2010

State Legislative Final Report

BROWARD COUNTY FLORIDA

BOARD OF COUNTY COMMISSIONERS

BROWARD COUNTY
FLORIDA

BOARD OF COUNTY COMMISSIONERS

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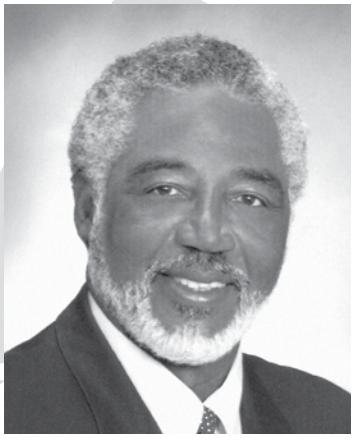

Albert C. Jones
District 9

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Passed

Failed

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SECTION I: BROWARD COUNTY COMMISSION PRIORITIES AND KEY ISSUES PASSED

Condominium and Homeowner Associations' Fees

CS/CS/CS/SB 1196 & 1222 revises laws related to community associations, including condominium, homeowners, and cooperative associations. The bill allows these associations to collect payment of any future regular assessments from a tenant of a unit or parcel owner; allows for collection of unpaid condominium assessments after foreclosure; revises property insurance requirements for condominium associations; and creates the "Distressed Condominium Relief Act" to clarify responsibilities of bulk buyers. The bill also makes changes to Life Safety Code issues.

Regarding property insurance, the bill:

- Revises and clarifies the property insurance requirements of condominium associations and condominium unit owners.
- Repeals the requirement that condominium unit owners must maintain property insurance coverage and the requirement that the condominium association must be an additional named insured and loss payee on policies issued to unit owners.
- Repeals the provision that a condominium association may purchase property insurance at the expense of the owner when the unit owner does not provide proof of insurance.
- Requires that residential condominium unit owner policies issued or renewed on or after July 1, 2010, include loss assessment coverage of $2,000, for certain assessments with a deductible of no more than $250 per direct property loss.

Regarding bulk buyers and foreclosure issues, the bill:

- Creates the "Distressed Condominium Relief Act" to define the extent to which successors to the developer, including the construction lender after a foreclosure and other bulk buyers and bulk assignees of condominium units, may be responsible for implied warranties.
- Increases the mortgage lender's liability for unpaid condominium assessments to 12 months, instead of the current six months, immediately preceding the lender's acquisition of title or 1 percent of the original mortgage debt, whichever is less.
- Permits condominium, cooperative, and homeowners' associations to demand payment from a tenant of any unit or parcel owner who owes unpaid monetary obligations to the association. The amount of a tenant's rent owed to a unit or parcel owner would be credited for the amount he or she paid the association. The association may evict the tenant if he or she fails to make the required payment.

Regarding fire and elevator safety, the bill:

- Delays the requirement to update existing elevators in condominiums, cooperatives, or multifamily residential buildings with modifications for Phase II Firefighters' Service (modifications that allow firefighters to operate and control an elevator for evacuating physically disabled residents in occupied buildings and for moving firefighters and equipment) until July 1, 2013, or until the elevator is replaced or requires major modifications, whichever occurs first.
- Permits a condominium association the option to forego the requirement for emergency generated power for elevators in high-rise multifamily dwellings of more than 75 feet in height upon an affirmative vote of a majority of the voting interests of the condominium.
- Exempts condominiums and other multifamily buildings that are less than four stories in height from the requirement to install a manual fire alarm system provided that the building has an exterior means of egress.
- Delays the retrofit deadline for fire sprinklers in condominium and cooperative association common areas from December 31, 2014, to December 31, 2019.
- Permits the condominium association to completely exempt the building from the fire sprinkler retrofit requirement upon an affirmative vote of a majority of the voting interests in the community.

- Lastly, if a condominium or cooperative association does not vote to exempt the building from the requirement, the association must apply for a building permit for the retrofit before December 31, 2016.

Regarding condominium associations, the bill also:

- Requires intent to cause harm to the association, or one or more of its members in order for a person to knowingly or intentionally fail to create or maintain accounting records.
- Expands information in the association's records that are not accessible to unit owners to include disciplinary, health, insurance, personnel records, and passwords.
- Revises the requirements related to financial reporting by the association.
- Includes communication services, information services, and Internet services within the scope of the type of bulk contracts that may be considered common expenses.
- Revises requirements related to the election of board members, the terms of board offices, vacancies on the board, and the qualifications of board members.
- Provides for a post-election certification by each newly elected or appointed director, and permits completion of the educational curriculum as an alternative to a written certification.
- Authorizes the suspension of a unit owner's rights to use certain association facilities if he or she is more than 90 days delinquent for a regular or special assessment.

Regarding homeowners' associations, the bill:

- Permits closure of certain board meetings at which proposed or pending litigation is discussed with the association's attorney.
- Revises the notice requirements for financial reports regarding reserve accounts.
- Prohibits directors, officers, or committee members from receiving any salary or compensation from the association for the performance of their duties.
- Permits the association to charge reasonable costs for copying records, including personnel fees and charges at an hourly rate for employee time to cover the administrative costs.
- Permits fines of $1,000 or more to become a lien on a parcel.
- Revises proxy voting and elections requirements.
- Provides additional disclosure to prospective purchasers.
- Revises requirements for special assessments in homeowners' associations before the turnover of the association by the developer.
- Provides that flagpoles homeowners are entitled to erect are subject to all building codes, zoning setbacks, noise and lighting ordinances, and other government regulations.
- Permits homeowners' associations to acquire leaseholds, memberships, or other possessory interests in recreational facilities, including country clubs, golf courses, and marinas.

Approved by Governor. **Chapter 2010-174; Effective date: July 1, 2010.**

Florida Water Law – Environmental Protection

CS/CS/CS/SB 550, a 171-page comprehensive package, was passed heavily amended in the final week of session, resulting from intense negotiations with the House. As passed, SB 550 will, among other things:

- Require the Department of Environmental Protection to oversee and evaluate the quality of regional water supply plans, developed by water management districts in collaboration with local governments.
- In areas not served by regional water supply authorities, or other multijurisdictional water supply entities, and where opportunities exist to meet water supply needs more efficiently through multijurisdictional projects, direct water management districts to assist in developing multijurisdictional approaches to water supply project development jointly with affected water utilities, special districts, and local governments.

- Require the South Florida Water Management District to include in its regional water supply plan water resource and water supply development projects that promote the elimination of wastewater ocean outfalls as provided in s. 403.086(9).
- Ensure water management districts notify local governments of the need for alternative water supply projects and provide funding assistance with same in accordance with 373.707(8).
- Require water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues.

In the end, CS/CS/CS/SB 550, Sen. Constantine's "legacy bill", was considered a victory for environmental concerns throughout the state and was supported by DEP, environmental groups, the business and development community, counties, and utilities. Approved by Governor. **Chapter 2010-205; Effective date: July 1, 2010.**

Gaming Compact

CS/SB 622 provides that prior tribal-state compacts executed by the Governor and the Seminole Tribe of Florida (Tribe) not ratified or approved by the Legislature, are void, and not in effect. The bill ratifies the Gaming Compact (Compact) executed between the Tribe and the State of Florida (Governor) on April 7, 2010. The ratified Compact:

- Has a 20-year term.
- Permits the Tribe to offer, at all seven of its tribal casinos, slot machines, raffles and drawings, and any other new game authorized for any person for any purpose.
- Permits the Tribe to conduct banked card games, including blackjack, chemin de fer, and baccarat, only at the tribal casinos in Broward County, Collier County, and Hillsborough County (until such new games are authorized for any other person for any other purpose).
- Provides that if banked card games are authorized by a compact with the Miccosukee Indians, the Tribe is authorized to offer banked cards at all seven Tribal facilities.
- Provides that the authority for banked card games terminates at the end of five years, unless affirmatively extended by the Legislature or the Legislature authorizes any other person to offer banked card games.
- Provides revenue sharing payments to the state of $12.5 million per month ($150 million per year) during the first twenty-four months ("initial period").

After the initial period, the Tribe's guaranteed minimum revenue sharing payment is $233 million for year three, $233 million for year four, and $234 million for year five. However, after the initial period, the Tribe must pay the greater of the guaranteed minimum or payments based on a variable percentage of annual net win that range from 12 percent of net win up to $2 billion to 25 percent of the amount of any net win greater than $4.5 billion. After the first five years, the Tribe continues to make payments to the state based on the percentage of revenue share above without a guaranteed minimum payment. If the Legislature does not extend the authorization for banked card games after the first five years, the net win calculations would exclude the net win from the Tribe' s facilities in Broward County.

The Compact provides substantial exclusivity to the Tribe, subject to specified exceptions. The exclusivity provision provides that, if the state authorizes new forms of Class III gaming or other casino-style gaming after February 1, 2010, or authorizes Class III gaming or other casino-style gaming at any location that was not authorized for such games before February 1, 2010, the Tribe would stop all payments to the state. The Tribe's payments stop when the new gaming begins to be offered for private or public use; however, if the expansion of gaming occurs because of a court decision or agency decision, the Tribe's payments would be placed in an escrow account and the Legislature would have until the end of the next Session or 12 months, whichever is shorter, to reverse such a decision. If the Legislature fails to act, the money is released back to the Tribe and the Tribe's payments would stop.

CS/SB 622 also provides that the Governor is authorized to enter into agreement to apply state sales taxes on Indian lands. The money received by the State from the compact is to be deposited into the general revenue fund. It also provides for the distribution of 3 percent local government share. Specifically, the local government share attributable to each Seminole Tribe casino in Broward County will be distributed as follows:

- Seminole Indian Casino – Coconut Creek:
  - Broward County 22.5%
  - City Coconut Creek 55%
  - City of Coral Springs 12%
  - City Margate 8.5%
  - City of Parkland 2%
- Seminole Indian Casino – Hollywood:
  - Broward County 25%
  - City of Hollywood 55%
  - Town of Davie 10%
  - City of Dania Beach 10%
- Seminole Hard Rock Hotel & Casino – Hollywood
  - Broward County 25%
  - City of Hollywood 55%
  - Town of Davie 10%
  - City of Dania Beach 10%

Any money remitted by the Tribe before the effective date of the Compact is required to be deposited into the general revenue fund. The bill provides that the games authorized by the Tribal-State Compact may be conducted by the Tribe and are not illegal under Florida law. It provides procedures for the negotiation, execution, and legislative ratification of Tribal-State Compacts.

The bill also provides that Sections 4 through 25 of Chapter 2009-170, Laws of Florida, (CS/CS/SB 788) relating to pari-mutuel facilities are effective on July 1, 2010.

Approved by Governor. **Chapter 2010-29; Effective date: Upon becoming law.**

Homeless

The Homeless Prevention Program/Housing was funded for $5 million in fiscal years 2008 and 2009. Homeless Prevention Program/Housing was funded for $8.6 million for fiscal year 2010, an increase of $3.6 million.

Reclassification of Canals

While the Legislature considered and passed major water legislation in the 2010 Session, it did not consider any measure which would have modified the current method of classifying water bodies in Florida.

Residential Exclusion Zones/Sexual Offenders and Predators

CS/CS/HB 119 creates restrictions for a person convicted of an offense listed in the sexual offender statute where the victim was under the age of 18 as follows:

- Makes it a first degree misdemeanor if a person convicted of such an offense commits loitering or prowling within 300 feet of a place where children were congregating.
- Makes it a first degree misdemeanor for a person convicted of such an offense to knowingly approach, contact or communicate with a child under 18 years of age in any public park building or playground with the intent to engage in conduct of a sexual nature or to make a communication containing content of a sexual nature.

- Makes it a first degree misdemeanor for a person convicted of such an offense to: knowingly be present in any child care facility or pre-K-12 school when the child care facility or school is in operation unless the offender has provided written notification of his or her intent to be present to the school board, superintendent, principal or child care facility owner; fail to notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school; or fail to remain under the direct supervision of a school official or designated chaperone when present in the vicinity of children.

The bill adds a definition of the term "transient residence" to the sexual predator and sexual offender registration statutes and requires an offender to provide information regarding his or her transient residence during the registration process and specifies that an offender may not be forced to move if he or she is living in a residence that complies with the statutory sex offender residency restrictions and a child care facility, park, playground or school is subsequently established within 1,000 feet of the offender's residence.

