The sixth week of Session was curtailed after only two days of work to accommodate the Passover and Easter holidays. The Legislature reconvenes Monday, April 13th.

**Expedited Permitting Legislation**

SB 852 by Sen. Fasano this week passed the Senate Community Affairs Committee unanimously. The bill requires the Department of Environmental Protection (DEP) and water management districts to adopt programs that expedite the permitting of environmental resource and wetland resource permits for projects that have been identified as a target industry business by a municipality or county. In addition, the bill mandates a pre-application review process and creates a 45-day time limit for approving or denying permit applications, with certain exceptions. The County is impacted by the bill's permitting requirements because of the County's delegation agreement with DEP and the South Florida Water Management District to process these types of permits. Before passing, however, the bill was amended to address the County's workload concern. As adopted, the amendment provides that, in charter counties with populations over 1.2 million, the determination of whether a project meets the definition of a "target industry business" as defined in §288.106, Florida Statutes, will be made by the County Commission. Prior to making this determination, the County Commission may have its economic development agency review the project, recommend whether it meets the target industry business definition and identify the tangible benefits and impacts of the project. The decision must be made without consideration of the geographical location of the project; and if the project is designated by the Commission as a target industry business, the project's permit application must be approved or denied within the 45-day period provided in the bill. SB 852 is scheduled to be heard before the Senate Commerce Committee on Tuesday, April 14th. Rep. Scheck is expected to file the amendment to HB 73, the measure's House companion, when it is scheduled for Floor consideration in the near future.

**Budget Conforming Bills**

On Tuesday, 18 budget conforming bills were heard and debated during the course of six hours in the House Full Appropriations Council on General Government and Health Care. Conforming bills consist of budget narrative and include policy changes that affect the overall appropriations process. Included in the House conforming bills were several items of interest or concern to Broward:

- **HB 510 — County Health Departments**

  The business model of the County Health Department (CHD) system has come under fire in this budgetary process, and HB 5107 includes language which would create a significant policy shift from a relatively autonomous and locally responsive CHD to a strict state oversight system. Currently, CHDs report to the State, but are responsible for working collaboratively with county governments to provide appropriate public health outreach, education, prevention, and intervention, based on local needs. CHDs currently have latitude to access federal, local, and private funds to implement community-specific public health initiatives and hire staff. Employees that are hired by CHDs using grant dollars offer the State significant general revenue relief while addressing community needs without multiple layers of bureaucracy. Several Representatives argued that the existing model works, and allows for flexibility in an area that requires responsiveness.
Proponents of greater state oversight argue that CHDs should not be autonomous, and should not be permitted to apply for grants and hire staff without State approval. In HB 5107, the Department of Health’s budget will now identify the number of FTEs in County Health Departments, something that has not been done in the past. Previously, just the CHDs' total budget was listed.

The Florida Association of Counties (FAC) is opposed to the legislation and is working to amend the bill before it reaches the floor next week.

- **HB 173—Juvenile Justice Bill**
  Both the House and Senate conforming bills are being carefully monitored for problematic language relating to pre-dispositional detention originally included in HB 173. SB 654 by Sen. Dean (HB173’s companion) is expected to be heard next week.

- **HB 5121—Environmental Protection**
  Lengthy debate occurred on this bill which includes a solid waste disposal “tipping” fee based on tonnage, and would create yet another unfunded mandate for counties and municipalities. Opponents, including FAC, FLC, Waste Management, and Florida Crystals, spoke against the mandate. Many committee members seemed sympathetic to the arguments that (1) many Class 3 landfills do not even have equipment that will allow them to weigh debris; (2) when a hurricane or other natural disaster occurs, the amounts of garbage needing to be deposited will create an undue financial burden, and; (3) the House is proposing to tax a municipal service that is required by state law. Of additional concern is the lack of a “sunset” provision in the bill. Since the “trash tax” is not a component of the Senate budget conforming bill, this will be an issue dealt with in Conference, expected to occur in two weeks.

**Other Budget issues**

On Tuesday, in the House Full Appropriations Council on General Government and Health Care, the committee took up the budget and the implementing bill, PCB CGHC 09-01 and PCB CGHC 09-02, respectively. The Committee spent the entire morning debating the House proposal. While House cuts were less severe than expected, they still include state employee salary cuts, $70M cut to nursing home rates, substantial reductions to the Visit Florida budget, as well as elimination of state funding in environmental behavioral health categories. All of these items differ substantially from Senate proposals and will therefore be decided in Conference.

**Water Sustainability and Alternative Water Supply (AWS)**

Committee members, especially Rep. Boyd, articulated numerous concerns with the House proposal to eliminate state funding in the AWS line item, especially in light of environmental efforts already underway and the proposed federal stimulus projects. Chair Llorente argued that the line item and funding stream would still exist (using federal funds), but without any state general revenue attached.

