



BOARD OF COUNTY  
COMMISSIONERS

# ***2012 STATE LEGISLATIVE FINAL REPORT***

**BOARD OF COUNTY COMMISSIONERS**



Ilene Lieberman  
District 1  
954-357-7001



Vice Mayor  
Kristin Jacobs  
District 2  
954-357-7002



Stacy Ritter  
District 3  
954-357-7003



Chip LaMarca  
District 4  
954-357-7004



Lois Wexler  
District 5  
954-357-7005



Sue Gunzburger  
District 6  
954-357-7006



Mayor  
John E. Rodstrom, Jr.  
District 7  
954-357-7007



Barbara Sharief  
District 8  
954-357-7008



Dale V.C. Holness  
District 9  
954-357-7009

# 2012 STATE LEGISLATIVE FINAL REPORT

The Office of Intergovernmental Affairs and Professional Standards (OIAPS) is pleased to present the Broward County 2012 State Legislative Final Report. The report represents the advocacy results of our County Commissioners, County staff and the County's intergovernmental affairs team who spent many hours in Tallahassee lobbying critical priorities and other issues important to our county government.

**Section I** summarizes the Commission Priority and Appropriations Issues and their outcomes during the 2012 Session. Please note that an issue's designation as successful or unsuccessful is a reflection of its outcome with respect to the Broward County Board of County Commissioners' position, and not simply whether the issue passed or failed.

**Section II** provides an overview of major funding decisions as enacted in the General Appropriations Act for FY 2012-2013.

**Section III** summarizes the bills of interest that passed the Legislature during the 2012 Session.

**Section IV** summarizes the bills of interest that failed to pass the Legislature in 2012.

**Section V** summarizes local bills that passed and failed during the 2012 Session.

For the online version of this report, we have provided a link to each chapter law number designated by the Secretary of State. In addition, we have provided a link to access the Governor's veto messages associated with reported appropriations and bills.

Respectfully,

OIAPS Intergovernmental Affairs Team

Edward G. Labrador, Director  
Susan T. Harbin  
Nick G. Matthews  
Daphnee A. Sainvil

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# **SECTION I: Priorities**

## ***SUCCESSFUL PRIORITY ISSUES***

### **Aviation Grant Program**

The Aviation Grant Program was funded at \$176,928,833, an amount equivalent to that proposed by the Florida Department of Transportation in its FY 2012-13 Tentative Work Plan.

### **Beach Renourishment**

The final budget includes nearly \$22 million, in new funding and reverted project dollars, for statewide beach management. This amount specifically includes funding for the top seven local government projects on the Department of Environmental Protection's priority list and funding for post-construction monitoring and the inlet management activities. Due to project timing, Broward County did not receive an appropriation for its project this year, although the County will be actively seeking state funding during the next legislative session.

### **Behavioral Health Services and Jail Diversion**

Community Mental Health and Substance Abuse Services received, after earmarks, slight funding reductions of \$5 million and \$3 million, respectively. Specifically, Community Mental Health Services received a total of \$219,726,369; however, from that amount, approximately \$6 million was earmarked for special projects, leaving a sum of \$213,045,146. Community Substance Abuse Service received a total of \$123,132,564; however, from that amount, approximately \$2.5 million was earmarked for special projects, leaving a sum of \$120,572,564. Inmate Reentry programs received \$2.5 million.

### **Child Protection Teams**

The Broward County Sheriff's Office received level-funding of \$12,565,620 for Child Protective Investigations. Statewide, funding for grants to sheriffs for protective investigations increased by \$1 million, to a total of \$46,985,592; this additional amount was earmarked to the Pasco County Sheriff in proviso language. Additionally, the Florida Council Against Sexual Violence received \$266,663 from the Federal Grants Trust Funds, Violence Against Women Act STOP Formula Grant, for the provision of training and technical assistance to certified rape crisis programs and allied professions.

## **Community Care for the Elderly**

Community Care for the Elderly received for a total of \$60,044,996, which includes \$54,378,099 in general revenue and \$5,666,897 from trust funds. This represents an increase of \$7 million over last year's funding level.

## **Crime Lab Funding**

SB 1968, a conforming bill, includes language providing for a mandatory \$100 court assessment on any individual convicted of a criminal offense, where the services of a local crime laboratory are used in the investigation or successful prosecution of the criminal defendant.

[Approved by Governor; Chapter No. 2012-125. Effective Date: October 1, 2012.](#)

## **Homelessness**

Homeless Housing Assistance Grants (HHAG) received a total \$3 million, a decrease from the \$12 million that was originally included in last year's budget, but ultimately vetoed by the Governor. From the total \$3 million allocation, \$2 million is earmarked to the United Way of Brevard County, for distribution to homeless coalitions in the state; and \$1 million is earmarked to National Veterans Support Group. Challenge Grants received no state funding.

## **Inland Protection Trust Fund**

The Inland Protection Trust Fund (IPTF), funded by a per-barrel tax on petroleum products produced in or imported into the state, provides reimbursement to individuals or entities who have expended funds to remediate sites containing old petroleum storage tanks, with the ultimate goal of preventing groundwater contamination. The Storage Tank Compliance Verification Program, through which DEP contracts with local governments to perform inspections of regulated storage tank facilities, maintained level funding of \$7 million. Additionally, the Petroleum Cleanup Pre-approval Program, through which the DEP funds cleanup activities on contaminated sites, based on a hazard assessment ranking system, received \$125 million. While this represents a \$3 million reduction from last year's funding level, it is nevertheless an increase over cuts originally proposed by the House and Senate, which would have reduced funding to \$118 million.

## **Juvenile Justice**

**HB 5401**, a conforming bill, adds "respite beds for juveniles charged with a domestic violence crime" to the statutory definition of detention care. Originally, the bill further expanded the definition, potentially increasing the scope of cost share responsibility attributable to counties.

During the 2012 Session, in two criminal justice committees, Department of Juvenile Justice Secretary Walters presented an overview of her vision for the 2012-2013 Sessions and efforts to rewrite existing juvenile justice statutes, which have not been amended in over twenty years. The Department intends to establish a Workgroup, with three priorities: (1) assuring continuity of services; (2) protecting the future of youth (ensuring they have opportunities to be contributing members of society as adults, wherever feasible); and, (3) expanding detention alternatives. The Workgroup will make recommendations to the Legislature in 2013, based on input from subcommittees, which will review diversion, court system process, and reentry. Based on conversations with Sec. Walters, it is our understanding that the Florida Association of Counties will be named as a participant in both the larger Workgroup, as well as several of the subcommittees.

[Approved by Governor; Chapter No. 2012-137. Effective Date: July 1, 2012.](#)

### **Library Grants-In-Aid**

Library Grants received a total of \$23,700,600, including a maintained general revenue funding level of \$21.3 million.

### **Local Business Tax Receipts Repeal**

**SB 760** and **HB 4025**, which would have prohibited local governments from levying local business taxes, formerly known as occupational license fees, on companies doing business within their boundaries, died in both chambers early in Session. Broward Commissioners and staff worked hard throughout Session to protect this important revenue source, which funds economic development efforts in the County. A far more limited local business tax exemption, **HB 7125**, did pass. The bill exempts any individual who is licensed and operating as a real estate sales or broker associate from having to pay a local business tax. Qualifying individuals are not required to apply to receive the exemption. HB 7125 is not expected to have a significant fiscal impact on the County.

[HB 7125: Approved by Governor; Chapter No. 2012-102. Effective Date: October 1, 2012.](#)

### **Medicaid Reform Issues**

**CS/SB 730** modifies and clarifies issues related to the transition to statewide Medicaid managed care by: allowing AHCA to extend or modify current contracts with comprehensive behavioral health care providers to preserve continuity of care; providing that AHCA may, as a requirement of a federal waiver, calculate a medical loss ratio to be used on a statewide basis; modifying the preference given to managed

care plans with a substantial presence in Florida; and reducing the penalty on plans that reduce enrollment or leave a region before the end of a contract.

[Approved by Governor; Chapter No. 2012-44. Effective Date: July 1, 2012, except as otherwise expressly provided.](#)

### **Online Travel Companies**

**HB 1393** was temporarily postponed in its first committee of reference, House Finance and Tax, three times without ever receiving a vote. As drafted, the legislation would have permanently permitted online travel companies to remit taxes on the wholesale, rather than retail, price of a hotel room, a position Broward County has vehemently opposed for the last four years. State and local taxes would only apply to amounts received by owners or operators of “brick and mortar;” thus, intentionally exempting the retail mark-up of wholesale prices that online travel companies pay hotels for the right to facilitate the online sale of a room. Concerns existed over the potential for significant fiscal consequences, based on the bill’s language that would encourage bricks and mortar hotels/motels to change their current business model to something more akin with a merchant model to achieve maximum tax savings.

The fiscal impact of HB 1393 was estimated, by FY 2016, to produce an annual loss of \$119 million statewide for counties, as well as an estimated negative \$91 million impact annually in state general revenue. **SB 1888** was never heard in committee.

### **Port Issues**

**HB 1998**, a conforming bill, increases funding for the Florida Seaport Transportation and Economic Development (FSTED) program and establishes the Strategic Port Investment Initiative (SPII). Specifically, FSTED funding was increased from \$8 million to \$15 million, and the SPII was created with a \$35 million annual funding requirement. Effective July 1, 2013, the bill also establishes the Seaport Investment Program with a \$10 million bondable revenue stream for seaport projects in FDOT’s adopted Work Program.

A new Intermodal Logistics Center Infrastructure Support Program is also created with up to \$5 million annually allocated to the program. Moreover, the bill redirects \$200 million in motor vehicle licensing fees from the General Fund to the State Transportation Trust Fund which, in part, will be used for existing or planned strategic transportation projects connecting major markets within Florida or other states, or which increase the state’s viability in national or global markets. Lastly, the bill creates an expedited administrative hearing process for challenges to any consolidated environmental resource permit, variance, or sovereign submerged land

authorization issued by the Department of Environmental Protection in connection with the state's deepwater ports.

**CS/CS/CS/HB 599**, which in the last hours of the Legislative Session became the 2012 Transportation Package, includes several provisions affecting seaports. The bill creates a new section of law authorizing seaports to provide onsite and offsite stormwater treatment for water quality impacts from port activities requiring a permit and causing or contributing to pollution from stormwater runoff. Seaports are also authorized to use mitigation banks for certain port projects. The bill requires that FDOT, in coordination with seaports and other partners, develop a Statewide Seaport and Waterways Plan, and a Freight Mobility and Trade Plan. FDOT must deliver the Freight Mobility and Trade Plan to the Governor and Legislature by July 1, 2013. Finally, the bill requires that FDOT give emphasis in all appropriate transportation plans to freight issues and needs.

[HB 1988: Approved by Governor; Chapter No. 2012-128. Effective Date: July 1, 2012.](#)

[CS/CS/CS/SB 599: Approved by Governor; Chapter No. 2012-174. Effective Date: October 1, 2012.](#)

### **Red-Light Camera Citations For Deceased Persons**

**CS/CS/CS/HB 599** and **HB 1223** include language exempting motor vehicle owners from liability for red-light camera traffic citations, when it is established by affidavit that the owner was deceased at the time of citation issuance. The bills specify the information a deceased owner's representative or family member must include in the affidavit in order for the government entity to dismiss the red-light camera citation.