The bill specifies that a convicted offender or predator may be considered for exemption from the registration requirement if the person was no more than four years older than the victim and the victim was at least 14 years of age. The bill prohibits offenders on supervision for specified sexual offenses from visiting schools, child care facilities, or parks and playgrounds without prior approval of the offender's supervising officer and prohibits such offenders from distributing candy to children on Halloween, wearing a Santa Claus or Easter Bunny costume, or another costume designed to appeal to children around Christmas or Easter, or entertaining at children's parties without prior approval of the sentencing authority. Approved by Governor. **Chapter 2010-92; Effective date: Upon becoming law.**

FAILED

Affordable Housing Documentary Surtax

The Broward County Board of County Commissioners (Board) supported amending state law to authorize Broward to levy a documentary surtax on the sale of commercial property if approved by local referendum. The surtax would have been a dedicated funding revenue stream for affordable housing such as is currently authorized in constitutional counties. Legislators were unwilling to impose any new taxes or fees.

Arrestee Medical Expenses

CS/CS/CS/SB 218 was initially a piece of legislation that was strongly supported by counties and a top priority for the Florida Sheriff's Association (FSA) and the Florida Association of Counties (FAC). While the bill never included the language sought by Broward County, to: (1) prohibit hospitals and physicians from billing counties for arrestees' preexisting medical conditions, and; (2) requiring that billing entities demonstrate due diligence in seeking payment through the alternative methods contemplated in existing statute; the legislation did cap county financial responsibility at 110 percent of Medicaid.

Unfortunately, the Florida Hospital Association, Medical Association and Physicians Association vehemently opposed the bill. Stakeholders met, including Broward County, to negotiate a compromise; however, attempts to reach an agreement were unsuccessful. Early in the Session, amendments were placed on the Senate Bill that changed the payment limits to 110 percent of Medicare, higher than what several counties currently pay in contracts with health care providers. Existing agreements between counties and hospitals and/or hospital districts would have been required to be honored under the bill, but the fact that the payment caps exceeded existing contractual levels would de-incentivize hospitals and hospital districts from entering into future contracts.

Throughout the Session, several large urban counties opposed the legislation as amended. After county testimony at the bill's second committee stop, SB 218 failed on a tie vote and was temporarily postponed. Upon reconsideration, the Senate Health Regulation Committee passed the bill unanimously. While SB 218 made it to the Senate floor and passed 37-1, its House companion, HB 319, was temporarily postponed in the House Public Safety and Domestic Security Policy Committee early in the Session and never reconsidered.

Crime Lab Funding

Increased funding for the Broward County Crime Lab was sought through proposed amendments to the budget's Criminal and Civil Justice Appropriations conforming bills. The House Criminal and Civil Justice Appropriations Committee Chair entertained Broward County's language which would have amended §938.25, F.S., to remove judicial discretion in imposing $100 costs for violations relating to the sale, manufacture, or possession of controlled substances. Monies collected pursuant to this statute are directed to the state trust fund that funds local crime labs. A second amendment increasing the existing court costs for DUI and BUI convictions from $135 to $185 was rejected. Budget conference negotiations failed to produce an agreement to include the mandatory costs amendment leaving funding for local crime labs at FY 2010 levels.

Juvenile Justice Cost Shifts

HB 211 sought to shift additional Department of Juvenile Justice costs or responsibilities to counties and apply additional unfunded mandates with respect to detention, risk assessment, and access to diversionary programs. Broward County opposed the legislation, which died in its second committee of reference and was never heard on the Senate side. Interestingly, however, on May 5, the Department of Juvenile Justice announced that it was convening a task force to study the feasibility of allowing counties to operate juvenile justice facilities. Efforts to amend state law to allow counties to charge juveniles, or the parents of juveniles, for the costs of providing pre-adjudicatory, secure detention care upon conviction or pleading of guilt, were unsuccessful.

Offshore Oil Drilling

Beginning with December interim committee meetings and throughout the 2010 Session the House Select Policy Council Strategic and Economic Planning held numerous meetings relating to oil exploration off the Atlantic and Gulf coasts of Florida. The committee heard many presentations covering various subjects, including infrastructure and equipment, financing/royalties, exploration safety, applicable laws and regulations, and others areas the Legislature would consider in developing legislation to lift current bans on offshore drilling on Florida's coasts. The Council also heard from proponents and opponents of oil drilling; however, the Council did not develop or consider any legislation to allow energy exploration in Florida's waters given the Senate's lack of appetite for the issue.

Online Travel Companies

CS/CS/HB 1241 amended several provisions of law relating to local option tourist development taxes, the local option tourist impact tax, the local convention development tax, the municipal resort tax and the state's sales tax imposed upon the taxable privilege of renting, leasing, or letting for consideration any accommodations in hotels, motels, rooming houses, mobile home parks, recreational vehicle parks, condominiums, or timeshare resorts. This bill was supported by the Online Travel Companies and would have enshrined into law the "merchant" business model utilized by online travel companies. Under this model, online travel companies collect sales and tourist development taxes on the retail price paid by the customer for the transient rental but only remit such taxes upon on the "wholesale price" to which the online travel company and operator/owner of the transient accommodation have agreed through a prior agreement. Thus, through this business model, online travel company pockets the unremitted tax portion as a booking "facilitation" fee.

The bill defined "consideration," "rental," and "rents" as the amount received by a person operating transient accommodations, or the owner of such accommodations, for the use of any living quarters or sleeping or housekeeping accommodations in, from, part of, or in connection with any transient accommodation. A "person operating transient accommodations" was defined as the person who conducts the daily affairs of the physical facilities furnishing transient accommodations who is responsible for providing any of the services commonly associated with operating the facilities furnishing transient accommodations, including providing physical access to such facilities, regardless of whether such commonly associated services are provided by unrelated persons. The bill also defined the term "unrelated person" to mean persons who are not related to the person operating the transient accommodations, or the owner of such accommodations, within the meaning of s. 1504, s. 267(b), or s. 707(b) of the Internal Revenue Code of 1986, as amended, that is – the Online Travel Companies.

The bill also required that a person who operated transient accommodations, or the owner of such accommodations, to separately state the tax from the consideration charged on the receipt, invoice, or other documentation issued with respect to charges for transient accommodations. However, persons facilitating the booking of reservations who were unrelated persons were not required to separately state amounts charged on such receipt, invoice, or other documentation. Any amounts specifically collected as tax were deemed county or state funds and were required to be remitted as a tax. A positive aspect of CS/CS/HB 1241 provided that the changes made by the bill would not affect lawsuits existing on the date the bill became effective.

Despite the significant negative revenue estimates on state and local governments, the House passed the bill on vote of 75-34, five votes shy of the required two-thirds majority needed to avoid the Florida Constitution's unfunded mandates provisions. In the Senate, SB 2436 stalled before the Senate Commerce during its first hearing mid-Session, after an amendment to make it identical to the House bill failed on a 4-4 vote. Senate Bill 2436 was temporarily postponed and never received a subsequent hearing.

HB 335 would have clarified existing law by providing that internet-based rental transactions for transient accommodations were subject to state sales tax and local tourist development taxes based on the total rent charged to the customer. The bill required intermediaries, such as online travel companies, to register with the Florida Department of Revenue (DOR) and remit taxes collected to the appropriate authority unless the hotel owner or operator agreed in writing to collect and remit the applicable taxes on the online travel company's behalf. The bill specified requirements for any such agreement between an owner/operator and the online travel company. In addition, DOR was directed to provide amnesty to online travel companies for unpaid taxes, penalties and interest regarding transient rentals that occurred prior to July 1, 2010, under specified conditions. HB 335 was temporarily postponed in the House Finance and Tax Council where it died without further hearing. The companion measure filed in the Senate, SB 156, died in the Senate Commerce Committee without a hearing.

SECTION II: BILLS/ISSUES OF INTEREST TO BROWARD COUNTY THAT PASSED

Agriculture

CS/HB 7103 would have prohibited counties from enforcing any regulation on land classified as agricultural if the activity is regulated by best management practices, interim measures, or regulations adopted as rules under chapter 120, Florida Statutes. It also would have prohibited counties from imposing an assessment or fee for stormwater management on land classified as agricultural if the operation has a National Pollutant Discharge Elimination System permit, an environmental resource permit, a works-of-the-district permit, or implements best management practices. The bill provided an exception under specified circumstances for counties that adopted a stormwater ordinance before March 1, 2009, provided credits are given. It would have allowed a county to enforce its wetland protection acts adopted before July 1, 2003.

The bill would have created the Agricultural Land Acknowledgement Act to ensure that agricultural practices will not be subject to interference by residential use of land contiguous to agricultural land. It required an applicant for certain development permits to sign and submit an acknowledgement of certain contiguous agricultural lands as a condition of the political subdivision issuing the permits. Eligibility for exemption from a local business tax is expanded for persons who sell farm, aquacultural, grove, horticultural, floricultural, or tropical fish farm products. The definition of "farm tractor" would have been expanded to include any motor vehicle that is operated principally on a farm, grove, or orchard in agricultural or horticultural pursuits and that is operated on the roads of this state only incidentally for transportation between the owner's or operator's headquarters and the farm, grove, or orchard or between one farm, grove, or orchard and another. The bill would have reversed legislation enacted in 2005 to return tropical foliage to exempt status from the provisions of the License and Bond law. It would have exempted farm fences from the Florida Building Code and expanded the definition of nonresidential farm buildings that are exempt from county or municipal codes and fees. It would have allowed additional fiscally sound multi-peril crop insurers to sell crop insurance in Florida. The bill also revised the agricultural materials that are allowed to be openly burned. Vetoed by Governor.

Animal Protection

CS/HB 765 amends s. 474.203, F.S., which exempts certain people from the veterinary licensure requirements of ch. 474, F.S. The bill specifically eliminates the exemption from being applied to people who have been convicted of a ch. 828, F.S., animal cruelty violation. It also eliminates application of the exemption from licensure to unlicensed veterinarians practicing veterinary medicine temporarily in this state.

The bill amends s. 500.451, F.S., to include four additional horse meat offenses: transporting, distributing, purchasing, or possessing. The bill increases an existing violation of market sales of unstamped horse meat to a third degree felony punishable by up to a $5,000 fine and up to five years in prison plus applicable administrative fees and court costs. The bill further provides for a minimum mandatory fine of $3,500 and a minimum mandatory period of incarceration of one year for horse meat human consumption offenses. Additionally, the bill authorizes the suspension of any license of any restaurant, store, or other business, as provided for in the applicable licensing law, upon the conviction of an owner or employee of the business for a violation of s. 500.451, F.S. The bill amends s. 828.125, F.S., to expand the classification of protection for horses to include any animal of the genus Equus (horse) and any recognized registered hybrid of the genus Bos (cattle). Also, the bill provides for a minimum mandatory fine of $3,500 and a minimum mandatory period of incarceration of one year for violations of this section. The bill amends s. 828.073, F.S., to provide additional flexibility for the court in determining the proper disposition of distressed animals seized by law enforcement, a county agent, or other agent. It also provides for a more expeditious hearing process in such cases.

Finally, the bill requires local governments that have licensure programs for dogs to notify the dog's owner at least 45 days prior to the expiration of the dog's license. Local governments are encouraged to create an online licensing process for convenience and efficiency. Approved by Governor. **Chapter 2010-87; Effective date: July 1, 2010, except §§ 3 and 5 which take effect on October 1, 2010.**

Article V – Automatic Index of Court Expenditures

HB 5003, the implementing bill for the state's General Appropriations Act, provides a one-year exemption from the automatic cost index for court-related expenditures. Section 29.008(4)(a) requires that counties annually fund certain court-related expenditures at 1.5 percent above the prior fiscal year's funding level. Specifically, current law requires that counties increase funding for costs mandated in §29.008(1)(a)-(h) and (3), Florida Statutes, which include:

- Facilities – buildings, equipment and furnishings for the courts, state attorneys, public defenders, and clerk of the circuit court.
- Construction or leasing of facilities.
- Maintenance, utilities, and security of such facilities.
- Communication services.
- Existing radio systems.
- Existing multi-agency criminal justice information systems.
- Legal aid programs and Alternative Sanctions Coordinators.