**Beach Nourishment Funding**

The state portion of beach nourishment projects is funded through dedicated doc stamp funding. With doc stamp revenues dramatically down, the March Revenue Estimating Conference reported only $880,000 in the trust fund.

The Department of Environmental Protection’s Priority Projects request includes $25M in projects statewide, including $328,000 for Broward’s Segment II engineering and design.

Both the House and Senate budgets include $12.2M in funding for beach projects, monitoring and inlet management. That amount is comprised completely of reverted monies, and includes no new trust fund or general revenues. If no new dollars are identified, state funding for Segment II is uncertain. Efforts continue to identify new dollars for beach projects.

**Older Adult Funding Issues**

The 2.5% cut to the Nursing Home line item was also debated. Several Certified Nursing Assistants (CNAs) testified about the dramatic impact such a cut would mean. Chair Llorente
argued that the increase in funding for nursing home diversion should more than compensate for the cut, and that the 2.5% reduction was the method for funding the 1,000 additional diversion slots. The $16M allocated in both the House and Senate budgets for nursing home diversion slots is estimated to save the state nearly $100M in nursing home costs next year. However, Sen. Rich continues to advocate for full-funding of the Community Care for the Elderly (CCE) program, stating in the Senate HHS Appropriations Committee that CCE was extremely cost effective in comparison with both nursing home placement and nursing home diversion, and needed to be fully restored.

Mental Health/Substance Abuse Funding
In several budget items where behavioral health was funded with non-recurring revenue last session and again in the special session, the House has either continued using non-recurring funds or eliminated funding altogether. The Chair acknowledged the problems associated with several behavioral health-related funding recommendations and vowed to continue working in conference, since the House and Senate positions differ. The Senate Health and Human Services (HHS) Appropriations Committee reduced funding for community mental health and substance abuse services by more than $13M. Included in the proposed Senate cuts for the Department of Children & Families are:

- $8.7M in adult mental services
- $2.1M in adult substance abuse services
- $2M in child and adolescent substance abuse services
- $160,000 in children’s mental health services

The Senate committee also cut $2M of the $3M allocation for the Criminal Justice, Mental Health and Substance Abuse Reinvestment Grant Program.

Government Revenues/TABOR
SB 1906 by Senator Haridopolos, seeking to further limit local governments’ revenues, was temporarily postponed for the third time in the Senate Governmental Oversight and Accountability Committee this week.

SB 1796—Transparency Act
SB 1796 was heard in Senate Governmental Oversight and Accountability on Tuesday morning. Sen. Alexander has sponsored the Transparency Florida Act seeking to ensure that the public is given access to information about the use of taxpayer funds by “governmental entities”. The legislation requires government entities to post certain information on their websites. Broward County worked this week with FAC and other stakeholders in an attempt to modify one section of the bill to allow for county participation in recommendations that relate to our responsibilities, and will continue to do so. Further, the Office of Management and Budget (OMB) is reviewing fiscal impacts of the bill as currently drafted.

Seminole Indian Compact Review
The Compact legislation continues to make its way through the process. The House Select Committee introduced and passed its proposed committee bill, SICR 1, to expand Seminole gaming. The bill continues to differ substantially from SB 788, which passed its last committee, Ways and Means, this week and should be available for the floor next week.

Security Standards/Devices Preemption
In response to local government efforts to require that retail establishments place security cameras at their parking facilities, the Florida Retail Federation is actively pursuing broad preemptive legislation to prohibit counties, cities and other local governments from enacting ordinances and rules that impose security standards or require the use of security devices absent specific general law authorization. To date, the Federation has managed to insert their preemptive language into the major growth management bills (HB 7049, HB 7127, CS/SB 362 and CS/SB 1306) under consideration in the House and Senate.

The preemption in the House bills specifically prohibit counties, cities, and other local governments from adopting or maintaining in
effect "an ordinance or rule that establishes standards for security that require a lawful business to expend funds to enhance the services or functions provided by local government unless specifically provided by general law." The preemption contained in the Senate bills is more narrowly drawn to address only "security devices". Nevertheless, the proposed preemptions present a grave incursion into local home rule authority. Moreover, the proposed legislation potentially impacts local government authority to impose security standards on, or require the use of security devices by, private business that are located on government property and operate their establishments subject to leases or other contractual arrangements. Indeed, if this preemption passes unchanged, it could expose local governments to increased liability and create financial loss from the inability to pass on security-related costs to businesses operating at public facilities.

The County lobbying team has met with the Senate and House bill sponsors to convey our concerns with the current preemptive language and explore possible amendments. In addition, team members have had meetings with the Federation's representatives to discuss possible modifications that will minimize the effect of any preemption passed by the Legislature on County operations. The Federation has agreed to work with the County to modify the provision, but has indicated it is not willing to retreat from seeking preemptive language this Session.