[CS/CS/CS/SB 599: Approved by Governor; Chapter No. 2012-174. Effective Date: October 1, 2012.](#)

[CS/CS/HB 1223: Approved by Governor; Chapter No. 2012-181. Effective Date: January 1, 2013.](#)

### **South Florida Regional Transportation Authority (SFRTA)**

**CS/CS/CS/HB 599** makes several changes affecting the SFRTA which were negotiated with the Florida Department of Transportation (FDOT). The bill allows expansion of Tri-Rail into Monroe County, but expansions into other counties must receive the prior written approval of FDOT. The bill increases the membership of the SFRTA governing board to 10 members, increases the Governor's appointments to

three and makes the appointed district secretary an ex-officio voting board member. The bill maintains Broward, Miami-Dade and Palm Beach Counties' appointments to the board, but equalizes the number of appointments between Governor and an expansion county in the future by eliminating the expansion county's power to appoint a citizen member to the board. The powers of the governing board are also modified to require a super-majority vote of the entire board to privatize the administrative functions of the SFRTA after July 1, 2012.

The bill includes language limiting bondholders' reliance on continued state funding of the SFRTA for repayment of any bonds that the authority may issue in the future. The SFRTA may not commit state funds without the consent of FDOT which may not be unreasonably withheld, and it must provide to FDOT its proposed budget and other documentation needed by the department to evaluate the SFRTA's expenditure of state funds. Moreover, before undertaking certain new capital projects or transit system improvements, the SFRTA must ensure it has sufficient funds to meet its federally funded obligations. Lastly, the bill includes language relating to the cessation of state funding for the SFRTA. Specifically, state funding will cease upon the commencement of an "alternate dedicated local funding source sufficient for the authority to meet its responsibilities for operating, maintaining, and dispatching the South Florida Rail Corridor [SFRC]." Once the dedicated local funding commences, FDOT must convey to the SFRTA a perpetual commuter rail easement in the SFRC, along the department's title, interests, and property used in the operation of the SFRC.

[CS/CS/CS/SB 599: Approved by Governor; Chapter No. 2012-174. Effective Date: October 1, 2012.](#)

## **UNSUCCESSFUL PRIORITY ISSUES**

### **Agency For Health Care Administration Medicaid Billing**

**HB 5301**, a budget conforming bill, will require counties to select one of two options with respect to the existing backlog of disputed Medicaid bills: 1) a county can elect to pay 85 percent of disputed bills, through withholding of county revenue sharing; or 2) a county can pay 100 percent of disputed bills, while retaining the ability to challenge the bills before the Division of Administrative Hearings.

Prospectively, the bill authorizes the Department of Revenue (DOR) to withhold county ½-cent sales tax distributions, based on the amount certified to be due by AHCA. More specifically, beginning with the October 2012 distribution, DOR will reduce each county's revenue distribution by 1/36 of the amount certified, not to exceed 50 percent of any monthly allocation, minus any amount of distributions pledged for bonds issued prior to the effective date of the bill. Beginning with the October 2013 distribution, DOR will reduce each county's distributions by 1/48 of 2/3 of the total amount certified (i.e., the expectation is that counties will pay a full 1/3 of the total amount certified to be owing within the first year and the remaining 2/3 over the following four years), also minus any amount pledged for previously issued bonds, assuring that the withheld amount not exceed 50 percent of the county's total distribution.

The bill further removes the requirement that the state work in consultation with counties in verifying addresses, stipulating that verification is determined solely by the addresses contained in the federally-approved Medicaid eligibility system maintained by the Department of Children and Families — an obvious problem considering the number of inaccurate billings presently generated by the system in question. Broward County requested that the Governor veto this bill; as the bill has been approved, the County is now actively engaging FAC and other stakeholders on various strategies.

[Approved by Governor; Chapter No. 2012-33. Effective Date: July 1, 2012.](#)

### **Destination Resort Gaming**

**SB 710** and **HB 487** failed, although the legislation will likely return next year. Broward County successfully secured language in SB 710 guaranteeing the licensure and placement of at least one destination resort facility in the County and will work to ensure the County's favorable position in the event that future destination gaming legislation passes.

### **Firearms Regulation**

Both **HB 1147** and **HB 1221**, which would have prohibited individuals from carrying weapons into certain

Broward County governmental buildings and facilities and during certain meetings, failed to move this Session.

### **Ocean Outfall**

**HB 989** passed unanimously in all committees of reference and in the full House. **SB 724** also passed its first three committees of reference unanimously, but ultimately stalled in Senate Budget. During the final week of Session, amendments containing the ocean outfall language were filed on **SB 1858** and **SB 716**; however, they were withdrawn on the Senate floor.

### **State Housing Initiative Partnership (SHIP) Program**

For the fourth consecutive year, the SHIP program remains unfunded, and the \$98 million in documentary stamp revenue collected in affordable housing trust funds was swept into general revenue. The Senate's efforts to bring the Florida Housing and Finance Corporation budget under legislative control failed.

### **Truth-In-Millage (TRIM) Notices**

Broward County's amendment authorizing the governing body of a county to include, in a property tax statement, a document informing the taxpayer of the amount of owed taxes attributable to each constitutional officer and the county commission, was amended onto **HB 7097**, a property tax administration bill. This language was stripped by the Senate in a strike-all amendment on the last day of Session.

# SECTION II: Budget Overview

## HEALTH & HUMAN SERVICES

### Agency for Health Care Administration (AHCA)

#### Medicaid Services to Individuals

##### Community Mental Health

FY 08-09 Appropriated	\$38,228,354	
FY 09-10 Appropriated	\$42,623,055	
FY 10-11 Appropriated	\$60,150,023	
FY 11-12 Appropriated	\$72,674,442	
<b>FY 12-13 Appropriated</b>	<b>\$68,971,259</b>	<b>(\$3,703,183)</b>

##### Home Health Services

FY 08-09 Appropriated	\$186,256,396	
FY 09-10 Appropriated	\$187,771,566	
FY 10-11 Appropriated	\$159,932,827	
FY 11-12 Appropriated	\$171,267,718	
<b>FY 12-13 Appropriated</b>	<b>\$187,246,155</b>	<b>\$15,978,437</b>

#### Medicaid Long Term Care

##### Home and Community Based Services

FY 08-09 Appropriated	\$916,955,588	
FY 09-10 Appropriated	\$1,007,403,452	
FY 10-11 Appropriated	\$1,000,476,643	
FY 11-12 Appropriated	\$1,024,717,619	
<b>FY 12-13 Appropriated</b>	<b>\$1,082,335,883</b>	<b>\$57,618,264</b>

### Department of Children and Families (DCF)

#### Grants to Sheriffs for Protective Investigations

FY 08-09 Appropriated	\$47,491,157	
FY 09-10 Appropriated	\$47,491,154	
FY 10-11 Appropriated	\$47,491,154	
FY 11-12 Appropriated	\$45,985,592	
<b>FY 12-13 Appropriated</b>	<b>\$46,985,592</b>	<b>\$1,000,000</b>

## **Mental Health Services**

### Mental Health and Substantive Abuse Local Match

FY 08-09 Appropriated	\$3,000,000	
FY 09-10 Appropriated	\$3,000,000	
FY 10-11 Appropriated	\$3,000,000	
FY 11-12 Appropriated	\$3,000,000	
<b>FY 12-13 Appropriated</b>	<b>\$3,250,000</b>	<b>\$250,000</b>

### Children's Mental Health Services

FY 08-09 Appropriated	\$43,485,013	
FY 09-10 Appropriated	\$44,698,361	
FY 10-11 Appropriated	\$47,315,346	
FY 11-12 Appropriated	\$47,011,346	
<b>FY 12-13 Appropriated</b>	<b>\$47,011,569</b>	<b>\$223</b>

### Adult Community Mental Health Services

FY 08-09 Appropriated	\$220,048,691	
FY 09-10 Appropriated	\$228,626,118	
FY 10-11 Appropriated	\$224,062,552	
FY 11-12 Appropriated	\$218,846,645	
<b>FY 12-13 Appropriated</b>	<b>\$219,726,369</b>	<b>\$879,724</b>

## **Substance Abuse Services**

### Grants and Aids - Community Substance Abuse Services

FY 08-09 Appropriated	\$125,045,955	
FY 09-10 Appropriated	\$127,438,989	
FY 10-11 Appropriated	\$129,488,989	
FY 11-12 Appropriated	\$123,518,882	
<b>FY 12-13 Appropriated</b>	<b>\$118,132,564</b>	<b>(\$5,386,318)</b>

## **Economic Self Sufficiency**

### Homeless Prevention Program Housing

FY 08-09 Appropriated	\$5,000,000	
FY 09-10 Appropriated	\$5,000,000	
FY 10-11 Appropriated	\$8,602,844	

vetoed	FY 11-12 Appropriated	\$12,000,000	
	<b>FY 12-13 Appropriated</b>	<b>\$3,000,000</b>	

### Elder Affairs

#### Community Care for the Elderly

FY 08-09 Appropriated	\$54,553,804	
FY 09-10 Appropriated	\$53,144,996	
FY 10-11 Appropriated	\$53,044,996	
FY 11-12 Appropriated	\$53,044,996	
<b>FY 12-13 Appropriated</b>	<b>\$60,044,996</b>	<b>\$7,000,000</b>

#### Community Based Service Waiver

FY 08-09 Appropriated	\$85,485,333	
FY 09-10 Appropriated	\$103,844,950	
FY 10-11 Appropriated	\$114,765,311	
FY 11-12 Appropriated	\$120,471,314	
<b>FY 12-13 Appropriated</b>	<b>\$115,392,617</b>	<b>(\$5,078,697)</b>

## GENERAL GOVERNMENT

### Housing and Community Development

#### Housing Finance Corporation - Affordable Housing Programs

FY 08-09 Appropriated	\$128,000,000	
FY 09-10 Appropriated	Not Funded	
FY 10-11 Appropriated	\$37,500,000	
FY 11-12 Appropriated	Not Funded	
<b>FY 12-13 Appropriated</b>	<b>\$10,000,000</b>	<b>\$10,000,000</b>

#### State Housing Initiative Partnership Program

FY 08-09 Appropriated	\$166,183,500	
FY 09-10 Appropriated	\$30,110,000	
FY 10-11 Appropriated	Not Funded	
FY 11-12 Appropriated	Not Funded	
<b>FY 12-13 Appropriated</b>	<b>Not Funded</b>	

## Community Planning

### Grants and Aids – Regional Planning Councils

	FY 08-09 Appropriated	\$2,420,000	
	FY 09-10 Appropriated	\$2,500,000	
	FY 10-11 Appropriated	\$2,500,000	
vetoed	FY 11-12 Appropriated	\$2,500,000	
vetoed	<del>FY 12-13 Appropriated</del>	<del>\$2,500,000</del>	

## Department of Environmental Protection

### Fixed Capital Outlay - Statewide Beach Projects

	FY 08-09 Appropriated	\$21,935,696	
	FY 09-10 Appropriated	\$15,000,000	
	FY 10-11 Appropriated	\$15,536,535	
	FY 11-12 Appropriated	\$7,799,701	
	<b>FY 12-13 Appropriated</b>	<b>\$10,000,000</b>	<b>\$2,200,299</b>

### Fixed Capital Outlay - Wastewater Treatment Construction

	FY 08-09 Appropriated	\$117,770,000	
	FY 09-10 Appropriated	\$163,386,374	
	FY 10-11 Appropriated	\$171,580,534	
	FY 11-12 Appropriated	\$164,346,724	
	<b>FY 12-13 Appropriated</b>	<b>\$131,820,672</b>	<b>(\$32,526,052)</b>