Section 10 exempts counties from having to budget an automatic 1.5 percent increase in these costs for FY 2011. Each county must, however, fund expenditures for these items at FY 2010 levels. The automatic indexing provision is reinstated for FY 2012. Approved by Governor. **Chapter 2010-153; Effective date: June 29, 2010.**

Background Screening for Caregivers

CS/HB 7069 substantially rewrites the requirements and procedures for background screening for persons and businesses that deal primarily with vulnerable populations (children or the elderly). The major provisions of the bill include:

- Requiring that no person that is required to be screened may begin work until the screening has been completed.
- Increasing all Level 1 screening (name search of state records) to Level 2 screening (fingerprint search of state and national records) for persons working with vulnerable populations.
- Requiring all fingerprints to be submitted electronically by August 1, 2012.
- Requiring certain personnel that are not presently being screened to begin Level 2 screening.
- Including additional serious crimes to the list of disqualifying offenses: felony assault, battery, and culpable negligence, unlawful sexual activity with minors, burglary, felony voyeurism, and domestic violence.
- Authorizing agencies to request the Florida Department of Law Enforcement to retain fingerprints.
- Providing that an exemption for a disqualifying felony may not be granted until at least three years after the completion of all sentencing sanctions for that felony.
- Requiring that all exemptions from disqualification be granted only by the agency head.
- Requiring random drug testing for licensed foster parents if there is reasonable suspicion that he or she is using illegal drugs, and providing that the cost of testing shall be paid by the foster parent and reimbursed if the test is negative.
- Providing that school districts provide a list of available substitute teachers to the early learning coalitions.

The new screening requirements are prospective; existing persons working with vulnerable populations are not required to be rescreened until such time they are otherwise required to be rescreened by existing law. Approved by Governor. **Chapter 2010-114; Effective date: August 1, 2010.**

Budget

The appropriations process was delayed until the seventh week of Session, causing the House and Senate to conference on remaining items of disagreement in the last weekend. Many Broward priorities remained in play until the final week; however, around midnight on April 26th, several items resolved in the county's favor, and the budget, as passed, contained the following items of interest to Broward County, including, but not limited to:

- Mental Health and Substance Abuse Local Match (reinvestment grant, which Broward County currently receives) was funded at its current level, $3 million. Community Mental Health received $17.5 million additional dollars over its FY 2010 level.
- Victims of sexual abuse received $250,000 (fully restored to present levels after total elimination).
- Community Substance Abuse Services were not only fully restored, but received $2,050,000 more than last year (both House and Senate proposed large cuts to the program).
- Florida Commission on Tourism had been slated to lose $6.8 million in the Senate's proposed budget, but ultimately received $1.6 million over FY 2010 levels after budget conference negotiations ended.
- Library Grants in Aid was cut by $21 million at one point in the negotiation process, but was restored to $24,046,017—a level allowing the state to receive federal matching dollars.
- Beach nourishment/storm protection dollars were restored in the final hours of negotiation to a level sufficient to fund Broward County's project Beach nourishment was an "environmental" highlight in the Governor's presentation recognizing the $15.5 million plus in the General Appropriations Act (HB 5001) as well as the "additional" $1 million dollars in the Jobs Bill (SB 1752).
- Florida Forever bonds, which were completely eliminated in the first House budget proposal, were funded at just over $19 million, contingent upon FMAP (Federal Medicaid Assistance Percentage match) extension through June 2011.
- Community Care for the Elderly (CCE) was reduced by $100,000 or less than one-tenth of 1 percent of its FY 2010 funding level of $53,144,996.

Areas of the budget where Broward County priorities did not fare well, include, but are not limited to:

- The State Housing Initiatives Partnership (SHIP) program which was completely eliminated.
- Adult Community Mental Health Services grants which were reduced by $4 million or less than 2 percent of the total $228,626,118 appropriated in fiscal year 2010.
- Home and Community Based Service Waiver that was reduced by $43.8 million.

Health and Human Services programs not mandated by federal requirements fared poorly. Funding for the Department of Health declined by $32.3 million and the appropriation level for the Agency for Persons with Disabilities was reduced by $71.6 million. The recession also caused property taxes which support public schools to decline sharply in FY 2010-2011. The projected 9.5 percent decline in school taxable value caused the Legislature to increase state funding in support of public schools by $702 million in FY 2010-11 to maintain base student funding at slight increases over current year funding levels. Transportation was the last program to significantly contribute to the overall budget growth, increasing by $376 million over the current year; however, it was asserted that the $160 million Transportation Trust Fund sweep would impact more than $400 million in transportation projects across the state.

The General Appropriations Act (GAA), HB 5001, as passed, totaled $70.4 billion, an increase of $3.8 billion (5.7 percent) over the current year appropriation and $1.2 billion higher than the Governor's budget recommendations.

The Legislature balanced the $70.4 billion budget by authorizing the Indian Gaming Compact ($433 million); sweeping non-recurring trust funds ($506.9 million, including $160 million from transportation trust funds); using federal stimulus dollars ($2.2 billion) to supplant general revenue; and appropriated $270 million conditioned upon Congressional action extending the enhanced FMAP for an additional six months – $40 million of these contingencies were earmarked to restore a portion of the $160 million transportation sweep.

On May 28, 2010, Governor Crist used his line item veto to trim $371 million from the GAA, targeting Republican leaderships' earmarks and rejecting the $160 million sweep of the Transportation Trust Fund which was to be used to fund public schools. Lawmakers have indicated that a lawsuit may be forthcoming based on Crist's decision to direct budget reserves to maintain the Legislature's level of school spending. Also on May 28, 2010, the U.S. House passed a significantly amended version of HR 4213, the Tax Extenders package, including the enhanced FMAP, upon which $270 million of the GAA—now signed into law—was contingent. Unfortunately, in order to garner sufficient support to hear the bill, House leadership was forced to shorten the extension of unemployment benefits, through Nov. 30 instead of Dec. 31; Medicare payments to doctors is for 19 months instead of 3.5 years. Jettisoned entirely were earlier version's extensions of Medicaid assistance to the states and expanded COBRA health insurance subsidies for jobless workers. Worst of all, the elimination of the enhanced FMAP means that the budget signed into law by the Governor will be off by nearly $300 million, unless the U.S. Senate acts to reinsert the extension when they take up the bill in late June. Approved by Governor. **Chapter 2010-152; Effective date: July 1, 2010, except as otherwise provided.**

Building Safety

CS/CS/CS/CS/HB 663 revises various laws related to building safety, including provisions related to the Florida Building Code, the Elevator Safety Code, and the Fire Prevention Code. The bill provides that after 3 years from issuing a building permit, if no repairs or rebuilding activities have taken place, the inactivity means the property has been abandoned as homestead. Additionally, the bill delays applicability of home inspector and mold assessor licensure and regulation until July 1, 2011; provides home inspector and mold assessor licensing programs; amends licensure requirements; and provides guidelines for practicing home inspectors and mold assessors to be licensed under a grandfather provision.

Regarding elevator safety, the bill:

- Provides that the Division of Hotels and Restaurants may enter and have reasonable access to all buildings and rooms or spaces where an existing or newly installed conveyance or equipment are located, authorizing the Division to grant variances for undue hardship.
- Exempts elevators issued certificates of operation before July 1, 2008, from any updates to the Elevator Safety Code concerning modifications for Phase II Firefighter Services (building code and elevator safety code requirement that permits firefighters to operate and control an elevator for evacuating the physically disabled in occupied buildings and for moving firefighters and equipment) until July 1, 2015, or until it is replaced or modified, whichever comes first.
- Provides that a lock box containing all elevator keys and accessible by a master key to the relevant emergency response region authority may be an alternative method to elevator emergency public access requirements.

Regarding the Florida Building Code, the bill:

- Authorizes distance learning courses as an alternative to continuing education requirements for certain licenses.
- Requires that mold assessors or mold remediators maintain general liability and errors and omissions insurance coverage of at least $1 million as a requirement for licensure.
- Revises the surcharge on building permit fees for the Building Code Administrators and Inspectors Fund by setting the surcharge rate at 1.5 percent of all permit fees associated with enforcement of the Florida Building Code and provides that the minimum amount collected on any issued permit shall be $2.
- Authorizes the Department of Community Affairs to contract for administration of the inspection and certification of manufactured buildings and reinstates local jurisdiction over prototype buildings.
- Requires state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity.
- Permits the Florida Building Commission to charge a fee of no more than $125 for filing requests for declaratory statements and for nonbinding interpretations of the Florida Building Code.

- Exempts certain mausoleums and prisoner housing from the Florida Building Code.
- Revises requirements related to: carbon monoxide alarms, residential pool filtration pumps and motors, energy-saving devices, air conditioner installation, ground and roof-mounted mechanical equipment, windstorm mitigation, and classroom and public building illumination.

Relating to fire prevention and safety, the bill:

- Prohibits a property owner from being required to install fire sprinklers in any residential property based on the use, change in use, or reclassification of that property as a rental property.
- Provides guidelines for the State Fire Marshal to follow when issuing expedited declaratory statements.
- Establishes a process for the Division of the State Fire Marshal and the Fire Code Interpretation Committee to issue nonbinding interpretations of the Florida Fire Prevention Code.
- Requires continuing education reciprocity between the Division of the State Fire Marshal and the Building Code Administrators and Inspectors Board.
- Amends certification requirements for fire protection service contractors, fire equipment dealers, and certain firefighters.
- Revises continuing education licensure requirements.
- Prohibits agencies from requiring the removal of any fire sprinkler systems system that is not required by such codes/standards.

The bill also directs that public fire hydrants owned by a governmental entity be inspected following standards adopted by the State Fire Marshal or equivalent standards. Additionally, the bill provides that county, municipal, and special district utilities may perform fire hydrant inspections with employees that have not been certified by the State Fire Marshal; however, the utilities are responsible for ensuring that the designated employees are qualified to perform such inspections. The bill repeals the 5-year inspection requirement concerning the maintenance, useful life, and replacement cost of common elements for certain condominiums. Approved by Governor. **Chapter 2010-176; Effective date: July 1, 2010, except as otherwise provided.**

Children's Services Councils

SB 2014, Early Learning, includes provisions relating to Children's Services Councils, and requires a county governing body to hold a referendum to reauthorize or dissolve a Children's Services District that has taxing authority. The bill prescribes a voting schedule according to population: counties with a population of 400,000 or less in 2014; counties with a population between 400,000 and 2 million in 2016; and counties with a population greater than 2 million in 2020. Counties are authorized to schedule a vote earlier if they wish to do so. The ballot question to reauthorize or dissolve an existing Children's Services District, or to create a new district with taxing authority after July 1, 2010, may specify whether or not the district is subject to future reauthorization by referendum. The reauthorization ballot may indicate a specified period of reauthorization or may indicate a one-time reauthorization. If the ballot is silent as to a period of reauthorization, a referendum must take place every 12 years. Approved by Governor. **Chapter 2010-210; Effective date: July 1, 2010, except as otherwise provided.**

Communication Services Tax

HB 281 amends §202.29, F.S., to allow credit for bad debt to be reported for the purpose of "netting" the credit on the communications services tax due to the state or to a local jurisdiction. This "netting" may not reduce the amount due to the state or to any local jurisdiction below zero. The bill allows dealers to use a "proportionate allocation method" to determine the credit for bad debt attributable to the state or to a local jurisdiction, rather than specifically identify the jurisdiction in which the bad debt originated. The allocation method must be based upon current gross taxes due, rather than requiring dealers to identify the specific time period of the sales associated with the bad debt. In addition, the bill allows dealers to use other reasonable allocation methods approved by DOR.

The bill is retroactive to July 1, 2000, as a remedial measure. However, the bill specifies that the retroactive operation of its provisions does not create a right to a refund or require a refund by any governmental entity of any tax, penalty, or interest remitted to DOR before July 1, 2010. Approved by Governor. **Chapter 2010-83; Effective Date: July 1, 2010.**

Crimes Against Homeless Persons

HB 11 amends Florida's hate crimes statute to reclassify the felony or misdemeanor degree of an offense in which prejudice based on the homeless status of the victim is evidenced in its commission. The bill defines "homeless status" to mean that the victim: lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. Approved by Governor. **Chapter 2010-46; Effective date: October 1, 2010.**

Elections

CS/CS/HB 131 amends Florida's elections laws to:

- Meet the requirements of the federal Military and Overseas Voter Enhancement Act (MOVE Act).
- Update the requirements for political disclaimers regarding new technologies used as campaigning tools such as Facebook.
- Delay the requirement for statewide use of certain voter interface devices.
- Reenact and amend provisions relating to electioneering communications and electioneering communications organizations.
- Revise noncampaign finance provisions of Florida's elections laws based upon recommendations made by the Division of Elections of the Department of State.

The bill adds a definition of "absent uniformed services voter" and amends the current definition of "overseas voter" to conform to the changes in federal law, making it clear that uniformed services voters who are stateside, but away from their place of residence, are governed the same under the Florida Election Code as those voters who are overseas.

