbursement rates for specialists like pediatric dentists are increased.

Alternative Water Supply

HB 199 by Rep. Kelly and SB 708 by Sen. Saunders seeks to conduct a study through the DEP and the five Water Management Districts on current and available desalination technology. The study would analyze current projects and make recommendations for implementing additional desalination projects that are environmentally and fiscally sound. The purpose of the legislation is to look at the financial feasibility of utilizing desalination on a large scale in Florida as well as any potential impacts to the various environments in the state. HB 199 passed favorably in Policy and Budget on March 26th, and is now on the House Calendar. SB 708 is identical and goes next to General Government Appropriations.

Beach Nourishment

The dedicated trust fund for beach nourishment funding was strongly impacted by the reduction in

documentary stamp revenues over the past year. Through a variety of sources, although without using new money, Senate staff is attempting to provide non-recurring funding for the high priority beach projects. Broward's projects are among them. The House side may provide new dollars for funding. The inlet management bill, which would dedicate funding to inlet management HB 1472 by Rep. Mayfield, is available for the House calendar. Its identical companion, SB 1672 by Sen. Jones, is expected to be heard in its last committee of reference next week.

Senate Growth Management Legislation Unveiled

The Senate Community Affairs Committee unveiled growth management legislation this week in the form of a 108-page proposed committee substitute (PCS – Amendment 884758) to Senate Bill 474 by Sen. Garcia, the Committee's Chairman. The bill addresses several policy issues including transportation concurrency, public participation in comprehensive planning changes, and requiring certain local governments to plan consistently with the Everglades Forever Act and the Comprehensive Everglades Restoration Plan. The PCS also addresses planning issues in coastal high-hazard areas, reduces the adoption of most plan amendments from twice per year to once per year, and requires a super-majority vote to approve future land use map amendments for which a local planning agency has recommended denial and for text amendments with certain exceptions. The PCS also requires that local governments establish a unified and expedited review process for residential or mixed-use developments in which at least 15% of the units will be long-term affordable housing. Staff is reviewing the PCS for impacts to the County. The Committee temporarily postponed taking action on the PCS but is expected to do so at next week's meeting. However, DCA Secretary, Thomas Pelham, acknowledged before the Committee that there was not broad consensus amongst interested stakeholders with many of the concepts in the bill. The House has yet to unveil any similar ranging growth management legislation.

Construction Aggregate Mining

The Senate Transportation Committee considered and passed by a vote of 5-3, SB 774 by Senator Baker, concerning construction aggregate materials. The bill was substantially amended to include legislative findings regarding the importance of aggregate mining to the state and providing standards for local government decision making in "aggregate resource counties." The 2008 Final Report of the Strategic Aggregates Review Task Force identifies Broward County as an "aggregate resource county" because limestone deposits exist within the county. However, a study commissioned by the Department of Transportation last year acknowledged that limestone deposits exists in the western part of the county by the Everglades and in densely developed areas of central Broward County. Consequently, the Everglades ecosystem and extensive development of central Broward preclude aggregate mining within the county's boundaries. As passed, the bill requires a super-majority vote of the entire local government governing body to deny a zoning change, comprehensive plan amendment, or mining permit application, but only a majority vote for approval. If the local government fails to act upon an application after two regularly scheduled meetings or 3 months after the initial consideration of the application, whichever occurs first, an applicant may seek relief from the Governor and Cabinet sitting as the Administration Commission and the bill sets forth the review process to be conducted. The bill next goes to the Senate Community Affairs Committee.