## Strategic Business Development

### Economic Development Tools

	FY 08-09 Appropriated	\$21,637,500	
	FY 09-10 Appropriated	\$21,637,500	
	FY 10-11 Appropriated	\$16,567,473	
	FY 11-12 Appropriated	\$21,750,000	
	<b>FY 12-13 Appropriated</b>	<b>\$71,226,719</b>	<b>\$49,476,719</b>

Economic Development Projects

FY 08-09 Appropriated	\$2,090,000	
FY 09-10 Appropriated	\$650,000	
FY 10-11 Appropriated	\$1,625,000	
FY 11-12 Appropriated	\$13,650,000	
<b>FY 12-13 Appropriated</b>	<b>\$13,250,000</b>	<b>(\$400,000)</b>

**Secretary of State**

**Historical Resources Preservation**

Grants and Aids - Historic Preservation Grants

FY 08-09 Appropriated	\$500,000	
FY 09-10 Appropriated	Not Funded	
FY 10-11 Appropriated	Not Funded	
FY 11-12 Appropriated	\$1,218,250	
<b>FY 12-13 Appropriated</b>	<b>\$4,261,850</b>	<b>\$3,043,600</b>

**Library, Archives and Information Services**

Grants In Aid - Library Grants

FY 08-09 Appropriated	\$29,473,839	
FY 09-10 Appropriated	\$24,396,017	
FY 10-11 Appropriated	\$24,046,017	
FY 11-12 Appropriated	\$24,092,039	
<b>FY 12-13 Appropriated</b>	<b>\$23,700,606</b>	<b>(\$391,433)</b>

Grants in Aids - Library Resources

FY 08-09 Appropriated	\$3,597,746	
FY 09-10 Appropriated	\$3,575,559	
FY 10-11 Appropriated	\$3,782,333	
FY 11-12 Appropriated	\$3,652,333	
<b>FY 12-13 Appropriated</b>	<b>\$3,652,333</b>	<b>Level</b>

**Cultural Support and Development Grants**

Aid to Local Government - Arts Grants

FY 08-09 Appropriated	\$435,931	
FY 09-10 Appropriated	Not Funded	

FY 10-11 Appropriated	\$297,200	
FY 11-12 Appropriated	\$297,200	
<b>FY 12-13 Appropriated</b>	<b>\$297,200</b>	<b>Level</b>

## TRANSPORTATION

### Department of Transportation

#### Aviation Development Grants

FY 08-09 Appropriated	\$216,016,689	
FY 09-10 Appropriated	\$40,732,567	
FY 10-11 Appropriated	\$129,921,080	
FY 11-12 Appropriated	\$187,442,157	
<b>FY 12-13 Appropriated</b>	<b>\$176,928,822</b>	<b>(\$10,513,335)</b>

#### Public Transit Development Grants

FY 08-09 Appropriated	\$296,668,405	
FY 09-10 Appropriated	\$432,462,409	
FY 10-11 Appropriated	\$200,923,034	
FY 11-12 Appropriated	\$343,572,957	
<b>FY 12-13 Appropriated</b>	<b>\$206,688,731</b>	<b>(\$136,884,226)</b>

#### Fixed Capital Outlay – Rail Development/Grants

FY 08-09 Appropriated	\$265,343,649	
FY 09-10 Appropriated	\$44,492,270	
FY 10-11 Appropriated	\$326,160,192	
FY 11-12 Appropriated	\$144,646,083	
<b>FY 12-13 Appropriated</b>	<b>\$31,376,561</b>	<b>(\$113,269,522)</b>

#### Seaport - Economic Development

FY 08-09 Appropriated	\$15,000,000	
FY 09-10 Appropriated	\$15,000,000	
FY 10-11 Appropriated	\$15,000,000	
FY 11-12 Appropriated	\$15,000,000	
<b>FY 12-13 Appropriated</b>	<b>\$15,000,000</b>	<b>Level</b>

Seaport - Access Program

FY 08-09 Appropriated	\$10,000,000	
FY 09-10 Appropriated	\$10,000,000	
FY 10-11 Appropriated	\$10,000,000	
FY 11-12 Appropriated	\$10,000,000	
<b>FY 12-13 Appropriated</b>	<b>\$10,000,000</b>	<b>Level</b>

Seaport - Grants

FY 08-09 Appropriated	\$31,877,045	
FY 09-10 Appropriated	\$21,916,910	
FY 10-11 Appropriated	\$25,640,022	
FY 11-12 Appropriated	\$117,751,305	
<b>FY 12-13 Appropriated</b>	<b>\$115,446,664</b>	<b>(\$2,304,641)</b>

Strategic Port Investment Initiative (new program)

<b>FY 12-13 Appropriated</b>	<b>\$35,000,000</b>	<b>\$35,000,000</b>
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Strengthening Domestic Security

FY 08-09 Appropriated	\$186,739,442	
FY 09-10 Appropriated	\$127,578,415	
FY 10-11 Appropriated	\$48,486,622	
FY 11-12 Appropriated	\$94,303,313	
<b>FY 12-13 Appropriated</b>	<b>\$40,688,745</b>	<b>(\$53,614,568)</b>

## **SECTION III: Bills of Interest that Passed**

### **Adult Day Care Centers**

**CS/CS/CS/SB 694** allows an adult day care center to apply to AHCA for designation as a “specialized Alzheimer’s services adult day care center” in order to advertise such services. A facility seeking this designation is subject to several heightened requirements, including: having a mission statement that includes a commitment to providing dementia-specific services; maintaining a minimum staffing ratio of one staff member who provides direct services for every five participants; and providing a registered or licensed practical nurse on site daily for at least 75 percent of the time that the center is open to Alzheimer’s or dementia-related participants.

[Approved by Governor; Chapter No. 2012-43. Effective Date: July 1, 2012.](#)

### **Animal Control**

**CS/HB 479** requires animal control officers, wildlife officers, and animal disease laboratories to report knowledge of any animal bite, diagnosis of disease in an animal, or suspicion of clustering of animals having similar disease, symptoms, or syndromes that may indicate a threat to humans to the Department of Health. The bill further expands the list of prescription drugs for which animal control agencies and humane societies must have permitted approval before they can use such drugs for immobilization or euthanization. Permits are issued through the Board of Pharmacy. An amendment that included language with overly burdensome procedural mandates dealing with animals to be euthanized was not adopted.

[Approved by Governor; Chapter No. 2012-173. Effective Date: July 1, 2012.](#)

### **Beach Management**

**CS/HB 691**, which renames Parts I and II of Chapter 161, F.S., the “Dennis L. Jones Beach and Shore Preservation Act,” streamlines the permitting process for coastal construction permits, including beach restoration and nourishment projects. Specifically, the bill:

- Simplifies and expedites the permitting process for periodic maintenance of previously permitted and constructed projects, alleviating the need for detailed review where a project has met design expectations and no substantial changes exist.
- Clarifies that reasonable assurance of the adequacy of a project’s design and construction is demonstrated where the applicant provides competent substantial evidence based on plans, studies, and credible expertise, also accounting for naturally occurring and reasonably expected variables.

- Authorizes the Department of Environmental Protection (DEP) to issue a coastal construction permit before an incidental take authorization is issued when required by the federal Endangered Species Act, provided that the permit states that activities cannot commence until the incidental take authorization is actually issued.
- Directs the DEP to adopt rules addressing standard mixing zone criteria and anti-degradation requirements for turbidity generation for permits involving excavation and placement of sediment.
- Requires the DEP to justify Requests for Additional Information (RAIs) by statute or rule.
- Clarifies that the DEP may not enforce guidelines as rules.
- Exempts from permitting certain exploratory activities related to beach restoration and nourishment.

The Board supported this bill, which should deliver both time and cost savings for beach nourishment projects while also maintaining necessary environmental protections.

[Approved by Governor; Chapter No. 2012-65. Effective Date: July 1, 2012.](#)

### **Brody Claims Bill**

On March 8, 2012, **CS/SB 4** passed the House and Senate chambers after years of negotiations between the Broward Sheriff's Office (BSO), insurance carriers, lawyers and legislators. The insurance company was a target of a bad faith claim for not responding earlier to the injuries sustained by Mr. Brody, whose representatives sought a \$10.75 million claims bill to compensate for brain injuries he suffered in a 1998 vehicular accident involving a BSO deputy. In 2005, a court found that the BSO deputy's negligence was the cause of the crash and awarded \$30.9 million in damages and costs. Mr. Brody was required to seek a claims bill to acquire an award in excess of the \$200,000 sovereign immunity limits. One of the factors associated with the bill's success in this Session was the fact that Mr. Brody's attorney and lobbyists agreed to waive their fees. The Governor signed the bill into law cautiously, stating that claims bills seeking remuneration in excess of insurance limits create a potential conflict among sovereign immunity law, the risks of escalating insurance costs incurred by state and local governments, and the need to appropriately compensate victims.

[Approved by Governor; Chapter No. 2012-230. Effective Date: March 29, 2012.](#)

## **Child Protection**

**CS/CS/HB 803** expands the definition of “abandonment” to include repeated incarceration or extended incarceration as the basis for the finding of abandonment of a child.

The bill provides that jurisdiction of the court attaches to a case when a petition for injunction to prevent child abuse has been issued. Current law provides that court jurisdiction attaches to a case when petitions for shelter, dependency or termination of parental rights are filed or the child is taken into DCF custody but not upon the filing of an injunction.

Further, the bill adds that parents are required to be screened by DCF through the State Automated Child Welfare Information System (SACWIS) and a local and statewide criminal history records when being considered by the department for placement of a child. The bill also requires all members of the household, 12 years of age and older, be screened.

The bill provides that the central abuse hotline may accept calls from a parent or legal custodian seeking assistance for themselves which does not meet the criteria for being a report of child abuse, abandonment, or neglect for response to prevent the potential risk of harm to a child. If a child welfare professional determines that a need for community services exists, the department shall refer the parent or legal custodian for appropriate voluntary community services.

The bill removes several provisions from current law which provide conditions as to when a child protective investigation is performed and replaces these provisions with a general directive that each accepted report from the hotline will be investigated. The bill requires DCF to maintain a single, standard electronic child welfare case master file for each child whose report is accepted by the central abuse hotline for investigation. Such file must contain information concerning all reports received by the abuse hotline concerning that child and all services received by that child and family. The bill clarifies that during a protective investigation of institutional child abuse, abandonment or neglect, the investigator must include an interview with the child’s parent or legal guardian as opposed to making an onsite visit to the residence.

Finally, the bill provides that if a child is still in DCF custody 12 months after the child was sheltered or adjudicated dependent, DCF shall file a petition to terminate parental rights. Current law provides for this to occur at the 12th month judicial review hearing.

[Approved by Governor; Chapter No. 2012-178. Effective Date: July 1, 2012.](#)

## **Climate Protection Act Repeal**

**HB 4001** repeals s. 403.33, F.S., the Florida Climate Protection Act. Enacted in 2008, the Act authorized the DEP to adopt rules to establish a cap-and-trade program regulating greenhouse gas emissions. The bill was originally passed in anticipation of a federal cap-and-trade program; however, neither the federal nor state governments have taken any action to develop or implement cap-and-trade regulations.