The bill establishes a procedure for absentee ballots for overseas voters and all other absentee voters as well as a free access system designated by the Department of State for determining absentee ballot status which is a new federal requirement. Email requests for absentee ballots and procedures are authorized.

Regarding political advertisements, the bill provides a shorter disclaimer for candidate political advertisements that are paid for by the candidate. The bill provides that certain disclaimers are not required for a campaign message or political advertisement if the message or advertisement is designed to be worn by a person. It also provides for exceptions to the disclaimer requirements for messages or political advertising via Internet websites, text messages, or other technologies if certain requirements are met.

The bill extends the deadline for the paper ballot requirement for the voter interface device from 2012 to 2016. Only four counties have a system for disabled voters that meet the 2012 requirements.

The bill reenacts and amends provisions related to electioneering communications and Electioneering Communications Organizations (ECOs). The bill provides separate registration and reporting requirements for ECOs. The bill also makes changes to the Florida Election Code, most of which were recommended by the Division of Elections of the Department of State, including:

- Pre-empting to the state the power and authority to prescribe election laws and regulations unless specified otherwise in federal or state law.
- Providing a challenged voter who is challenged on the basis of address, the opportunity to update his or her address information in order to vote a regular ballot in the precinct.
- Revising absentee ballot procedures to include that absentee ballot requests are only good for one year versus two years.
- Revising the procedures and requirements for colocating polling place precincts and requiring the supervisor to post notice of a change in polling place on his or her Web site.
- Providing that Election Canvassing Commission members serve ex officio and providing a time certain for the commission to meet after elections.
- Requiring supervisors of elections to post notice on their Web site where and when the county canvassing board will meet to canvass absentee and provisional ballots.

- Providing that the Secretary of State must order recounts in federal, state, and multicounty races, while recounts in all other races must be ordered by the local board responsible for certifying the election in those races.
- Providing that the Secretary of State must order manual recounts of the over votes and under votes in federal, state, and multicounty races, while such recounts in other races must be ordered by the local board responsible for certifying the election in those races except, under specified circumstances.

The bill does not extend early voting hours or provide greater flexibility for early voting sites. Approved by Governor. **Chapter 2010-167; Effective date: Upon becoming law, except as otherwise provided.**

Elevator Safety

CS/HB 1035 revises the regulation of elevators by the Bureau of Elevator Safety of the Division of Hotels and Restaurants (Division) within the Department of Business and Professional Regulation. The bill creates a 5-year exemption for updates to the safety code that relate to Phase II Firefighters' Service for existing elevators in condominiums or multi-family dwellings, including those that are a part of a licensed continuing care facility or retirement community with apartments. The Phase II Firefighters' Service is a building code and elevator safety code requirement that permits firefighters to operate and control an elevator for evacuating the physically disabled in occupied buildings and for moving firefighters and equipment. The exemption is limited to buildings which were issued a certificate of occupancy as of July 1, 2008. The exemption does not apply if the elevator is replaced or requires major modification before the end of the 5-year exemption.

The bill also:

- Corrects citations to elevator installation and maintenance standards.
- Grants the Division additional rulemaking authority and the right of access to regulated equipment.
- Provides standards for the approval of requests for variances from Division rules.
- Provides additional violations that may result in the suspension or revocation of an elevator inspector certification.
- Requires that certified elevator inspectors and certified elevator companies respond to written requests for an explanation of inspection procedures and applications.
- Increases from 30 days to 90 days the period of time that elevator owners have to correct violations after the issuance of an order to correct by the Division.
- Authorizes the division to issue citations for unlicensed activity and gives the division the authority to enforce the citation as a stop work order.

Approved by Governor. **Chapter 2010-110; Effective date: July 1, 2010.**

Florida Jobs Bill

CS/HB 1752, passed in the final week of Session after being heavily amended (rolling a variety of otherwise "dead" legislation in to the final version). The bill as passed contains specifics for multiple economic development programs including: "Film Florida" entertainment tax credit (nearly $150 million over four years); extending the Qualified Target Industry (QTI) incentive; earmarking $29.8 million to Space Florida for infrastructure improvements; and providing $15 million in the Governor's Quick Action Closing (QAC) fund, which allows the Office of Tourism, Trade and Economic Development to offer incentives for businesses considering moving to Florida. Section 45 extends certain permits and development orders for a period of two years. The commencement and completion of mitigation associated with a phased construction project is also extended to ensure such activity is conducted in accordance with the appropriate construction phase. The permit holder must notify the permitting authority, by December 31, 2010, regarding its intent to use the extension and providing a date upon which it will act on the permit authorization. The extension does not apply to permits issued by the U.S. Army Corps of Engineers, permits that are in significant noncompliance with permit conditions, and to permits the extension of which would delay or prevent with a court order. Permits that are extended are subject to the rules applicable when the permit was issued unless it is demonstrated the application of such rules would create an immediate threat to public safety or health. Amendments were added for beach renourishment ($1 million) and language that expands cities' ability to use state funds to attract Major League Baseball spring training sports franchises to Florida. Also added in an amendment was language that each contract for construction that is funded by the state must contain a provision requiring the contractor to give preference to the employment of state residents. Finally, the bill requires any organization receiving public funding for economic development issues to report annually to the County on how the funds were dispersed, beginning July 1, 2011, and the County must post this data on its website. Summary highlights of the bill include the following:

Business Expansion & Relocation

- **Quick Action Closing Fund (QAC):** $15 million to ensure the state is able to provide the means necessary to attract new, and expand existing, high-impact businesses. In Fiscal Year 2008-09, QAC projects led to the creation/retention of 25,610 jobs at an average annual wage of $51,503.
- **Qualified Target Industry Tax Refund (QTI):** to enhance the incentives provided through this program, additional per-job tax refunds will be provided for high-impact businesses, for businesses receiving exceptional support from a local government, and for businesses that increase exports of goods through Florida seaports or airports. In Fiscal Year 2008-09, QTI projects created 8,382 new jobs at an average annual wage of $51,257.
- **Local Government Matching Grants:** $3 million to provide a 50 percent match of expenditures by local governments used to attract and retain businesses in Florida. In an effort to spur job creation and retention, areas with pervasive poverty or extreme economic distress will be given higher priority. Individual grants may be up to $50,000.
- **Defense Infrastructure Grants (DIG):** $4 million to local communities to support projects associated with Florida's military installations, which provide immediate investment resulting in jobs and economic activity while ensuring Florida's bases remain open and mission ready. Florida's defense economy contributes approximately $60 billion to Florida's gross state product and employs nearly 725,000 Floridians.
- **High Impact Performance Incentive Grant (HIPI):** In an effort to position Florida for success in a highly competitive and innovative global economy where every state and nation seeks to attract and retain high-impact industries, the eligibility threshold for potential grant recipients is lowered from a $100 million investment and 100 jobs for high impact sector businesses, to a cumulative investment in the state of at least $50 million and create at least 50 new full-time jobs. The qualifying amount required for research and development facilities also changes from $75 million and 75 jobs, to at least $25 million and 25 new full time jobs.

Small Business Assistance $11.9 million in assistance to small businesses will be provided through:

- **Research Commercialization Matching Grants:** $3 million in grants administered by the Institute for the Commercialization of Public Research to assist small businesses seeking federal research and development funding. These state matching grants will help Florida small businesses compete with other states for research and development funds available from federal agencies through the Small Business Innovation Research (SBIR) and Small Business Technology Transfer Program (STTR) programs. Phase I grant applicants may receive up to $50,000 per award, with Phase II grants up to $250,000. All applicants must have received the federal grant award for that phase in order to qualify for the grant.
- **Economic Gardening:** $2 million to expand the Governor's Economic Gardening Pilot Program, which identifies qualified companies (between 10 and 50 employees) and helps them expand by offering specific services such as market information, leadership development, and assistance in digital media applications. The new funds will help local communities create their own programs to provide technical assistance to businesses in their areas. By utilizing the expertise and resources of the Economic Gardening Institute, local programs can more easily offer assistance tailored to the specific needs in their geographic region.
- **Export Finance Capital:** $4.9 million in access to capital to the Florida Export Finance Corporation to assist Florida small businesses in completing their short-term export sales transactions. Greater than 95 percent of Florida's exporters are small to medium-sized businesses, with a vast majority requiring assistance to complete their sales.
- **State University Research Commercialization Assistance Grant Program:** $2 million to increase commercialization of products and technologies that emerge from research taking place at state universities in Florida. The Florida Technology, Research, and Scholarship Board, which exists within the Board of Governors of the State University System in Florida, provides a funding option to make research projects a reality. While available only to researchers whose projects are taking place within the State University System, these grants provide budding business owners with the resources to take an idea and bring it to the marketplace using Florida's workforce.

Relief to Unemployed Workers and Assistance to Distressed and Rural Communities

$11 million in funding will be provided to:

- **Jobs for the Unemployed Tax Credit:** $10 million in tax credits provided to any new or existing qualified targeted industry business that hires a new employee who is unemployed. Businesses are eligible for a $1,000-tax credit per each qualified employee. The tax-credit cap is $5 million in FY 2011-2012 and $5 million in FY 2012-2013 to be distributed by OTTED on a first-come, first-served basis. A "qualified employee" is defined as any person who meets all of the following criteria:
    - has been out of work at least 30 days prior to being hired by the eligible business.
    - was hired by the eligible business on or after July 1, 2010, and had not previously been employed by the business.
    - works for the business on a regular, full-time basis for an average of at least 36 hours per week and for at least 12 months before the eligible business owner files for the tax credit.
    - has not been previously claimed by the eligible business for a tax credit under this program.
- **Local Government Distressed Area Matching Grant Program:** This program will match 50 percent of expenditures by local governments to attract businesses in Florida. Special attention will be given to areas with pervasive poverty, high unemployment levels, and economic distress.

Florida's Film Industry

- **Entertainment Industry Financial Incentive Program:** A five-year, $242 million transferable tax credit incentive program for Florida's Film and Entertainment industry will induce over $1.2 billion in direct spending by entertainment production companies into Florida's economy. Tax credits are awarded after certified projects complete production and submit a final report. The total amount of tax credits authorized under this bill is $53.5 million for Fiscal Years 2010-11, $74.5 million for Fiscal Years 2011-12 and $38 million for each of Fiscal Years 2012-13, 2013-14 and 2014-15.

Sales and Use Tax (SUT) Exemptions

- Revives and amends an exemption to the tax on admissions for events sponsored by a governmental entity, sports authority, or sports commission.
- Creates additional exemptions from the tax on admissions for certain sporting events.
- Creates an exemption from the use tax for aircraft that are sold in Florida free of sales tax to a non-resident when the plane returns to Florida for fewer than 21 total days within six months after the date of purchase.
- Creates an exemption from the use tax for aircraft owned by a non-resident when it is used in Florida exclusively for the purpose of flight training, repairs, alterations, refitting, or modification.

Sales Tax Caps

- Creates an $18,000 cap on the amount of SUT that may be levied against each sale of a boat in Florida.
- Creates a new section (s. 212.0597, F.S.) to cap the amount of state and local taxes levied under ch. 212, F.S., including any discretionary sales surtaxes, at $300 on the sale or use of a fractional aircraft ownership interest. The maximum tax applies to the total purchase price of the fractional ownership interest, including monthly management or maintenance fees, when sold by or to the program manager or transferred upon the manager's approval.

Tax Credits

- Replaces the current film and entertainment industry cash refund incentive with a transferable tax credit program, for FY 2010-2011 through FY 2014-2015.
- Creates s. 220.1896, F.S., the Jobs for the Unemployed Tax Credit. This section creates, for FY 2010-2011 and FY 2011-2012, a $1,000-per-employee CIT credit for businesses representing the state's target industry sectors that hire persons who have been unemployed at least 30 days prior to being hired by the eligible businesses and that meet other criteria.

Grants/Refunds

- Creates s. 288.0659, F.S., the "Local Government Distressed Area Matching Grant Program," to provide a matching grant to a local government's contribution or $50,000, whichever is less, to a business that will create at least 15 jobs and meet other criteria. The business must locate in a community that is suffering from pervasive poverty, unemployment and general distress. This program also received $3 million in state appropriations for use as grants.
- Creates the two-year "Manufacturing and Spaceport Investment Program," to provide grants of up to $50,000 to eligible manufacturers, based on the difference in sales taxes paid on eligible equipment purchases made in the base year of 2008, compared to that on eligible equipment purchases in FY 2010-2011 and FY 2011-2012. The total "sales tax refund" is $50,000 per business. For FY 2010-2011, $19 million is available for refunds and $24 million is available for refunds in FY 2011-2012, to be awarded on a first-come, first-served basis. Creates three new bonus categories for businesses that are certified as "qualified target industries," pursuant to s. 288,106, F.S. Eligible businesses may obtain additional refunds of eight taxes paid, in the following categories: A $2,000 per employee bonus for businesses that increase either the tonnage or value of exports by 10 percent a year. +A $2,000 per employee bonus if the business is in one of the "high-impact industry sectors" of clean energy, corporate headquarters, financial services, biomedical technology, information technology, or transportation equipment manufacturing.

- Provides a $1,000 per employee bonus for a business locating in a county which is matching the state's incentive on a dollar for dollar basis. Creates s. 288.9552, F.S., the Florida Research Commercialization Matching Grant Program, to be managed by the Institute for the Commercialization of Public Research. State funding in the amount of $3 million total is appropriated for Phase I and Phase II grants for small, entrepreneurial companies trying to commercialize their discoveries. +Appropriates $2 million to the state university system for its State University Research Commercialization Assistance Grant program, which provides small grants to young companies trying to commercialize their institutional research into marketable products.

Economic Development Provisions

- Appropriates $19.8 million to Space Florida for infrastructure improvements, aerospace-business recruitment; and retraining of aerospace workers, as a way to keep Florida's space industry viable through the transition from the Space Shuttle to the next NASA spaceflight program.
- Requires all certified local governments with spring training teams to annually report on how the state funds are being used and the economic impacts of the teams, and directs OTTED and its partners to develop a strategic plan to help guide the future of spring training baseball in Florida.
- Recreates, with some changes, the Qualified Target Industry (QTI) Tax Refund Program until June 30, 2020.
- Makes technical revisions to Florida's New Markets Development Tax Credit program to make the state law more compatible with federal law, and by doing so attract more private investors to Florida economic development projects in low-income communities.
- Appropriates $15 million for the state's Quick Action Closing (QAC) Fund, contingent on Florida receiving an enhanced Federal Medical Assistance Percentage (FMAP). QAC is the incentive program designed to "close the deal" with relocating businesses that are deciding whether to choose Florida over other states.
- Appropriates $2.9 million to the Florida Export Finance Corporation to capitalize a collaterized, self-sustaining loan fund to help small exporters get loans. This new fund must complement the corporation's current programs in Part V, of ch. 288, F.S. (An additional $2 million is appropriated contingent on FMAP enhancements.)
- Appropriates $1 million in FY 2010-2011 to DEP for beach renourishment.
- Appropriates $1 million in FY 2010-2011 for the Economic Gardening Technical Assistance program, created last year by the Legislature and housed at the University of Central Florida's business incubator. (An additional $1 million is appropriated contingent on Florida receiving FMAP funding.)
- Appropriates $2 million to the Defense Infrastructure Grant Program to assist communities located near military installations with economic development opportunities. (An additional $2 million is appropriated contingent on FMAP enhancements.)
- Modifies the state's High Impact Business Incentive Program to create a new category of eligible projects – businesses that create 50 jobs and make a capital investment of $50 million – and makes them eligible for a $500,000 to $1 million grant. Amends s. 288.018, F.S., to allow rural infrastructure dollars to be spent for technical assistance to small rural communities. Extends Florida's "Homebuyer Opportunity Program" an additional year, to July 1, 2011, to take advantage of the federal first-time homebuyer program.

Government Transparency/Accountability

- Requires counties and municipalities to report data on their economic development incentives in excess of $25,000.
- Requires any economic development entity that receives funds from a county or municipality for economic development activities to submit an annual report, beginning January 15, 2011, to report back to the county detailing how the public funds were spent and the results of the expenditures on economic development within the county.

- Directs OTTED and its partners to review the state's Targeted Industry List and the High Impact Industry List every three years to determine if they should be modified, and to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives with their findings. The first reports are due in 2011.
- Amends s. 288.1258, F.S., to modify a currently required Office of Film and Entertainment report related to film-related SUT exemptions to include return on investment calculations about the new film and entertainment tax credits.
- Requires the Office of Film and Entertainment to update its Statewide Master Plan every five years.
- Amends s. 373.441, F.S., to create a process for the Governor and Cabinet to review local-government permitting delegation decisions by the Florida Department of Environmental Protection (DEP).
- Directs the Office of Program Policy and Government Accountability to review the Florida Enterprise Zone Program and the new Florida Research Commercialization Grant Program, with reports due next year.

Miscellaneous Provisions

Preference for Hiring Floridians in State Construction Contracts.

- The bill requires all contracts for construction funded by the state to contain a provision requiring the contractor to give preference to the employment of Florida residents in the performance of the work on the project if the residents have "substantially equal qualification" to those of non-residents (substantially equal qualifications is defined). Local construction contracts funded with local funds have the option to require such provisions. However, for work involving federal aid funds, the contract provision may not be enforceable to the extent it conflicts with federal law. Contractors required to hire Floridians must contact the Agency for Workforce Innovation to post the jobs on the state's job bank system (www.employflorida.com).
- Extends to September 30, 2011, a deadline to upgrade underground fuel tank containment systems for those persons who have entered into consent agreements with DEP before July 1, 2010.
- Revisits the permit-extension provisions in ch. 2009-96, L.O.F., to allow, under certain conditions, an additional two-year extension. Also, new permit applicants may be able to get a two-year extension of their permits, under certain conditions.
- Modifies the definition of "jobs" in the state's economic development incentive programs to include leased employees, which reflects the changing employment market and is consistent with the federal definition.
- Grants OTTED the flexibility to renegotiate QAC contracts for FY 2010-2011 for projects that materially met the conditions of their agreement but fell short in some requirements because of adverse economic conditions.
- Potentially accelerates the QAC approval process by allowing QAC project awards of less than $2 million to be approved by the Legislature's Presiding Officers, rather than the full Legislative Budget Commission (LBC), which typically meets quarterly. However, if either the chair or vicechair of the LBC, the Senate President, or the Speaker of the House of Representatives objects to the QAC project, no funds will be released to that project until the LBC or the Legislature meets to review the project.

Approved by Governor. **Chapter 2010-147; Effective date: Upon becoming law, except as otherwise provided.**

Florida Retirement System

HB 5607, Relating to Retirement 2010:

- Establishes the employer-paid contribution rates for the Florida Retirement System (see Table below);
- Reduces the fee charged to employers participating in the Florida Retirement System for the administrative and educational costs associated with the defined contribution program;
- Sets the interest rate on the Deferred Retirement Option Program (DROP) account accumulations at 3 percent per year (rather than 6.5 percent per year) for members entering the DROP on or after July 1, 2010;
- Requires the state actuary to conduct a special study on the funding of the DROP.

The required employer retirement contribution rates for each membership class and subclass of the Florida Retirement System are as follows:

Membership Class Percentage of Gross Compensation

	Effective July 1, 2010	Effective July 1, 2011
Regular Class	9.76%	9.76%
Special Risk Class	22.15%	22.15%
Special Risk (Admin Support)	11.24%	11.24%
Elected Officers' Class (State)	14.38%	14.38%
Elected Officers' Class (Judicial)	19.39%	19.39%
Elected Officers' Class (County)	16.62%	16.62%
Senior Management Class	11.70%	11.70%
DROP	10.07%	10.07%

Vetoed by Governor.

Due to the Governor's veto of HB 5607, the employer contributions rates revert to the rates established by the 2009 Legislature. The 2010-2011 rates are as follows:

Retirement Class	FY 2010-2011 Rates
Regular	9.63%
Special Risk	22.11%
Special Risk, Administrative	12.10%
Elected Officers – State	15.20%
Elected Officers – County	17.50%
Elected Officers – Judicial	20.65%
Senior Management	13.43%
DROP	11.14%

HB 1193 creates the "Adam Pierce Act" which redefines "special risk member" so that law enforcement officers, firefighters, and detention personnel that suffer a disability in the line of duty may continue membership in the special risk class even if they are in employed in a position which is not considered special risk if they continue to work for the same employer. The bill also provides for additional accidental death benefits for firefighters who die while participating in training exercises. The provisions apply to firefighter deaths occurring on or after November 1, 2003. Approved by Governor. **Chapter 2010-179; Effective date: Upon becoming law.**

Health Care – Abortion

CS/CS/CS/HB 1143 repeals obsolete and duplicative provisions in licensing and related statutes, defines and corrects references to the Joint Commission, updates references to a variety of organizations and state agencies to reflect current titles or responsibilities related to facilities regulated by the Agency for Health Care Administration (AHCA), and streamlines reporting by licensed facilities and state agencies.

The bill authorizes an insurer that issue a group or individual health benefit plan to offer a voluntary wellness or health improvement program that allows for rewards or incentives to the encourage or reward participation in the program.

CS/CS/CS/HB 1143 prohibits an individual or group health insurance policy or HMO contract, which is purchased through a state exchange established under the federal health care reform law (Patient Protection and Affordable Care Act, P.L. 111-148) with any state or federal funds in the form of any tax credit or cost-sharing credit, from providing coverage for abortions. Separate abortion coverage may be provided to a private person or entity if the coverage is not purchased with any state or federal funds. The term "state" includes political subdivisions of the state, thus prohibiting local government funds from being used to provide coverage for abortions.

The bill also amends the current law on informed consent to require that physician or trained person perform an ultrasound before an abortion is performed which is not a medical emergency. As a part of informed consent for the abortion, the woman must be allowed to view the live ultrasound images while a licensed medical professional explains the images to her. A woman may decline to view the ultrasound images, but must complete a form acknowledging the opportunity to view her ultrasound which she declined and that her decision was not based on any undue influence from a third party. The opportunity to view the ultrasound is not required for a woman who presents documentation that she is obtaining the abortion because she is a victim of rape, incest, domestic violence or human trafficking, or that she has been diagnosed with a condition that would create a serious risk of substantial and irreversible impairment of a major bodily function if the termination of her pregnancy is delayed. In addition, the printed materials that are required to be made available to the pregnant woman as a part of informed consent must include a description of the various stages of development of the fetus.

Lastly, the bill declares the public policy of this state that a federal, state, or local government may not compel a person to purchase health insurance or health services except under certain conditions; preserves the collection of debts lawfully incurred for health insurance or health services; and authorizes the Attorney General to implement or advocate this public policy in any court or administrative forum on behalf of persons whose constitutional rights concerning health insurance coverage may be subject to infringement by federal action. Vetoed by Governor.

Health Care Services

CS/CS/HJR 37 proposes to amend the Florida Constitution to prohibit any person, employer, or health care provider from being compelled to participate in any health care system. The joint resolution authorizes any person or employer to pay directly for health care services and provides that persons or employers shall not incur a penalty or fine for direct payment. The joint resolution authorizes a health care provider to accept direct payment and prohibits penalties and fines for providers accepting direct payment. The joint resolution permits reasonable regulation but bans any law or rule which prohibits private health insurance sales or purchases.

The joint resolution was approved by three-fifths vote of the membership of each house; so it will be on the ballot at the November 2, 2010, general election as Amendment 9. Approval requires a favorable vote of 60 percent or more of the electors voting on the measure. If approved by voters, the joint resolution takes effect on January 4, 2011.

Insurance

CS/CS/SB 2176 makes changes to various insurance laws primarily related to commercial lines insurance, risk management or self-insurance for public entities, warranty associations, disability presumption and workers' compensation for law enforcement officers, Medicare supplemental insurance, and annuities. The changes made by the bill are as follows:

Commercial Lines Insurance

Commercial lines insurance (commercial insurance) is insurance designed for and bought by a business to cover certain types of losses sustained by the business. Under current law, rates for commercial insurance must be filed with, reviewed by, and approved by the Office of Insurance Regulation (OIR). The bill excludes the following types of commercial insurance and risks from having to file a rate with the OIR:

- Excess or umbrella insurance
- Surety insurance
- Fidelity insurance

- Boiler and machinery insurance
- Leakage and fire extinguishing equipment insurance
- Fleet commercial motor vehicle insurance covering 20 or more vehicles
- Errors and omissions insurance
- Directors' and officers', employment practices, and management liability insurance
- Intellectual property and patent infringement insurance
- Advertising injury and Internet liability insurance
- Property risks rated under a highly protected risks rating plan
- Other types of commercial insurance determined by the OIR.