[Approved by Governor; Chapter No. 2012-89. Effective Date: July 1, 2012.](#)

## **Communications Services Taxes**

**CS/CS/CS/HB 809** allows a communications services dealer to exclude, from the taxable sales price of communications services, charges not subject to the communications services tax (CST) that are not separately itemized on a bill, but that can be reasonably identified from the dealer's books and records. Thus, for communications services are sold in a bundle, a dealer can exclude from taxation those services included in the bundle that on their own would not be subject to the CST. Additionally, the bill creates a nine-member Communications Services Tax Working Group within the Department of Revenue tasked with reviewing communications tax policies and submitting recommendations to the Legislature by February 1, 2013. Before passage of the Senate version and largely in response to local government concerns over loss of CST revenue, the bundling language was stripped and the bill would have only created the Working Group to study issues related to administration of the CST; however, the Senate ultimately accepted the House version and the legislation, as passed, includes provisions for both the tax changes and the Working Group. The legislation is estimated to have an indeterminate negative impact on local governments.

[Approved by Governor; Chapter No. 2012-70. Effective Date: July 1, 2012.](#)

## **Construction Contracting**

**CS/CS/HB 897** makes various changes related to contracting for public construction projects. Specifically, the bill requires a contractor who has contracted with a public entity for a public works project to provide the public entity with a copy of the required payment bond prior to commencing construction. The bill also establishes a uniform five year time frame for initiating an action to enforce a claim against a payment bond. Regarding public bids for construction projects, the bill provides that a state or local government entity must: 1) open a sealed bid received through a competitive solicitation at a public meeting conducted pursuant to sec. 286.011, F.S.; 2) announce the names of bidders and prices submitted at the public meeting; and 3) make the names and prices available upon request.

[Approved by Governor; Chapter No. 2012-211. Effective Date: October 1, 2012.](#)

## **Department of Economic Opportunity**

**SB 1996** directs the Auditor General and Office of Program Policy Analysis and Governmental Accountability to conduct a joint audit of the operations of the Florida Housing Finance Corporation (FHFC) and to submit the audit to the President of the Senate and the Speaker of the House by July 1, 2012. The audit and review must include a review of the FHFC's assets, liabilities, income, operating expenses, internal management, governance provided by the FHFC Board of Directors, and the performance outcomes of the programs administered by the FHFC. The audit and review shall also include recommendations to the Legislature for changes to the structure, governance, and operational processes. The bill authorizes FHFC to use up to 10 percent of its annual low-income housing tax credits, nontaxable revenue bonds, and State Apartment Incentive Loan Program (SAIL) funds for high-priority affordable housing projects and special needs populations throughout the state. The bill also provides that an independent special district which provides water, wastewater, or sanitation services in disproportionately affected counties may reduce its rates for users in certain circumstances. An entity that implements this power must do so by resolution that states the economic impact to justify the reduction as well as the period for the reduction.

[Approved by Governor; Chapter No. 2012-127. Effective Date: July 1, 2012, except as otherwise expressly provided.](#)

## **Department of Health Reorganization**

**CS/CS/CS/HB 1263** makes various changes to the purposes and structure of the Department of Health (DOH) and streamlines existing divisions by combining and renaming titles of current divisions. Originally, the bill contained controversial decentralization language requiring counties to take over county health departments, with the state establishing a block grant funding system; this language was never included in the Senate bill, and was stricken from the House bill before passage. Substantive changes in HB 1263 include:

- Revising the process and requirements for two or more counties who wish to combine in the establishment and maintenance of a single full-time county health department.
- Reinforcing the state's ability to preempt local government with respect to health related quarantines.
- Removing legislative intent language to make available to citizens of the state of childbearing age comprehensive medical knowledge, assistance, and services relating to the planning of families and maternal health care.
- Amending eligibility provisions in the Children's Medical Services network

to refocus the program on seriously ill children and simplify the financial eligibility process. The bill further merges the Division of CMS Prevention and Intervention and the CMS Network into one division, consolidating all duties and responsibilities.

- Removing authority for DOH to operate a state-owned hospital and closing the AG Holley State Hospital

Additionally, the substance of HB 999/SB 820, relating to onsite sewage treatment and disposal systems, was amended onto the bill on the second-to-last day of Session. Thus, CS/CS/CS/HB 1263 also repeals the mandatory statewide septic tank inspection program and allows counties (except for those containing a first magnitude spring, who will be required to participate) to opt-in to an inspection program, to be administered by the local county health department, by ordinance.

[Approved by Governor; Chapter No. 2012-184. Effective Date: April 27, 2012.](#)

### **Developments of Regional Impact**

**CS/CS/HB 979** exempts from the developments of regional impact (DRI) review process any proposed development that is: 1) approved as a comprehensive plan amendment adopted pursuant to the state coordinated review process and; 2) subject to a qualified target industry (QTI) business tax refund agreement under state law. This section does not apply dense urban land areas, which are already exempt from the DRI review process pursuant to s. 380.06(29)(a), F.S. For the exemption to take effect, the applicant, local government, and state land planning agency must execute a written agreement. Additionally, the bill establishes criteria required to be met by the respective parties to the agreement. The exemption is not applicable in Areas of Critical State Concern, the Wekiva Protection Area, or the Everglades Protection Area.

[Approved by Governor; Chapter No. 2012-75. Effective Date: July 1, 2012.](#)

### **Disabled Parking Permits**

**CS/SB 226** makes various changes to laws relating to disabled parking permits. In particular, the bill expands the types of officials authorized to waive disabled parking citations and sign affidavits of compliance to include parking enforcement specialists as well as the citation-issuing agency. Beginning on October 1, 2012, permanently disabled persons seeking to renew disabled parking permits must present the Department of Highway Safety and Motor Vehicles (DHSMV) a certificate of disability issued within the previous twelve months. Similarly, persons applying to replace a lost or stolen disabled parking permit must also present the department a certificate of disability issued within the last twelve months.

Parking enforcement specialists are empowered to confiscate unlawfully used or fraudulently obtained disabled parking permits similar to law enforcement officers. Any persons found guilty (or those who enter a plea of no contest, i.e., nolo contendere) of using a disabled parking permit unlawfully or obtaining one fraudulently must wait four years before applying for a new disabled parking permit, if the individual had a prior conviction of the same charge. The DHSMV must conduct random reviews of disabled parking permit holders every six months to determine compliance with the criteria for ownership and possession of disabled parking permits; the bill prescribes certain responsibilities to be undertaken by DHSMV in conducting such reviews. The DHSMV must annually verify that disabled parking permit holders have not died, and if a permit holder is found to be deceased, the department must quickly invalidate the permit. Lastly, DHSMV must develop and implement a telephone hotline or online or mail submission form system for persons to report abuse of disabled parking permits.

[Approved by Governor; Chapter No. 2012-157. Effective date: July 1, 2012.](#)

### **Economic Development**

**HB 7087** expands the entertainment industry financial incentive tax credit program to include interactive websites, digital animation production and visual effects production. The program is extended for an additional year and \$42 million in tax credits in FY 2015-16.

The bill has several provisions designed to promote economic development, including:

- Providing an exemption from the intangible personal property tax on governmental leaseholds when the lessee serves or performs a governmental, municipal, or public purpose or function.
- Defining a new class of oil, “mature field recovery oil,” and applies the current tiered tax rate structure for tertiary oil to mature field recovery oil. This oil is defined as oil recovered from new wells that begin production after July 1, 2012, in fields that were discovered prior to 1981.
- Expanding the current sales tax exemption for electricity used for production of agricultural products to include the electricity used in a packinghouse where fruits, vegetables, or meat are packed.
- Lowering from 10 percent to 5 percent the increase in productive output required to qualify for the current sales tax exemption for industrial machinery and equipment used by an expanding business.

- Lowering from 15,000 pounds takeoff weight to 2,000 pounds takeoff weight the minimum aircraft weight requirement for the sales tax exemptions on repair and maintenance parts.
- Exempting from sales tax items used and consumed in the manufacture or fabrication of aircraft engines and gas turbine engines.
- Creating a new exemption for the sale or lease of taxicabs equipped with equipment designed to enable the transportation of physical disabled persons.

The bill increases the total amount of tax credits available under the New Markets Development Program to \$163.8 million over seven years. Additionally, the bill authorizes a municipality participating in the Federal Aviation Administration's Airport Privatization Pilot Program to lease or sell an airport to a private party. If state funds have been invested in the facility, FDOT approval must be given. Finally, the bill creates a sales tax holiday to take place August 3, 2012 through August 5, 2012. During the 3 day period clothing, footwear, wallets, and bags under \$75 are exempt from sales tax. School supplies costing less than \$15 are exempt as well.

[Approved by Governor; Chapter No. 2012-32. Effective Date: July 1, 2012.](#)

### **Economic Development Agencies**

**CS/HB 7115** saves from repeal the public record exemptions for economic development agencies. Exempt from public record requests are a business's plans to relocate or expand its business activities in Florida, trade secrets, proprietary confidential business information, federal employer identification numbers, unemployment compensation account numbers, and Florida sales tax registration numbers.

[Approved by Governor; Chapter No. 2012-28. Effective Date: March 23, 2012.](#)

### **Electronic Filing of Construction Plans**

**CS/CS/SB 704**, a bill related to electronic filing of construction plans, includes language creating an owner-as-contractor licensure exemption for persons installing, uninstalling, or replacing solar panels, where the permitting local government is participating in a U.S. Department of Energy Sunshot Initiative grant (Broward County is the sole recipient of this grant in the entire southeast region of the nation). Specifically, the bill allows a qualifying owner to submit permitting documents and sign electronically, waiving the requirement that he or she personally appear and sign at the building office. A similar provision is also included to facilitate the electronic submission of building permit applications for solar projects performed by licensed contractors. The bill further provides building officials with civil liability

protection for actions taken in reliance of information provided in electronic permit applications for solar projects. The solar amendment was a major Broward County goal this Session, as it will help further the objectives of the Broward Rooftop Solar Challenge grant.

[Approved by Governor; Chapter No. 2012-13. Effective Date: July 1, 2012.](#)

## **Energy**

**CS/CS/HB 7117**, the energy package advanced by the Commissioner of Agriculture and Governor's Office of Energy and the first comprehensive energy legislation passed since 2008:

- Expands the use of the discretionary local government infrastructure surtax to include funding for energy efficiency improvements on residential and commercial properties; thus, local governments levying the surtax will be permitted to use proceeds to provide loans, grants, and/or rebates to property owners making energy efficiency improvements to their structures. While originally, the bill would have only expanded use of the surtax to residential properties, Broward County was successful in securing an amendment during the last week of Session to also include commercial properties.
- Amends the definition of "local government" in s. 163.08, F.S. to include separate legal entities created through interlocal agreement. This change should allow multiple counties to partner on qualifying improvement programs, such as regional energy financing programs.
- Provides for annual renewable energy tax credits, as follows: 1) establishes a tax credit against the corporate income tax (capped at \$1 million per corporation and not to exceed \$10 million per year), to be granted based on corporation's investment in equipment used for production, storage, and distribution of renewable fuels; and 2) creates a tax credit against the corporate income tax (capped at \$1 million per corporation, not to exceed \$5 million total for FY 2012-13 but increased to \$10 million through FY 2016-17), assessed based on kilowatt hours of renewable energy produced. The Department of Agricultural and Consumer Services (DACS) must report annually on the utilization of all tax incentives offered under the legislation.
- Creates a sales tax exemption for equipment used in the distribution of renewable fuels.
- Exempts electric vehicle recharging stations from being regulated as utilities by the Public Service Commission.

- Directs DACS to conduct a comprehensive inventory of statewide forest resources to determine the availability and location of biomass and ensure sustainability of such resources; DACS must submit its findings to the Senate President, House Speaker, and Governor by July 1, 2013.

[Approved by Governor; Chapter No. 2012-117. Effective Date: July 1, 2012.](#)

### **Environmental Regulation**

**CS/CS/CS/CS/HB 503** creates, amends, and modifies various provisions related to environmental regulation and permitting. The comprehensive bill makes the following changes:

- Prohibits a local government from conditioning permit approval on an applicant first obtaining a permit or approval from any other state or federal agency.
- Expands the use of internet self-certification services for certain exemptions and general permits.
- Requires that the DEP or water management district (WMD) approve or deny a permit within sixty days, and provides that agencies may not condition approval of an environmental resource permit on an applicant obtaining a permit or approval from another local, state, or federal agency, without explicit statutory authority to do so.
- Authorizes the DEP to obtain an expanded state programmatic general permit from USACE for certain activities in waters of the U.S., governed by the federal Clean Water Act and River and Harbors Act.
- Adds inland multimodal facilities receiving or sending cargo to or from Florida ports to the list of economic development projects that receive expedited processing for wetlands resource and environmental resource permits.
- Requires DEP to grant a general permit for construction, alteration, and maintenance of stormwater management systems serving project areas of ten acres or less.
- Extends permits issued by DEP or one of the WMDs, having expiration dates from January 1, 2012 to January 1, 2014, for two years beyond their previously scheduled expiration dates. The extension applies to development orders and building permits issued by local governments and to commencement and completion dates for a project's required mitigation; however, the section does not apply to USACE issued permits, permits determined to be in significant noncompliance, or any permit that, if extended, would delay or prevent

compliance with a court order.

- Provides that sludge from an industrial waste treatment that meets the exemption requirements for industrial byproducts is not a solid waste pursuant to sec. 403.703, F.S.

Similar versions of this legislation failed during previous sessions and received significant opposition from environmental groups. The bill sponsor worked with these and other stakeholders throughout the 2012 Session to address concerns, and ultimately removed controversial language that would have required all large counties to obtain environmental resource permitting delegation from DEP, as well as a controversial section related to development in the Biscayne Bay Aquatic Preserve.

[Approved by Governor; Chapter No. 2012-205. Effective Date: July 1, 2012.](#)

### **Everglades Day**

**CS/SB 924** designates April 7 of each year as Everglades Day.

[Approved by Governor; Chapter No. 2012-47. Effective Date: July 1, 2012.](#)

### **Financial Emergencies**

**SB 368** makes statutory changes relating to local government financial emergencies. Current law authorizes the Governor, or Commissioner of Education where appropriate, to implement certain remedial measures where a determination is made that a local government entity, charter school, or school is in a state of financial emergency. Among the measures available to the Governor or Commissioner is the establishment of a financial emergency board, who is permitted to: 1) review the entity's records, reports, and assets; 2) consult with local officials, auditors, and state officials on how to bring the entity into compliance; and 3) review the entity's operations, management, efficiency, productivity, and financing of functions and operations. SB 368 amends the section to also allow a financial emergency board to consult with other governmental entities for the consolidation of all administrative direction and support services, which include but are not limited to: economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, risk management, planning and zoning, fleet management, and purchasing. Plans created to alleviate financial emergency must include provisions implementing any consolidation, sourcing, or discontinuance of administrative or support services. Additionally, the bill states that failure to resolve financial emergency constitutes malfeasance, misfeasance, and neglect of duty, and may subject the members of the entity's governing body to suspension from office by executive order.

[Approved by Governor; Chapter No. 2012-38. Effective Date: July 1, 2012.](#)

### **Good Samaritan Act**

**SB 278**, the 911 Good Samaritan Act, provides protection from prosecution for possession of a controlled substance if a person acting in good faith seeks medical assistance for an individual experiencing a drug-related overdose.

[Approved by Governor; Chapter No. 2012-36. Effective Date: October 1, 2012.](#)

### **Governmental Reorganization**

During the 2011 Legislative Session, SB 2156 reorganized many of the functions and responsibilities of the Department of Community Affairs (DCA), the Agency for Workforce Innovation (AWI), and the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor (OTTED), transferring them into a new state agency called the Department of Economic Opportunity (DEO). **CS/HB 7041** updates and corrects several references to DCA, AWI, OTTED, the Black Business Investment Board, and the Florida Sports Foundation.

[Approved by Governor; Chapter No. 2012-96. Effective Date: April 6, 2012.](#)

### **Growth Management**

**CS/HB 7081**, largely the growth management glitch bill for the 2012 Session, modifies and clarifies various provisions of the Community Planning Act, passed last year. Additionally, the bill contains the substance of SB 440, which addresses the legal challenges arising from last year's growth management legislation that prohibited local governments from adopting charter provisions allowing for comprehensive plan amendments. CS/HB 7081 grandfathers those charter provisions in effect prior to June 1, 2011. Finally, the bill requires a local government to transmit comprehensive plan amendments adopted pursuant to the expedited state review process to the state land planning agency within ten working days after a public hearing on the amendment.

[Approved by Governor; Chapter No. 2012-99. Effective Date: April 6, 2012.](#)

### **Growth Policy**

**HB 4003** repeals s. 163.2523, F. S., the Urban Infill and Redevelopment Assistance Grant Program. Broward County did not utilize the program, and its elimination will have no impact on the County. During the last week of Session, an attempt was made to amend the bill to include a provision prohibiting local governments from adopting or imposing supermajority voting requirements for comprehensive plan amendments. This effort was largely an attempt to prohibit Miami-Dade County from continuing to require a supermajority vote to move the Urban Development Boundary and increase the amount of land available for development. Broward

County currently does not have any such supermajority voting requirements, but opposes policies that decrease or eliminate local control over land use decisions. The amendment was ultimately ruled out of order.

[Approved by Governor; Chapter No. 2012-90. Effective Date: July 1, 2012.](#)

### **Homeless Youth**

**CS/HB 1351** defines “certified homeless youth” as a minor who is a homeless child or youth, including an unaccompanied youth as defined in federal law, and who has been certified as homeless or unaccompanied by a school district homeless liaison, a director of a HUD emergency shelter program, or by a director of a runaway or homeless youth basic center or transitional living program. The bill also requires DOH to provide a certified homeless youth or a minor who had the disability of nonage removed with a certified copy of his or her birth certificate upon request. Finally, the bill allows a certified homeless youth to petition the court to have disabilities of nonage removed at no cost.

[Approved by Governor; Chapter No. 2012-186. Effective Date: July 1, 2012.](#)

### **Homestead Exemption for Senior Citizens**

Together, **CS/HJR 169** and **CS/CS/HB 357** propose and would implement an amendment to Article VII, section 6 of the Florida Constitution authorizing the Legislature, by general law, to allow local governments to grant, by ordinance, an additional homestead tax exemption equal to the assessed value of the homestead property to certain low income seniors. To be eligible, a property owner must: be age 65 or older; have an annual household income less than \$27,030; and have had title to and maintained permanent residence on the property for at least 25 years. The constitutional amendment requires approval by 60 percent of the voters at the November 2012 election.

[CS/HJR 169: Signed by Officers and filed with Secretary of State.](#)

[CS/CS/HB 357: Approved by Governor; Chapter No. 2012-57. Effective Date: Upon approval of CS/HJR 169.](#)

### **Homestead Exemption for Spouses of Fallen Heroes**

Together, **CS/HJR 93** and **CS/HB 95** propose and would implement an amendment to Article VII, section 6 of the Florida Constitution authorizing the Legislature, by general law, to provide homestead property tax relief to: surviving spouses of military veterans who died from service-related causes while on active duty; and surviving spouses of first responders who died in the line of duty. The constitutional

amendment requires approval by 60 percent of the voters at the November 2012 election.

[CS/HJR 93: Signed by Officers and filed with Secretary of State.](#)

[CS/HB 95: Approved by Governor; Chapter No. 2012-54. Effective Date: upon approval of CS/HJR 93.](#)

### **Inmate Reentry**

**CS/CS/CS/HB 177** creates a new section of law requiring the Department of Corrections (DOC) to develop and administer a nonviolent offender reentry program. The program is limited to inmates who are imprisoned for committing a nonviolent third degree felony and who have not previously been convicted of certain serious offenses. With approval of the sentencing court, nonviolent offenders with substance abuse issues who have served at least one-half of their sentence and who are selected by the department may participate in the program. If the offender successfully completes the program, the court must modify the offender's sentence and place him or her on drug offender probation. The modified sentence must be for a period at least as long as the remainder of the prison sentence if the sentence has not been modified.

When the bill was first heard in the House, the Sheriff's Association testified against the legislation, arguing, among other things, that the term "nonviolent" was not appropriately defined and narrow; that the DOC was unable to shoulder the additional workload anticipated by the bill; and that truncating prisoner sentences at 50-60 percent and then returning them to the community for treatment was not a proven approach. The bill's sponsor agreed to work with opponents to address many of the concerns, and as passed the legislation did the following:

- Drug offender probation may be ordered by the court if placement is in a community residential or non-residential substance abuse treatment facility.
- The court can order participation in a post-adjudicatory drug court program as a condition of probation, if available in the county where the offender will live upon release from incarceration.
- The department is required to submit an annual report on the operation of the program, develop a methodology for tracking recidivism, and then report the program participants' recidivism rates in the annual report.

[Vetoed by the Governor.](#)

## **Legal Notices**

**CS/CS/HB 937** addresses current law requiring that effective public notice (i.e., legal notices and official advertisements) must be in a newspaper that is printed and published at least weekly and of which twenty-five percent of content is in English. Current law also requires that the publication must “qualify as periodicals matter at the post office in the county where published, and be generally available to the public for the purpose of publication of official or other notices”. Broward County and other local governments sought an amendment allowing for effective public notice to be effectuated through publication on a publically accessible website, as defined by the number of visitors (“hits”) to the site. Unfortunately, county once again met with strong opposition from the newspaper lobby and was unsuccessful in its efforts.

As passed, the bill creates a new section of law requiring a legal notice to be placed on a newspaper’s website on the same day the notice appears in the newspaper, at no additional charge. Should the bill become law, newspapers that publish legal notices will be required to offer free links to legal notices on their websites, “dominantly present the notices on the website” and provide search functionalities for all such notices. Finally, the legislation requires that, upon request, a publication must provide free email notification and place legal notices on the Florida Press Association website: [floridapublicnotices.com](http://floridapublicnotices.com).

Additionally, the bill:

- Authorizes electronic proof of publication affidavits.
- Limits the rate that may be charged for certain government notices required to be published more than once.
- Requires certain local governmental maps that appear in newspaper advertisements to be noticed online.
- Deletes the requirement that a legal notice be published in Leon County for agency licensee actions, bond validation actions, market offerings for state owned oil or gas leases, and certain administrative complaints.
- Requires that notice to certain professional licensees be posted on a newspaper website and provided to certain broadcast network affiliates.
- Amending requirements relating to the publication of certain notices relating to the sale of bonds by the Division of Bond Finance within the State Board of Administration.

- Deletes requirements relating to newspaper publication of certain notices relating to Department of Agriculture and Consumer Services marketing orders and provides for Internet publication and for information to certain broadcast network affiliates.
- Allows the Department of Financial Services to require notification of insurer insolvency by email or telephone, instead of by newspaper.