Rates for these types of commercial insurance and risks must still not be excessive, inadequate, or unfairly discriminatory as determined by the rate factors and standards in current law. The insurer writing commercial insurance or the rating organization setting the loss cost for commercial insurance covered by the bill must notify the OIR when the company changes a rate or loss cost for the commercial insurance. The OIR can examine the insurance company's records relating to the rate charged and request any information it needs to determine if the rate is excessive, inadequate, or unfairly discriminatory.

Risk Management or Self-Insurance for Public Entities

The bill prohibits an association, fund, or pool created to manage a risk management mechanism or to provide self-insurance for a public entity from requiring its members to give more than a 45-day notice of the member's intention to withdraw from the association, fund, or pool.

Warranty Associations

Chapter 634, F.S., governs the regulation of warranty associations, which are motor vehicle service agreement companies, home warranty associations and service warranty associations. Motor vehicle service agreements provide vehicle owners with protection when the manufacturer's warranty expires. Home warranty associations indemnify warranty holders against the cost of repairs or replacement of any structural component or appliance in a home. Service warranty contracts for consumer electronics and appliances allow consumers to extend the product protection beyond the manufacturer's warranty terms. CS/CS/SB 2176 reduces some regulatory oversight by the OIR over warranty associations while specifying new prohibited acts and adding penalties.

Disability Presumption and Workers' Compensation for Law Enforcement Officers

Current law establishes a presumption for state and local firefighters, law enforcement officers, and correctional officers regarding determinations of employment-related disability. The law provides certain diseases (tuberculosis, heart disease, and hypertension) acquired by such firefighters and officers are presumed to have been suffered in the line of duty. This presumption in law has the effect of shifting from the employee to the employer, the burden of proving by competent evidence that the disabling disease resulted from the person's employment.

The bill specifies the presumption also applies to correctional probation officers. The bill provides that a law enforcement officer, correctional officer, or correctional probation officer who suffers from tuberculosis, heart disease, or hypertension and materially departs from the prescribed course of treatment of his or her physician, and the departure is demonstrated to result in an aggravation of his or her condition, loses a specified presumption for claims after July 1, 2010. The bill also specifies claims for benefits must be made prior to or within 180 days of leaving employment for the presumption to apply. These provisions would not apply to state or local firefighters.

The bill also provides a broader interpretation of workers' compensation benefits payable to off-duty deputy sheriffs to include, but not be limited to, providing security, patrol, or traffic direction for a private employer. For purposes of workers' compensation benefits related to off-duty employment, the bill authorizes a sheriff to include the sheriff's proportionate cost of workers' compensation premiums for the off-duty deputy sheriffs providing such off-duty employment.

Medicare Supplemental Insurance

Medicare is health insurance for people 65 years of age and older and for those under age 65 with a disability or End Stage Renal Disease. Under federal law, Medicare beneficiaries age 65 and older, who are also enrolled in Medicare Part B, have a guaranteed right to purchase a Medicare supplemental policy (Medigap insurance) during an open enrollment period. Medigap insurance helps pay some of the health costs not covered by Medicare, including copayments, coinsurance, and deductibles.

The Department of Health and Human Services (HHS) defines the parameters and provides guidelines for standardized Medigap policies. HHS has opined a network arrangement wherein the facility agrees to waive all or a portion of the Medicare Part A in-patient deductible does not violate standardization provisions. In addition, HHS has opined if products containing such provisions are permitted to be marketed and sold in a state, the waiver of the Part A premium deductible and the premium credit must be factored into the loss ratio calculation and into the policy premium.

The bill allows insurers that offer Medigap insurance policies to enter into agreements with in-patient facility networks that agree to waive the Medicare Part A deductible in whole or in part. The insurer is not required to file a copy of the network agreement with the OIR. Such network agreements are not subject to OIR approval. The bill also provides that premium credits granted to insureds under Medigap insurance policies for using in-network in-patient facilities do not constitute an unfair method of competition or unfair or deceptive trade practice. The waiver of the Medicare Part A deductible and premium credit are required to be factored into the insurer's loss-ratio calculation and policy premium.

Annuities

An annuity is a contract sold by an insurance company designed to provide a stream of payments to the purchaser at specified intervals, typically after retirement. Because these contracts allow retirees protection against outliving their savings, these products have become extremely popular among Florida's increasingly large retirement-aged population. The Department of Financial Services (DFS) is the state agency responsible for regulating the sale of annuities in Florida. This bill makes several changes in the Florida Insurance Code to enhance penalties for unethical annuity sales practices as well as provide certain consumer protections for seniors who purchase annuity contracts.

Miscellaneous Provisions

- Exempts applicants from the examination required for licensure as a customer representative if the applicant is designated a Certified Insurance Representative from the National Association of Christian Catastrophe Insurance Adjusters.
- Exempts insurance agents that do not have any active life insurance or annuity contracts from current law requiring any person with a license to solicit or sell life insurance to complete at least three hours in continuing education on the subject of suitability in annuity and life insurance transactions.

Approved by Governor. **Chapter 2010-175; Effective date: January 1, 2011, except as otherwise provided.**

Liability Releases/Parental Waivers

CS/SB 2440 redefines term "nonspectators" to include a minor on whose behalf a natural guardian has signed a motorsport liability release. A motorsport liability release signed by a natural guardian on behalf of the minor participating in sanctioned motorsports event is valid to the same extent as for other nonspectators. The bill limits the validity of the waiver or release signed by the natural guardian on behalf of the minor participating in activity at a closed-course motorsport facility other than sanctioned motorsports event. The bill also authorizes natural guardians to waive, in advance, claims for injuries and property damage arising from risks inherent in a commercial activity. The bill defines the term "inherent risk" and provides a specific statement that must be included in the waiver. The bill creates rebuttable presumption that the waiver is valid and that injury arose from inherent risk and sets forth the requirements and standard of evidence for overcoming presumption. Lastly, the bill authorizes natural guardians to waive, in advance, any claim against noncommercial providers to extent allowed by common law. Approved by Governor. **Chapter 2010-27; Effective date: Upon becoming law.**

Local Government/Leases

CS/CS/SB 1004 expands the flexibility of local governments by authorizing boards of county commissioners to negotiate the lease of county real property, other than an airport or seaport facility, for a term not to exceed five years rather than going through the competitive bidding process. The bill also allows government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located. Vetoed by the Governor.

Local Government Prompt Pay

CS/HB 1157 amends the Local Government Prompt Pay Act to ensure that local governments timely pay construction contractors, provide transparency concerning the persons who must receive, review and approve proper invoices, and provide finality with regards to public construction projects. As passed, the bill makes the following changes:

- Renumbers definitions and amends the terms "agent," "payment request," and "proper invoice" to conform with other statutory changes made in the bill.
- Provides that if a payment request not paid or rejected within the time prescribed in statute, a contractor may send the local government an overdue notice to the local government. If the payment request or invoice is not rejected within four business days, such request will be deemed accepted except for any portion that is fraudulent or misleading.
- Requires a local government to identify in the contract the name of the agent or employee, office or facility to which a contractor must send its payment request or invoice. Such information may also be provided by separate notice as provided in the contract within 10 days after contract award or notice to proceed. Delivery of a payment request or invoice to such person or office commences the statutory periods for payment or rejection of a payment request or invoice.
- Requires that a local government's ordinance addressing payment-related dispute resolution procedures be referenced in the contract.
- Requires that local governments develop and timely delivery a "single" list of the items necessary to render the public construction project complete and acceptable. The contract must specify a date for the delivery of the "punch" list after it's developed and reviewed. The bill requires the final contract completion date be at least 30 days after the delivery of the punch list to the contractor, and failure to timely deliver punch list requires that the contract completion time be extended the number of days the local government exceeded the delivery date. The bill prohibits the assessment of damages against a contractor for failing to complete a project on time, unless the contractor failed to complete the project within the extended contract period.
- Includes that items not included in the punch list may not affect the final payment of retainage.
- Provides that if a local government fails to develop a punch list, the bill allows a contractor to submit a payment request of any remaining undisputed contract amount, less amounts withheld for incomplete or uncorrected work, which amount must be paid within 20 business days after the payment request or invoice is submitted. A local government need not pay the contractor when written notice has been provided to the contractor concerning the contractor's failure to cooperate with the local government in developing a punch list or if the contractor has failed to meet its contractual obligations in the development of the punch list.
- Clarifies that local governments must commence dispute resolution procedures within 45 days after a payment dispute arises between a vendor and the local government. With respect to contractors, if a local government fails to commence the dispute resolution process within the time prescribed the contractor may send the local government written notice of such failure. If the local government thereafter does not start the process within four business days, any amounts resolved in the contractors' favor earn mandatory interest. In addition, the local government's objection to the payment request or invoice is deemed waived, except the contractor is not relieved in any way of its contractual obligations.

- Provides that in a civil action brought to recover amounts due under the Local Government Prompt Payment Act, the court shall award reasonable attorney's fees and court costs to the prevailing party.

Approved by Governor. **Chapter 2010-111; Effective date: October 1, 2010.**

Misrepresentation of Military Status

CS/HB 1455 makes it unlawful for a person to solicit funds by falsely stating or representing that he or she is a member or representative of the United States Armed Forces or the National Guard. In addition, the bill prohibits a person from wearing the uniform of, or any medal or insignia authorized for use by members or veterans of, the United States Armed Forces or the National Guard, and misrepresenting himself or herself as a member or veteran of the United States Armed Forces or the National Guard while soliciting for charitable contributions. Any person who commits a prohibited act in the bill commits a felony of the third degree. A person that commits a second or subsequent offense for soliciting funds by falsely stating or representing that he or she is a member or representative of the United States Armed Forces or the National Guard, commits a second degree felony. Approved by Governor. **Chapter 2010-181; Effective date: October 1, 2010.**

Negligence (Slip and Fall)

HB 689 provides that if a person slips and falls on a transitory foreign substance in a business establishment, the injured person must prove that the establishment had actual or constructive knowledge of the condition and should have taken action to remedy itand provides that constructive knowledge may be proven by circumstantial evidence. The bill's provisions do not affect any common-law duty of care owed by a person or entity in possession or control of the business premises; and repeals provisions relating to duty to maintain premises and burden of proof in claims of negligence involving transitory foreign objects or substances. Approved by Governor. **Chapter 2010-8; Effective date: July 1, 2010.**

Pain Management/Pill Mill Legislation

SB 2272 requires all privately owned pain-management clinics that primarily engage in the treatment of pain by prescribing or dispensing controlled substance medications to register with the Department of Health. Exceptions to registration and regulation as a pain-management clinic include clinics that are licensed as hospitals, ambulatory surgery centers, or mobile surgical facilities in which the majority of the physicians primarily provide surgical services; clinics owned by a publicly held corporation whose total assets at the end of the corporation's most recent fiscal quarter exceeded $50 million; clinics affiliated with an accredited medical school at which training is provided; and clinics not prescribing or dispensing controlled substances for the treatment of pain; or owned by a corporate entity exempt from federal taxation.

A registered pain-management clinic must be owned by a medical physician, osteopathic physician, or group of medical or osteopathic physicians, or be licensed as a health care clinic under other provisions of law. Certain regulatory or criminal actions will prevent physicians from owning or having a contractual or employment relationship with a pain-management clinic.

A grandfathering provision authorizes physicians who qualify to continue to practice in a pain-management clinic after July 1, 2012. On and after that date, a physician must have completed a pain medicine fellowship or a pain medicine residency in order to practice in a pain-management clinic.

Certain activities pertaining to a pain-management clinic are regulated, including, but not limited to:

- The maximum number of prescriptions for certain controlled substances that may be written at a clinic during any 24-hour period.
- Requiring a physician to perform a physical examination of a patient on the same day that the patient receives controlled substances or a prescription for controlled substance.
- Prohibiting a practitioner from dispensing more than a 72-hour supply of controlled substances to a patient who pays for the medication by cash, check, or credit card, with certain exceptions.
- Disciplinary action for promoting or advertising the use, sale, or dispensing of controlled substances.

The Department of Health, with input from others, is required to develop rules for identifying indicators of controlled substance abuse. The program manager for the prescription drug monitoring program is authorized to provide relevant information to the applicable law enforcement agency upon determining that a pattern consistent with these rules and having cause to believe that certain violations related to controlled substances has occurred. Approved by Governor. **Chapter 2010-211; Effective date: October 1, 2010.**

Petroleum Site Cleanup

CS/CS/HB 1385 passed in the final week of the Session and was a cause of concern for some local governments. The bill prohibits a local government from denying a permit for building, remodeling or installation on the grounds that petroleum contamination exists. To participate in the low-scored site initiative, a responsible party or property owner of contaminated land must affirmatively demonstrate that: the site retains a priority ranking score of ten points or less; a minimum of six months of groundwater monitoring indicates the plume is shrinking or stable; the release of petroleum products at the site is not contaminating adjacent surface waters or adversely affecting human health and the environment; the area of groundwater contamination is limited to the property boundaries of the property where the discharge originated; and soils on the site, from the surface to two feet below, meet department rule or that human exposure is appropriately controlled. The bill limits the amount of funding available to the low-scored site initiative to no more than $10 million encumbered from the Inland Protection Trust Fund in any fiscal year for a maximum of 10 sites. Vetoed by Governor.

Prepaid Wireless Telecommunications

CS/CS/HB 163provides that the E911 Board shall collect the E911 fee from the sale of prepaid wireless service, beginning July 1, 2013, if it determines that a fee should be collected from the sale of such service and the service is a prepaid calling arrangement that is subject to sales and use tax. Before July 1, 2013, the E911 fee shall not be assessed on or collected from providers with respect to prepaid calling arrangements. The bill strikes obsolete language requiring the Board to conduct an already completed study concerning the feasibility of collecting E911 fees from the sale of prepaid wireless service. The bill increases to 30 percent, from current law's 20 percent, the portion of funds disbursed to a county from the Emergency Communications Number E911 System Fund for capital outlay, capital improvement, or equipment replacement which the county may carry forward into the next calendar year. Approved by Governor. **Chapter 2010-50; Effective date: July 1, 2010.**

Public Safety Telecommunicators/E911

CS/CS/SB 742 requires any person employed as a 911 public safety telecommunicator at a public safety answering point to be certified by the Department of Health (DOH) by October 1, 2012. It renames "911 emergency dispatchers" to "911 public safety telecommunicators" and expands the functions they perform related to 911 calls. The estimated fiscal impact on local governments has not been determined but is believed to be significant. Instead of the current voluntary certification requirements for emergency dispatchers, the bill imposes mandatory certification requirements for public safety telecommunicators. An applicant for public safety telecommunicator certification must:

- Complete an appropriate 911 public safety telecommunication training program.
- Certify under oath that he/she, is not addicted to alcohol or any controlled substance, and is free from any physical or mental defect or disease that might impair his/her ability to perform his/her duties.
- Submit an application fee and a completed application.

Persons required to comply with the mandatory certification requirements for 911 public safety telecommunicators must pay $50 for an initial application fee; an examination fee no greater than $75; and a biennial renewal fee no greater than $50. Public safety telecommunication training programs must pay an application fee no greater than $50. Approved by Governor. **Chapter 2010-188; Effective date: July 1, 2010.**

Qualifying Improvements to Real Property – PACE Legislation

In recent years, the Florida Legislature has placed an increasing emphasis on promoting renewable energy, energy conservation, and enhanced energy efficiency in Florida. The Property Assessed Clean Energy (PACE) Program is a model that has recently become popular as an innovative way for local governments to encourage property owners to reduce energy consumption and increase energy efficiency. The PACE model allows individual residential, commercial, or industrial property owners to contract directly with qualified contractors for energy efficiency and renewable energy projects, and the local government provides the upfront funding for the project through proceeds of a revenue bond issuance, which is repaid through an assessment on participating property owners' tax bills. There are no provisions in the Florida law expressly providing for a program whereby local governments issue bonds to finance energy projects for property owners and repay the bonds through special assessments on participating property owners' property tax bills. As a result, the Legislature passed CS/HB 7179 in the 2010 Session.

Qualifying Improvements to Real Property

CS/HB 7179 creates §163.08, F.S., providing supplemental authority to local governments relating qualifying improvements to real property. Specifically, the bill authorizes a property owner to voluntarily enter into a financing agreement with a local government, which is defined in the bill as a county, a municipality, or a dependent special district, for the purpose of providing financing for qualifying improvements to residential, commercial, or industrial property. A local government may also partner with one or more local governments for the purpose of providing and financing qualifying improvements.

A "qualifying improvement" includes any:

Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or more efficient use of:

- Electricity
- Natural gas
- Propane
- Other forms of energy on the property.

Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources:

- Hydrogen
- Solar energy
- Geothermal energy
- Bioenergy
- Wind energy.

Wind resistance improvement, which includes, but is not limited to:

- Improving the strength of the roof deck attachment
- Creating a secondary water barrier to prevent water intrusion
- Installing wind-resistant shingles
- Installing gable-end bracing
- Reinforcing roof-to-wall connections
- Installing storm shutters
- Installing opening protections.

A qualifying improvement must be affixed to a building or facility that is part of the property. Any work requiring a license must be performed by a properly certified or registered contractor, pursuant to Part I or Part II of Chapter 489, F.S. The program does not cover wind resistance improvements in buildings or facilities under new construction.

Under the program, the local government would provide the upfront funding for the qualifying improvement project through proceeds of revenue bonds or other lawful debt, which would be repaid through voluntary non-ad valorem assessments on participating property owners' tax bills. Without the consent of the mortgage holder or loan servicer, the total amount of any non-ad valorem assessment for a property cannot exceed 20 percent of the just value of the property, as determined by the county property appraiser. However, if an energy conservation and efficiency, or a renewable energy, qualifying improvement is supported by an energy audit, the amount financed is not limited to 20 percent if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the assessment.

The local government may enter into a financing agreement only with the record owner of the property and this agreement or a summary memorandum of the agreement must be recorded in the public records of the county within five days after the agreement is executed. The recorded document must give constructive notice that the assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments.

The bill provides that, at least 30 days before entering into the financing agreement, the property owner must provide notice to the mortgage holder or loan servicer of the intent to enter into the agreement, the maximum amount to be financed, and the maximum annual assessment that will be required to repay the amount. The property owner must provide proof to the local government that this notice has been provided to the holders of the mortgage or loan.

The bill provides that "A provision in any agreement between a mortgagee or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is not enforceable." However, the bill recognizes that the mortgage holder or loan servicer may increase the required monthly escrow by an amount necessary to annually pay the qualifying improvement assessment.

The bill requires a participating local government to follow the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, enumerated in §197.3632, F.S., which requires a resolution by the local government, public hearings, published notices in the newspaper, and individual mail notices to property owners informing them of the assessment and their right to attend a public hearing. Under current law, the special assessment process must be initiated prior to January 1 of each year. The bill provides an exception to the provisions in §197.3632, F.S., allowing the process to start on or before August 15, if the property appraiser, tax collector, and local government agree. For purposes of bond repayment, the bill prohibits an early payment discount for the non-ad valorem assessment. The bill provides that the authority is additional and supplemental to county and municipal home rule authority.

Loan Guaranty Program

The bill amends statutory provisions creating the Florida Development Finance Corporation (FDFC) (§§288.9602-288.9610, F.S.) and conforms cross-references to allow for the state's participation in the U.S. Department of Energy's 1705 Guaranteed Loan Program (§406 of the American Recovery and Reinvestment Act of 2009), which provides federal government loan guarantees for certain renewable energy systems, electric transmission systems, and leading edge biofuels projects.

The bill changes the definition of the term "guaranty fund" from the "Revenue Bond Guaranty Reserve Account" to the "Energy, Technology, and Economic Development Guaranty Fund," and authorizes the FDFC to issue revenue bonds or other evidence of indebtedness for the purpose of financing capital projects which promote economic development within the state. Specifically, the bill authorizes the FDFC to:

- Finance the undertaking of any project within the state that promotes renewable energy as defined in §377.803 or §366.91, F.S.
- Finance the undertaking of any project within the state that is a project contemplated or allowed under §406 of the American Recovery and Reinvestment Act of 2009.
- If permitted by federal law, finance qualifying improvement projects within the state, pursuant to §163.08, F.S.

The bill allows the FDFC to accept funds from the state, a county, or other public agency. The bill authorizes the FDFC to guarantee debt service payments for bonds or other indebtedness and limits these guarantees to no more than 5 percent of the total aggregate principal amount of bonds or other indebtedness relating to any one capital project. It specifically authorizes the FDFC to use moneys deposited in the guaranty agreement fund to satisfy requirements to obtain federal loan guarantees for capital projects authorized under the section. It requires that all policies, procedures, and regulations of the program that are used in conjunction with the federal program comply with the federal requirements. The bill deletes obsolete language relating to the State Transportation Trust Fund with regard to the FDFC.

Energy Economic Zone Pilot Project Study

The bill directs the Department of Community Affairs (DCA) and the Office of Tourism, Trade, and Economic Development (OTTED), in consultation with the Florida Energy and Climate Commission, to make recommendations to the Governor, the Senate President, and the Speaker of the House of Representatives regarding appropriate incentives and statutory revisions necessary to provide the Energy Economic Zone Pilot Program (pilot program) communities with tools for accomplishing the goals of the program, which is established in §377.809, F.S. The deadline for the recommendations is February 1, 2011, and must include consideration of:

- Fiscal and regulatory incentives.
- A jobs tax credit and a corporate property tax credit.
- Refunds and exemptions from sales and use taxes.

The bill directs the DCA and the OTTED to coordinate with the pilot program communities and clean technology industries to help attract those industries and investments to the state.

Renewable Energy

The bill adds "electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration" to the definition of "renewable energy" in §366.91, F.S. Approved by Governor. **Chapter 2010-139; Effective date: Upon becoming law.**

Qualified Target Industry Tax Refund Program

CS/HB 7109 reenacts the Qualified Target Industry (QTI) Tax Refund Program, which was scheduled to sunset on June 30, 2010. It also modifies the program in the following ways:

- Extends the QTI program until June 30, 2020.
- Directs the Governor's Office of Tourism, Trade, and Economic Development (OTTED) to begin doing post-award evaluations of QTI recipients, for agreements signed after July 1, 2010.
- Directs OTTED and Enterprise Florida, Inc., (EFI) to review and revise the targeted industry list, with assistance from academics and stakeholders, every three years to make sure it remains relevant to Florida's economic recruitment needs, and submit the revised list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Creates a definition of return on investment (ROI) for QTI projects, which means "the gain in state revenues as a percentage of the state's investment. The state's investment includes state grants, tax exemptions, tax refunds, tax credits, and other state incentives."
- Directs the Legislature's Office of Economic and Demographic Research (EDR) to evaluate EFI's computer model, which is used to calculate a proposed QTI project's ROI, to make sure that it is accurate and incorporates Florida-centric information. This evaluation must occur every three years.
- Specifically makes renewable-energy economic development projects eligible for the QTI incentive.
- Gives OTTED the discretion to lower the minimum wage threshold from 115 percent to 100 percent of the local or statewide average wage for manufacturing companies.
- Allows leased employees to be included in the calculation for the number of jobs created by a QTI business.

- Renames the "economic stimulus exemption" to the more accurate "economic recovery extension," because it allows OTTED to suspend tax refunds to a QTI business that is unable to uphold its commitments under the QTI agreement because of economic reasons.

Approved by Governor. **Chapter 2010-136; Effective date: July 1, 2010.**

Real Property Assessment (Tainted Drywall)

CS/CS/HB 965 requires property appraisers to adjust the assessed value of single-family residential properties that have been affected by imported or domestic drywall if the purchaser was unaware of the presence of the imported or domestic drywall at the time of purchase. The bill states that a building shall be valued at $0 if it cannot be used for its intended purpose without remediation or repair.

Homestead property that is affected by imported or domestic drywall will not be considered to be abandoned if the owner vacates the property during remediation and does not establish a new homestead. Upon the substantial completion of remediation of the property, it shall be assessed as if the imported or domestic drywall had not been present. Homestead properties that apply under this section are considered damaged by misfortune or calamity under s. 193.155(4)(b), F.S., with the exception that the three-year deadline does not apply. Approved by Governor. **Chapter 2010-170; Effective date: Upon becoming law and applies to the 2010 and subsequent assessment rolls.**

Recycling – Environmental Control

HB 7243 deletes a duplicative reporting requirement in the Florida Climate Protection Act. The bill strengthens provisions related to the statewide comprehensive recycling program, requiring state agencies, K-12 public schools, public institutions of higher learning, community colleges, and state universities, including all buildings that are occupied by municipal, county, or state employees and entities occupying buildings managed by the Department of Management Services (DMS), to report recycling rates to their county. Private businesses, other than certified recovered materials dealers, and local governments meeting specific criteria are exempt from the reporting requirements. DMS is directed to modify its procurement system to track the state's purchases of green and recycled materials. The Department of Environmental Protection (DEP) is directed to create the Recycling Business Assistance Center (center) to develop new markets for recyclable materials and to seek technical assistance from Enterprise Florida, Inc. (EFI).