The bill passed the House unanimously and passed the Senate 23-13.

[Approved by Governor; Chapter No. 2012-212. Effective Date: July 1, 2012, except as otherwise expressly provided.](#)

### **Misdemeanor Pretrial Substance Abuse Programs**

**CS/SB 186** expands the eligibility for admission to misdemeanor pretrial substance abuse education and treatment intervention programs to include those charged with nonviolent, nontraffic related misdemeanors, if they are also identified as having a substance abuse problem. Individuals, with no previous felony convictions, charged with misdemeanor for possession of a controlled substance, prostitution, and possession of alcohol while less than 21 years of age are also eligible.

[Approved by Governor; Chapter No. 2012-35. Effective Date: July 1, 2012.](#)

### **Personal Injury Protection Coverage Reform**

**CS/CS/HB 119** passed the House on the last day of Session (80-34), and subsequently passed the Senate (22-17) later that day. The bill provides for changes in personal injury protection (PIP) coverage; i.e., no-fault motor vehicle insurance. As drafted, the legislation requires that individuals injured in motor vehicle accidents receive initial medical treatment from specific providers within 14 days from the date of the accident in order to be eligible for up to \$10,000 in medical benefits for emergency medical conditions and up to \$2,500 in for non-emergency medical conditions.

The bill retains aspects of the current PIP system and provides for various changes, including that:

- PIP insurers must make rate filings by October 1, 2012, and January 1, 2014 decreasing premium rates by at least 10 percent and 25 percent, respectively.
- The PIP funeral benefit of \$5,000 is in addition to medical and disability benefits.

- Massage and acupuncture are excluded from covered medical benefits.
- Health care clinics seeking PIP reimbursement must be licensed, with specified exceptions.
- A direct-support organization is authorized “to combat motor vehicle insurance fraud.”
- The PIP schedule of maximum charges is amended.
- The use of Medicare coding is permissible.
- An insurer’s failure to timely pay PIP claims as a general business practice is an unfair and deceptive trade practice.
- The PIP payment period is tolled when fraud is reasonably suspected.
- Insureds must comply with policy terms, including requests for statements to be given under oath.
- The failure to appear for two mental or physical examinations constitutes an “unreasonable refusal” to submit to examination.
- The use of contingency risk multipliers is prohibited.
- Judges should consider various factors set forth in the legislation when determining whether the amount of an attorney fee award is appropriate.
- Health care practitioners found guilty of insurance fraud will have licenses revoked for 5 years.
- Certain specified actions that constitute fraud.

The bill appropriates \$200,000 from the Insurance Regulatory Trust Fund to be used by the Office of Insurance Regulation to contract with an independent consultant to determine the expected savings from this legislation. As the bill addresses cost drivers in PIP, consumers should realize savings on no-fault premiums.

[Approved by Governor; Chapter No. 2012-197. Effective Date: July 1, 2012, except as otherwise provided.](#)

### **Premises Liability**

**CS/CS/HB 313** amends state law to further encourage private property owners to make their properties available for use by the public for outdoor recreational purposes. Specifically, the bill affords limited liability protection to any private property owner who enters into a written agreement, rather than a lease, with the state to allow the public to use an area for outdoor recreational purposes. The

term “area” is defined to include land, water, and park areas. By entering into an agreement with the state, the property owner is relieved from any duty to keep the area safe for entry or use by members of the public coming onto the area, and has no any duty to warn of hazardous conditions, structures or activities existing on the property. The limited liability extends to all persons who enter the property subject to the agreement.

Legislative intent provides that any agreement entered into after July 1, 2012, between the property owner and the state should not result in compensation to the owner above reimbursement for reasonable expenses and costs associated with the agreement. An agreement which allows reimbursement of expenses and costs, however, doesn’t subject an owner or the state to liability, even if the amounts paid exceed the costs or expenses of the owner.

Additionally, the bill provides a property owner or lessee with limited liability protection when the owner or lessee makes an area available to specific persons, rather than the entire public, for hunting, fishing, or wildlife viewing. To limit liability, the property owner or lessee must:

- Provide written notice to the area’s users of §375.251, F.S., liability limitations before or at the time of entry into the area, or by posting notice of the liability limitations conspicuously in the area;
- Not charge for entry into or use of the area for outdoor recreational purposes; and
- Not derive any other revenue from patronage of the area for outdoor recreational purposes.

[Approved by Governor; Chapter No. 2012-203. Effective date: July 1, 2012.](#)

### **Prescription Drug Task Force**

**CS/CS/HB 227** establishes the Statewide Task Force on Prescription Drug Abuse and Newborns to examine and analyze the emerging problem of neonatal withdrawal syndrome as it pertains to prescription drugs. The task force is created within the Department of Legal Affairs in the Office of the Attorney General. The task force is required to have its first organizational session by May 1, 2012 and to present a report by January 15, 2013 that includes data on the costs associated with treatment, methods to raise public awareness about prescription drug abuse and information on preexisting state, state and federal programs.

[Approved by Governor; Chapter No. 2012-120. Effective Date: April 19, 2012.](#)

## **Protection of Vulnerable Persons**

**CS/CS/CS/HB 1355** comprehensively reforms statutes relating to child abuse, abandonment, relocation assistance for sexual battery victims, Department of Children and Families (DCF) reporting requirements, DCF public outreach and awareness campaigns, and offenses for failing to report known or suspected abuse. A substantial component of the legislation is directed at the Penn State and Syracuse University sexual abuse scandals that broke prior to the 2012 Session. Specifically of interest to Broward County because of our Sexual Assault Treatment Center and Child Protection Team involvement, are the following statutory changes:

1. Requires DCF reporting by any person who knows, or who has reasonable cause to suspect, that a child:

- Is abused by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare.
- Is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender.

2. Requires that each DCF report made by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare be made immediately to the central abuse hotline. Such reports may be made on the single statewide toll-free telephone number or via fax, web-based chat, or web-based report. Such reports or calls shall be immediately electronically transferred to the appropriate county sheriff's office by the central abuse hotline.

3. Requires that reports involving a known or suspected juvenile sexual offender or a child who has exhibited inappropriate sexual behavior be made and received by DCF and provides the following additional requirements:

- The department shall determine the age of the alleged offender, if known.
- If the alleged offender is 12 years of age or younger, the central abuse hotline shall immediately electronically transfer the report or call to the county sheriff's office.

Additionally, the bill appropriates \$1.5 million in nonrecurring general revenue funds to the Department of Legal Affairs for the relocation of sexual battery victims, as provided in s. 960.199, F.S., a newly created section of law under the legislation.

[Approved by Governor; Chapter No. 2012-155. Effective Date: October 1, 2012.](#)

## **Reclaimed Water**

**CS/HB 639** codifies the existing definition of reclaimed water, defined by the DEP as “water that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility,” into state law. The bill clarifies that reclaimed water is not subject regulation under the sections of law governing water shortage emergencies or issuance of consumptive use permits (s. 373.175, F.S. and Part II of Chapter 373, F.S., respectively) until it has been discharged into the statutorily defined waters of the state. CS/HB 639 also prohibits WMDs from requiring consumptive use permits (CUPs) for reclaimed water use, unless the CUP application also includes at least some surface or groundwater withdrawals. Additionally, the bill confirms that reclaimed water is a statutorily defined alternative water supply eligible for DEP and WMD funding.

Finally, the bill directs DEP to revise the Water Resource Implementation Rule, through rulemaking, to include criteria for the use of proposed “impact offsets” and “substitution credits” in CUP evaluations. “Impact offset” is defined as the use of reclaimed water to reduce or eliminate a harmful impact that has occurred or would otherwise occur as a result of other surface or ground water withdrawals. “Substitution credit” refers to the use of reclaimed water to replace an existing permitted use of resource-limited ground or surface water, allowing a different use or user to withdraw from the same ground or surface water source, provided there are no net adverse impacts.

[Approved by Governor; Chapter No. 2012-150. Effective Date: July 1, 2012.](#)

## **Regional Workforce Boards**

**CS/HB 7023** amends state law related to the state’s regional workforce boards, and specifically includes measures intended to increase accountability, largely in response to isolated instances of mismanagement at a small number of the state’s 11 workforce boards. Of most interest to the County, the bill authorizes the Governor to remove directors and board members for cause, defined in the section as “including, but not limited to, engaging in fraud or other criminal acts, incapacity, unfitness, neglect of duty, official incompetence and irresponsibility, misfeasance, malfeasance, nonfeasance, or lack of performance.” As originally filed, the bill transferred significant power to the Governor, stipulating that directors and board members serve at the pleasure of the Governor. As amended and passed, the legislation allows the Governor to remove members only for cause. The regional workforce boards themselves retain the ability to select their own directors and members.

[Approved by Governor; Chapter No. 2012-29. Effective Date: July 1, 2012.](#)

## **Rules Establishing Numeric Nutrient Criteria**

**HB 7051** exempts the numeric nutrient criteria rules developed by DEP from legislative ratification requirements pursuant to s. 120.541(3), F.S, and directs the U.S. Department of Environmental Protection to immediately submit the rules to the EPA for review under the Clean Water Act.

[Approved by Governor; Chapter No. 2012-3. Effective Date: February 16, 2012.](#)

## **Sale or Lease of a County, District, or Municipal Hospital**

**CS/CS/CS/HB 711** requires the governing board of a county, district, or municipal hospital or health care system to conduct an evaluation of the possible benefits the community from the sale or lease of hospital facilities to a not-for-profit or for-profit entity by December 31, 2012. While preparing this evaluation the board must conduct a properly noticed public hearing, contract with an accounting firm or other firm that has substantial expertise to render a valuation of the hospital's fair market value and consider other similarly situated hospitals or healthcare systems to determine if a change of this nature is beneficial to the community and taxpayers and whether measurable outcomes will improve.

If the board approves of a sale or lease it must inform the community of several things. Specifically, it must demonstrate that the best interests of the affected community are served if the arrangement is for less than fair market value, how it will result in a reduction of taxes for taxpayers in the district, that the arrangement includes an enforceable commitment that programs and services will continue to be provided to all residents of the affected community, particularly to the indigent and uninsured, and that all conflicts of interest have been disclosed. The sale or lease must be approved by the Secretary of the AHCA.

If a hospital is sold or leased, the governing board shall deposit 50 percent of the proceeds into a health care economic development trust fund, which shall be under the control of the county commission. Proceeds in the health care economic development trust fund shall be distributed, in consultation with the Department of Economic Opportunity, to promote job creation in the health care sector of the economy through new or expanded health care business development, new or expanded health care services, or new or expanded health care education programs or commercialization of health care research within the affected community. The other 50 percent is directed to the delivery of indigent care.

[Approved by Governor; Chapter No. 2012-66. Effective Date: April 6, 2012.](#)

## **Secondary Metals Recyclers and Metal Theft**

**CS/CS/HB 885** amends existing state law addressing regulation of secondhand dealers and secondary metals recyclers and the purchase and sale of regulated metals property, establishing uniform requirements for maintaining transaction records, transaction time restrictions, prohibiting cash transactions and delineating acceptable forms of payment, and liability. The bill also increases the penalties for violations of this law. Additionally, the bill preempts the regulation of purchase transactions involving regulated metals property to the state, except for local government ordinances enacted prior to March 1, 2012. On the final day of Session and at the opposition of local governments throughout the state, including Broward County, the Senate accepted the House version of the bill, which provides that ordinances grandfathered in under the bill may only be amended to incorporate provisions included in the state law.

[Approved by Governor; Chapter No. 2012-179. Effective Date: July 1, 2012.](#)

Another bill aimed at increasing regulations over the secondary metals recycling industry, **CS/HB 1323**, increases penalties for violation of secondary metals recycler laws, and specifically makes removing copper or any other nonferrous metal from an electrical substation, as defined in the bill, a felony of the first degree.

[Approved by Governor; Chapter No. 2012-185. Effective Date: October 1, 2012.](#)

## **Special Districts**

**CS/CS/CS/HB 107** creates a procedure whereby two or more contiguous independent special districts having similar functions and governing bodies can voluntarily merge. Merger proceedings can be initiated by either joint resolutions passed by the governing bodies of each district, or by petitions signed by 40 percent of electors in each district. Additionally, the special districts wishing to merge must adopt a merger plan, subject to public hearing and voter referendum, outlining the specific components of the proposed merger.

The bill further provides that voluntary dissolutions of independent special districts operating pursuant to a special act may only be carried out by the Legislature. Other dissolutions of independent special districts require a special act, approved by referendum; however, no referendum is necessary for districts considered inactive under state law.

[Approved by Governor; Chapter No. 2012-16. Effective Date: July 1, 2012.](#)

## **State and Local Government Relations with Cuba or Syria**

**CS/CS/HB 959** prohibits a company engaged in business operations with Cuba or Syria from bidding on, entering into, or renewing a contract for goods or services of \$1 million or more with an agency or local government entity. The bill further stipulates that any contract with an agency or local government for goods or services of at least \$1 million must contain a provision allowing for termination if it is discovered that the company has engaged in business with Cuba or Syria or submitted a false certification regarding such business operations.

Notwithstanding the contracting prohibitions set forth in the bill, two exemptions allow an otherwise prohibited company to submit a bid or proposal, or otherwise contract with, a state agency or local government for goods or services of \$1 million or more. Under the first exemption, a contract is permitted if the following requirements are met: 1) the business operations were made prior to July 1, 2012; 2) the business operations have not been expanded or renewed after July 1, 2012; 3) the state or local government entity determines that contracting with the company is in the best interests of the community; and 4) the company has in place a formal plan to cease and refrain from any new business operations in Cuba or Syria. The second exemption allows a local government to permit a company doing business in Cuba or Syria to submit a bid or proposal, or enter into a covered contract, provided that the local government makes a public finding that absent an exemption, the local government would be unable to obtain sought-after goods or services.

Finally, the bill prohibits the State Board of Administration (SBA) from serving as a fiduciary with respect to voting on, or voting in favor of, a proxy resolution advocating for expanded trade with Cuba or Syria.

[Approved by Governor; Chapter No. 2012-196. Effective Date: July 1, 2012.](#)

## **Stormwater Assessments/Agricultural Operations**

**CS/HB 1197** contains various provisions related to agriculture and agricultural operations, many of which were originally separate bills but were merged together during the last few weeks of Session. The bill changes the term “county” to “governmental entity” in s. 163.3162(3)(b) and (c), F.S. to prohibit governmental entities from charging fees or assessments for stormwater management on bona fide farm operations, unless the entity is charging such an assessment or fee pursuant to an ordinance or resolution adopted prior to March 1, 2009. As defined in the section, the term “governmental entity” encompasses local and regional governmental entities, but excludes water control districts or special districts created for water management purposes. Thus, those entities that were created for the specific purpose of water management, the operations of which are funded by

stormwater fees or assessments, will not be affected by the bill.

The bill also exempts farm signs, defined narrowly as signs located on a farm relating solely to farm produce, merchandise, or services actually provided on that farm, from the Florida Building Code and from any local government code or fee. However, the section does specify that farm signs on public roads not be erected, used, operated, or maintained in a manner that violates s. 479.11(4)-(8), F.S., which addresses sign placement proximity issues (to churches, schools, public parks, etc.), lighting issues, and sign placement on highway rights-of-way.

Additionally, the bill preempts many aspects of apiculture (the raising, caring, for, and breeding of honeybees) to the state, giving DACS the exclusive authority to regulate, inspect, permit, and determine placement of managed honeybee colonies. Finally, during the last week of Session, Sen. Bogdanoff amended the bill to repeal s. 828.161, F.S. the section of law prohibiting artificial coloring of certain animals and the sale of animals under a certain age to be used as pets or toys.

[Approved by Governor; Chapter No. 2012-83. Effective Date: July 1, 2012.](#)

### **Statewide Environmental Resource Permitting**

**CS/HB 7003** directs the DEP, in coordination with the WMDs, to develop and adopt statewide environmental resource permit (ERP) rules governing stormwater management systems by October 1, 2012. The statewide ERP rules will be based on existing DEP and WMD rules, accounting for physical or natural geographic differences. Specifically the rules must provide consistency with respect to:

- Criteria and thresholds for requiring permits.
- Permit types.
- Procedures governing permit application, review, duration, modification, and transfer.
- Exemption and general permits that do not allow significant adverse impacts to occur individually or cumulatively.
- General permit conditions, including monitoring, inspection, and reporting requirements.
- Standardized fee categories for certain activities; however, the bill only authorizes, but does not require, DEP and the WMDS to amend their rules in conformance with the standardized fees.

- Application, notice, and reporting forms; also providing that DEP and WMDs allow for electronic submittal of forms and notices where possible.
- Development of an Applicant's Handbook containing general information, application and review procedures, and discussion of environmental and stormwater criteria and evaluation.

Upon adoption, the WMDs and delegated local pollution control programs are required to implement the statewide ERP rules. Local programs with ERP delegation, like Broward County, must amend their local ordinances to incorporate the rules by July 1, 2013. Additionally, HB 7003 clearly states that it does not prohibit local governments or delegated local programs from adopting or implementing regulations stricter than those contained in the bill; thus, the County maintains the ability to impose more stringent standards where necessary, provided that they are not duplicative to those contained in the statewide rules. Broward County and other concerned counties worked with DEP to include this language protecting local authority to promulgate stricter standards where necessary.

[Approved by Governor; Chapter No. 2012-94. Effective Date: July 1, 2012.](#)

### **Substance Abuse Education and Intervention Programs**

**CS/CS/HB 233** specifies that licensed substance abuse education and intervention programs, pursuant to a contract with the county, may provide probation supervision services for defendants guilty of a misdemeanor for possession of a controlled substance or paraphernalia. The programs may provide substance abuse education and intervention in addition to fulfilling the terms and conditions of probation.

[Approved by Governor; Chapter No. 2012-106. Effective Date: July 1, 2012.](#)

### **Tangible Personal Property Taxes**

**CS/HJR 1003** proposes a constitutional amendment to Article VII, section 3 of the Florida Constitution granting an additional exemption for tangible personal property (TPP) assessed at a value greater than \$25,000 but less than \$50,000. Thus, the bill essentially increases the total TPP tax exemption, currently at \$25,000, to \$50,000. Additionally, the amendment would authorize local governments to grant additional TPP exemptions by ordinance. The constitutional amendment requires approval by 60 percent of the voters at the November 2012 election.

[Signed by Officers and filed with Secretary of State. Effective Date: January 1, 2013, if approved by voters at the 2012 General Election.](#)

## **Tax Administration**

**HB 7099** contains various provisions, recommended by the Department of Revenue (DOR), intended to increase efficiency, improve enforcement, and reduce costs associated with tax administration in general. Of particular note for the County, the bill changes the date that counties are required to submit local option fuel tax distributions to the state from July 1 to October 1, for taxes going in to effect the following January. This change aligns the submission date with local government budget years.

[Vetoed by Governor](#)

## **Water Management Districts**

**SB 1986**, a budget conforming bill, removes the property tax revenue caps imposed by the Legislature in 2011 and lifts the requirement that a WMD revert to the previous year's limits in the event that the Legislature fails to set a new limit. Additionally, the bill establishes requirements for WMDs to submit and comment on preliminary budgets, as well as for the review process and criteria for approval by the Legislative Budget Commission.

[Approved by Governor; Chapter No. 2012-126. Effective Date: July 1, 2012.](#)

## **Water Storage and Water Quality Improvements**

**CS/HB 1389** encourages public-private partnerships to accomplish water storage and water quality improvements on agricultural lands. Any agreement entered into under the bill must include a baseline condition to determine the extent of wetlands and other surface waters on the property, and ensure that the baseline condition is met during and after expiration of the agreement. Additionally, the bill creates a Study Committee on Investor-Owned Water and Wastewater Utility Systems Study to identify issues of concern related to investor-owned water and wastewater utility systems; the Committee must submit a report by February 15, 2013.

[Approved by Governor; Chapter No. 2012-187. Effective Date: July 1, 2012.](#)

## **SECTION IV: Bills of Interest that Failed**

### **Animal Shelters and Animal Control Agencies**

**CS/SB 818** and **HB 597** would have required any animal control agency or animal shelter that euthanizes animals to maintain a registry of animal rescue groups that are willing to accept animals that would otherwise be subject to euthanization. The animal control agency or animal shelter would not be allowed to euthanize an animal until the animal control agency has notified, or attempted to notify, all rescue groups or persons on the euthanization registry, which have indicated a willingness to take an animal of that type.

### **Archaeological Sites and Specimens**

Current law prohibits individuals from conducting archaeological investigations or removing, damaging, destroying, or altering any archaeological site or specimen on state owned or controlled land, unless authorized by a Division of Historical Resources issued permit. **CS/CS/SB 868** and **CS/HB 591** would have expanded the section of law to also prohibit such activities on state sovereignty submerged land and land owned by political subdivisions, including counties. An unintended consequence of the bill would have been the preemption of local government historical preservation programs operating under local archaeological ordinances. Once this issue was identified, bill sponsors amended the bills to exclude local governments with archaeological ordinances and certified pursuant to the federal Historical Preservation Act from the state preemption. This amendment, however, would not have covered Broward County's program, which operates under an archaeological ordinance and Historical Commission, but is not technically a certified local government under the federal law. Although the bills ultimately died, the legislation is likely to return in the 2013 Session. In the interim, Broward County will work to ensure that County program not be preempted by any forthcoming legislation.

### **Arrestee Medical Expenses**

**CS/SB 452** and **HB 263** relating to Financial Responsibility for Medical Expenses of Pretrial Detainees and Sentences Inmates (known as Arrestee Medical Expenses bill), received only one committee of reference in the Senate. Within the first week of Session, SB 452 passed in Community Affairs and was placed on the calendar. The Senate unanimously supported the legislation when it came to a floor vote (37-0); however, the House failed to hear the companion bill, HB 263, in any committees of reference. Thus, the senate bill died in messages.

As filed, the legislation sought to contain medical costs in certain areas of the state,

where counties and sheriffs are being billed by health care providers at reasonable and customary (RAC) rates; causing budgetary crises and litigation in Pinellas County. The bill sponsors limited reimbursement to medical services rendered to arrestees, pretrial detainees or inmates, to 100 percent of the Medicare rate (higher than Broward's current negotiated rate with the Hospital Districts). However, the legislation as filed in 2012 contained amendatory language added during the 2011 Session that exempted Miami-Dade and Broward from the law's applicability; allowing either or both counties to implement ordinances to address medical costs associated with arrestees at the local level. CS/SB 452 struck s. 901.35, F.S., the section of statute referring to the provision for collection of arrestee medical expenses, and co-located the delineation of responsibility for medical care costs for all criminally-involved persons (from arrest to release) in one section of statute. Under the bill, the ability to collect for "already sentenced inmates" or "pretrial detainees" would have remained the responsibility of the Broward Sheriffs Office's (BSO), but even that financial burden would have been reduced by additional "good faith effort" collection requirements by the providers of services (hospitals and physicians). Since the Senate sponsor is term-limited this year, it is unknown whether this legislation will be re-filed in 2013.

### **Clean Indoor Air Act**

Currently, s. 386.209, F.S., preempts regulation of smoking to the state, but authorizes school districts to further restrict smoking on school district property. **HB 143** and **SB 746** would have added counties and municipalities to the list of entities exempted from the state preemption, allowing them to further restrict outdoor smoking on municipal and county property.

### **Fertilizer**

As originally filed, **CS/SB 604** and **CS/CS/HB 421** would have exempted commercial fertilizer applicators, who had obtained a limited certification under s. 482.1562, F.S., from local government ordinances addressing fertilization or urban turfs, lawns, and landscapes. Certified applicators would be required to follow DEP-established best management practices. Thus, the legislation would have essentially stripped local authority to regulate commercial fertilizer application, while providing very little state oversight. Mid-Session, the bills were amended to only exempt certified applicators from local seasonal bans on fertilizer application, grandfathering in ordinances adopted prior to January 1, 2012. Several counties and cities in the state have enacted seasonal bans on fertilizer containing Nitrogen and Phosphorus during the rainy summer months as a means of reducing nutrient pollution in water bodies, which is largely attributable to runoff. While the amended version of the bill restored some regulatory authority to local governments, most remained opposed on the grounds that the measure would severely limit the ability of cities and counties

to adequately protect water quality and in some cases, comply with federal law.

After significant debate in its second committee of reference, Environmental Preservation and Conservation, CS/SB 604 was voted down 3-4. Subsequently, CS/CS/HB 421 was temporarily postponed at the request of the sponsor in State Affairs, its final committee of reference. After the primary bills failed, proponents tried, unsuccessfully, to amend other agriculture-related bills to preempt local ordinances regulating fertilizer application based on a fertilizer's nutrient content levels and release rates; however, on both occasions the amendments were withdrawn by the sponsors. This legislation is likely to return in some format in the upcoming 2013 Session; thus, in the interim and assuming similar legislation containing a grandfather clause is filed next year, many local governments will likely consider proactively adopting some type of seasonal fertilizer ban in order to protect their regulatory authority over fertilizer application.

### **Fair Foreclosure Act**

**CS/CS/SB 1890** and **CS/CS/HB 213** would have expedited foreclosure proceedings in certain circumstances. The legislation was controversial and drew opposition from consumer advocates and homeowners who testified vociferously about the potential negative impacts of the legislation. Critics argued that the measures were crafted to protect banks and mortgage lenders from challenges by homeowners alleging there was fraud in the mortgage process. However, proponents cited community decay and declining property values in neighborhoods where houses were abandoned and banks appeared unmotivated to take possession of the property and maintain it appropriately. Even more concerning to the bills' supporters were the impacts of protracted foreclosure proceedings on condominium and homeowner associations where COA and HOA fees are not being collected and remaining owners are being saddled with special assessments to address the deficiencies of abandoned and/or foreclosed units. The bill sought to reduce the time in which a bank could attempt to collect on a deficiency judgment, which is a court order that requires a foreclosed-upon homeowner to pay the bank for the outstanding amount on the loan over the property's value, from five years to one.

In Senate Banking and Insurance Committee, its last Senate committee of reference, the bill faced a challenge, passing by a 6-4 vote. HB 213 was amended on the floor to replace a requirement that the party be personally served in compliance with existing service-of-process laws and was able to pass from the House by 94-17. When received by the Senate, where SB 1890 had not yet passed off the floor, HB 213 was referred to Judiciary and Banking and Insurance, where it died.

### **Growth Management**

**SB 912** and **HB 603** would have prohibited local governments from: applying transportation or school concurrency or from requiring a proportionate-share contribution for new development; or imposing impact fees for new developments until July 15, 2015, unless authorized by a two-thirds vote of the local government's governing authority. Filed during committee weeks, these bills faced immediate opposition from local governments groups. Neither bill was ever heard in committee.

### **Juvenile Justice Education and Workforce Programs**

**HB 949** and **SB 834**, the products of an interim project on education in the DJJ system, contained Juvenile Justice Education Workgroup recommendations on improving academic and job attainment outcomes for youth in DJJ facilities. In the final days of Session, both measures passed in their respective chambers, with only one no vote on the Senate bill; however, the Senate added two substantive amendments on the final day of Session, and SB 834 died in Messages.

### **Ordinary High-Water Mark**

**SB 1362** and **HB 1103** would have amended state law to define "ordinary high-water mark," which serves as the line of demarcation between private land and public submerged land, as "the highest reach of a navigable, non-tidal water body as it usually exists when in its ordinary condition and is not the highest reach of such water body during the high water season or in times of freshets." The bill would have further provided criteria for determining the location of the ordinary high-water mark in navigable, non-tidal water bodies.

Currently, the ordinary high-water mark is not defined in state law; however, the Florida Supreme Court has established that public ownership extends to the ordinary reach of high-water. Pursuant to the Public Trust Doctrine in the Florida Constitution, such navigable waters are held by the state in trust for use by the people. In effect, by specifying that one cannot determine the location of an ordinary high water mark as water line during the rainy or high water season, the legislation could have effectively converted thousands of acres from public to private ownership by shifting the line of demarcation to a lower level. Several groups, including hunting and sportsmen associations, gun rights advocates, and environmentalists, came out in strong opposition to the legislation.

### **Professional Sports Facilities**

**SB 816** and **HB 1365** would have required a professional sports franchise that plays in a facility that benefited from county and state financial assistance from the state document that a homeless shelter has been operating at the sports facility from the effective date of the contract between the county and the professional sports franchise.

## **Sexual Offenders and Predators**

**SB 1200** and **HB 1157** would have amended various statutes relating to sexual predator and sexual offender registration and notification requirements. The bill would use a definition homelessness, rather than transient status, and require homeless sexual predators and offenders to update the location where they sleep or seek shelter monthly at the sheriff's office. Currently, sexual predators and sexual offenders are required to update this information quarterly.

## **Super Homestead Exemption**

The House and Senate both proposed plans to expand homestead tax exemptions during the 2012 Session. Specifically, **SB 312** would have rescinded proposed Amendment 4, slated to appear the November 2012 ballot, and replaced it with **SJR 314**, which would: reduce the limitation on annual assessment increases applicable to non-homestead cap from 10 percent to 7 percent; create an additional homestead exemption equal to 30 percent of a property's value from \$75,000 to \$200,000, and 15 percent of the property's value from \$200,000 to \$400,000; and authorize the Legislature to adjust the exemptions by general law. **HJR 1289** and **HB 1291** contained essentially the same provisions; however the House version would have created the additional exemptions without rescinding Amendment 4. Both versions were highly opposed by local governments, who anticipated a \$570 million statewide annual impact.

## **Title V Fees**

**SB 1574** and **HB 1449** would have allowed major air pollution sources in counties that contract with the state under the Title V program to remit fees collected pursuant to the program directly to the approved local program. Currently, Title V fees are collected by DEP and placed in a trust fund; subsequently, the state distributes collected fees, in part, to the local programs. Essentially, the bills would have eliminated the middle man in the fee distribution process, allowing for fees generated within a local program's jurisdiction to remain there, instead of first being deposited in a state trust fund.

After this language was filed, the Title V counties began working on agreed-upon strike-all, allowing for 80 percent of all fees collected from sources operating in a local program's jurisdiction to remit directly to the local program, with the remaining 20 percent going back to the DEP. Unfortunately, DEP asserted that this arrangement would cause the agency to violate the terms of its delegation agreement with the U.S. Environmental Protection Agency. Without having the DEP sign off on the agreement, committee chairs were reluctant to hear the bills and both died without being heard in committee.

While working with DEP to reach accord on the strike-all amendment language, a compromise was reached whereby the phrase “as reimbursement” would be stricken from s. 403.0873, F.S., allowing DEP and local programs to enter into multi-year fixed price contracts, similar to Storage Tank Compliance Verification programs. This would reduce administrative costs and provide local programs with more budgeting consistency. Unfortunately, by the time this agreement was reached, it was late in Session and no viable vehicles for the language were moving. With all parties on board, Broward County will likely take this approach to amending the law in the 2013 Session.

### **Unfunded Mandate/Insignificant Fiscal Impact Definition**

The product of an interim report, **SB 7002** would have defined “insignificant fiscal impact” as an annual amount equal to or less than 10 cents per resident, based on the latest population estimate, for purposes of Article VII, Section 18 of the Florida Constitution which addresses general laws requiring local governments to spend funds or limiting their ability to raise revenue. Pursuant to the Florida Constitution, general laws that impose unfunded mandates on local governments require a two-thirds vote for approval, unless the fiscal impact is insignificant. While “insignificant fiscal impact” is not defined in statute, both the Legislature and a state circuit court have applied, in general, the 10 cents per person methodology. The Florida League of Cities raised concerns that effects on cities should be evaluated on an individual basis, rather than setting a statewide 10 cent standard. After being filed as a committee bill, SB 7002 never received hearing in committee; a House companion was never filed.

## **SECTION V: Local Bills**

### ***PASSED LOCAL BILLS***

#### **City of Dania Beach Annexation/Deannexation**

**HB 1297** extends the corporate limits of the City of Dania Beach to include the area that extends three miles out into the Atlantic Ocean from the city's existing shore line.

[Approved by Governor; Chapter No. 2012-257. Effective Date: April 6, 2012.](#)

#### **Municipal Election Qualifying Period**

**HB 1153** provides for uniform qualifying periods for municipal elections in Broward County.

[Approved by Governor; Chapter No. 2012-253. Effective Date: April 6, 2012.](#)

### ***FAILED LOCAL BILLS***

#### **Coral Springs Improvement District**

**CS/HB 1211** would: provide for the election of the district's board of supervisors by qualified electors instead of landowners; amend quorum and monthly compensation requirements of board members; conform contract bidding requirements to general law; and provide additional procurement requirements for the purchase of goods and services by the district.

#### **High School Ethics Course**

**HB 1295** would authorize the Broward District School Board to include an honors course in ethics as part of the high school curriculum; provide for course content; and require the District to prescribe performance standards and assessment requirements for the course.

#### **Northwest Broward Independent Fire District**

**HB 1459** would create the Northwest Broward Independent Fire District, comprising the cities of Coconut Creek, Coral Springs, Margate, and Parkland, to provide fire and emergency medical services to areas where the governing body of the municipality has approved such services.

### **Special Assessment to Fund Municipal Law Enforcement**

On behalf of the City of North Lauderdale, **HB 1159** would authorize a special assessment levy by Broward County municipalities to fund law enforcement services.

### **Traffic Enforcement**

**HB 1145** would authorize the enforcement of traffic violations on roads located within municipalities regardless of whether the roadway complies with Department of Transportation standards.



**OFFICE OF INTERGOVERNMENTAL AFFAIRS  
AND PROFESSIONAL STANDARDS**

115 S. Andrews Avenue, Room 427  
Fort Lauderdale, Florida 33301

**954-357-7575**

***[www.broward.org/intergovernmental](http://www.broward.org/intergovernmental)***