The bill requires all materials recovery facilities (MRFs) to submit reports to DEP and counties. DEP is to report to the Legislature the state's recycling rates every two years and is directed to establish a voluntary certification program for MRFs. Criteria for certification must be based upon the amount and type of materials recycled, and the compliance record of the facility. The criteria may vary depending on the facility's location within the state and the available markets for materials that are processed. DEP must require that certified MRFs submit annual reports to verify their continued qualification for certification. The bill outlines incremental recycling goals and specific benchmarks for the state, counties, and cities that must be reached by December 31, 2020. To attain such goals, counties must include a program to recycle construction and demolition (C&D) debris. New commercial and multifamily construction projects, where counties provide containment vessels, must provide for recycling. DEP is to investigate and report to the Legislature programmatic changes that could assist in achieving the recycling goals. DEP is authorized to direct counties that have not met the recycling goals to expand recycling programs to existing commercial and multifamily dwellings. The bill also authorizes local governments to require multi-family dwellings and apartment complexes to offer recycling programs. The bill deletes a county composting requirement.

HB 7243 allows each megawatt-hour produced by a waste-to-energy (WTE) facility using solid waste as fuel to count as one ton of recycled material towards the state's recycling goal, and incentivizes renewable energy producing counties that maintain a program to recycle at least 50 percent of municipal solid waste by providing 2 tons of recycled material credit for each megawatt-hour produced. Any county that has a debt service payment for its WTE facility will also receive recycling credit on a one-to-one ratio. The bill requires the reporting of processed C&D debris, and, to the extent economically feasible, all construction and demolition debris to be processed prior to disposal, at a permitted waste processing or disposal facility. Materials that have already been processed for recycling exempted from the C&D processing requirement.

The bill reduces the scope of the solid waste management grant program, eliminating the competitive innovative grant program. The bill requires DEP to create a recycling pilot program for the Capitol recycling area, requires the Capitol buildings to report recycling rates to Leon County, and to post these rates on DEP's website. The bill requires the Florida Building Commission to develop recycling recommendations and repeals the outdated Recycling Markets Advisory Committee. Approved by Governor. **Chapter 2010-143; Effective date: July 1, 2010.**

Red Light Traffic Cameras

CS/CS/HB 325 creates the "Mark Wandall Traffic Safety Act," expressly preempting to the state regulation of the use of cameras to enforce the provisions of Chapter 316, F.S. The bill authorizes the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to use cameras to enforce violations of §§ 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal.

The bill defines a "traffic infraction detector" as a vehicle sensor and a camera, working in connection with a traffic control device, to record a series of images or video of motor vehicles failing to stop at an intersection. The detector must be capable of recording only the rear of the motor vehicle, and any notification or citation issued from a detector must show the license tag of the offending vehicle and the traffic control device.

The bill requires signage at intersections using traffic infraction detectors, and provides that traffic infraction detectors may not be used to enforce violations when the driver is making a right turn in a careful and prudent manner. The bill establishes processes for required notifications, the issuance of citations to registered owners of motor vehicles, and defenses available to vehicle owners.

Notifications and citations must include the images indicating that the motor vehicle violated a traffic control device, and must offer a physical location or an Internet address where images or video may be reviewed. When a citation is issued, it may be challenged in a judicial proceeding in the same manner as other traffic violations. A contested citation upheld by the court may result in additional court costs and fees.

The bill increases the penalty for any violations of §316.074(1) or §316.075(1)(c)1., F.S., from $125 to $158, regardless of the method of enforcement, and provides for distribution of revenue collected as follows. When a citation is issued by a law enforcement officer:

- $60 is distributed to local governments and to various law enforcement, healthcare, and other areas as provided in s. 318.21, F.S.
- $65 is distributed to the Department of Health Administrative Trust Fund.
- $30 is distributed to the General Revenue Fund.
- $3 is distributed to the Brain and Spinal Cord Injury Trust Fund.

When a notification or citation is issued by the DHSM V:

- $100 is distributed to the General Revenue Fund.
- $10 is distributed to the Department of Health Administrative Trust Fund.
- $3 is distributed to the Brain and Spinal Cord Injury Trust Fund.
- $45 is distributed to the county or municipality in which the traffic infraction detector is located.

When a notification or citation is issued by a county or municipality:

- $70 is distributed to the General Revenue Fund.
- $10 is distributed to the Department of Health Administrative Trust Fund.
- $3 is distributed to the Brain and Spinal Cord Injury Trust Fund.
- $75 is distributed to the county or municipality in which the traffic infraction detector is located.

Points may not be assessed against a driver's license for infractions enforced by the use of a traffic infraction detector, and violations may not be used for purposes of setting motor vehicle insurance rates.

The Florida Department of Transportation is responsible for establishing specifications for traffic infraction detectors deployed on Florida highways, streets and roadways, and such cameras must be tested regularly in accord with the department's specifications. The bill provides a transitional period for those counties and municipalities instituting a traffic infraction detector program on or before July 1, 2011. Counties and municipalities may continue to use equipment acquired under an agreement entered into on or before July 1, 2011.

Each governmental entity that operates a traffic infraction detector must submit an annual report to DHSMV which details the results of the detectors and the procedures for enforcement. DHSMV must subsequently submit an annual summary report to the Governor and Legislature. The report must include a review of the information submitted by the counties and municipalities and any recommendations or necessary legislation. The bill provides a severability clause. Approved by Governor. **Chapter 2010-80; Effective date: July 1, 2010.**

Residential Fire Sprinkler Requirements

CS/CS/CS/SB 846 prohibits the adoption of the 2009 Residential International Code requiring the installation of automatic fire sprinkler systems in newly constructed one and two family residential dwellings and townhouses. The bill provides that the requirement may not be incorporated into the Florida Building Code. The prohibition does not apply to local governments which have adopted ordinances related to fire sprinklers which have been in effect since January 1, 2010. The bill provides that a property owner shall not be required to install automatic fire sprinklers based upon the use of the residential dwelling as a rental property or reclassification to a rental property. Approved by Governor. **Chapter 2010-99; Effective date: Upon becoming law.**

Seaport Infrastructure Projects/Expedited Permitting

CS/CS/CS/HB 963 contains regulatory changes designed to help Florida seaports compete against the economic development and job creation programs established in neighboring states to increase seaport business and market share. As passed the Legislature, the bill provides as follows:

- Creates a framework for the Department of Environmental Protection to issue conceptual permits for various seaport projects, including projects of a private entity with a controlling interest in property within the vicinity of a public seaport. A port conceptual permit constitutes the state's certification that a seaport project complies with state water quality standards for purposes of the Clean Water Act and also constitutes a conceptual determination the permitted activities are consistent with the state coastal zone management program.
- Establishes guidelines as to the information required in a permit application, criteria for the issuance of a port conceptual permit by DEP, and other authorizations associated with a port conceptual permit.
- Provides that Florida Seaport Transportation and Economic Development Program funds used to fund seaport projects for the rehabilitation of wharves, docks, berths, bulkheads, or similar structures only require a 25 percent match.
- Allows the Florida Seaport Transportation and Economic Development (FSTED) Council to provide the Florida Department of Transportation (DOT) with a list of port projects that can be made production-ready within the next five years, and requires certain projects and seaport funding to be included in DOT's tentative work program.
- Provides, upon written request of the FSTED Council, for DOT to submit, within 10 days of certain events, work program amendments related to seaports and allows the transfer of unexpended balances for seaport projects through amendments to DOT's adopted work program.
- Deletes references to memoranda of agreement between DEP and the Florida Ports Council for a supplemental permitting process for seaports. Instead, DEP is empowered to directly provide a supplemental permitting process.
- Conforms statutes related to concurrent permit processing and agency duties with respect to state lands to incorporate port conceptual permits.

- Authorizes public seaports to enter into public-private partnerships to build, operate, manage, maintain, or finance port-related infrastructure projects.

Approved by Governor. **Chapter 2010-201; Effective date: July 1, 2010.**

Sovereign Immunity

CS/SB 2060 increases the statutory limits on liability for tort claims against the state and its agencies and subdivisions. Specifically, the bill increases the single claim per person amount from $100,000 to $200,000, and the per incident or occurrence amount from $200,000 to $300,000. The bill takes effect on October 1, 2011, and applies to claims arising on or after that date. Approved by Governor. **Chapter 2010-26; Effective date: October 1, 2011.**

Standards for Establishing Legislative and Congressional District Boundaries

The United States Constitution and the Florida Constitution require the Legislature, in the second year following the United States Census, to apportion the House of Representatives congressional districts and the state House and Senate legislative districts.

Two citizen initiatives, Amendment 5 and Amendment 6, regarding redistricting have been approved for the November 2010 General Election ballot.

Amendment 5 relates to state legislative districts; the ballot summary is as follows: Legislative districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

The full text of Amendment 5 is as follows:

In establishing Legislative district boundaries:

(1) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(2) Unless compliance with the standards in this subsection conflicts with the standards in subsection (1) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(3) The order in which the standards within sub-sections (1) and (2) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

Amendment 6 relates to congressional redistricting; the ballot summary is as follows: Congressional districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county, and geographical boundaries.

The full text of Amendment 6 is as follows:

"In establishing Congressional district boundaries:

(1) No apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

(2) Unless compliance with the standards in this subsection conflicts with the standards in subsection (1) or with federal law, districts shall be as nearly equal in population as is practicable; districts shall be compact; and districts shall, where feasible, utilize existing political and geographical boundaries.

(3) The order in which the standards within sub-sections (1) and (2) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection."

HJR 7231 will appear on the November ballot as Amendment 7. The amendment provides:

"In establishing legislative and congressional boundaries or plans, the state shall apply federal requirements and balance and implement standards in this constitution. The state shall take into consideration the ability of racial and language minorities to participate in the political process and elect candidates of their choice, and communities of interest may be respected and promoted, both without subordination to any other provision of Article III of the State Constitution. Districts and plans are valid if the balancing and implementation of standards is rationally related to the standards contained in this constitution and is consistent with federal law."

At the time of the publication of this report, two lawsuits regarding the proposed amendments had been filed. The NAACP and the League of Women Voters joined by Democracia Ahora filed a lawsuit regarding Amendment 7 to have it removed from the ballot stating that the Amendment is misleading and unclear as to its language. Representatives Corrine Brown and Mario Diaz-Balart also filed a lawsuit regarding Amendment 6 on congressional redistricting indicating that the Amendment was misleading and could hurt minority representation in Congress.

The Governor has no authority to act on legislatively proposed constitutional amendments. To become effective, amendments must receive 60 percent voter approval. Effective date: January 1, 2011.

Transportation

CS/CS/CS/HB 1271 makes a number of statutory changes related to transportation. Specifically, the bill:

- Allows counties served by a regional transportation or transit authority to levy up to a 1 percent discretionary sales surtax for transportation systems by referendum.
- Reorganizes the membership of the Board of Pilot Commissioners and creates the Pilotage Rate Review Committee as part of the board.
- Removes obsolete language related to legislative review of the Seaport Loan Program.
- Clarifies the notification requirements to be used when a citation is issued for toll violations.
- Updates a reference to ensure the most recent federal motor carrier safety regulations are implemented.
- Allows points to only be imposed against a toll violators driver's license if ordered by a judge.
- Declares provisions in motor carrier transport contracts indemnifying a shipper or trucking terminal for its own negligent acts, to be contrary to public policy, void, and unenforceable.
- Grants a weight allowance to compensate for anti-idling devices on commercial motor vehicles and allows FDOT and local authorities to issue permits authorizing a vehicle weighing 10 percent above the maximum allowable gross weight to use routes off the Interstate Highway System.
- Revises vehicle registration requirements for wreckers.
- Repeals the non-functioning SAFE Council and transfers existing and future revenues from its funding source, the United We Stand specialty license plate, to FDOT to be used in airport safety training and security projects.
- Clarifies the application process used by contractors seeking qualification to bid on transportation construction jobs.
- Clarifies authorization to allow placement of certain electric transmission lines applies only to limited access highways.
- Requires new rail transit systems to implement fare collection systems that are interoperable with multiple public transportation systems throughout the state.

- Authorizes LYNX to borrow up to $10 million annually for refinancing purposes.
- Revises bonding provisions available to the Tampa Hillsborough County Expressway Authority to allow the authority to issue bonds without going through the State Board of Administration's Division of Bond Finance.
- Authorizes the creation of the Osceola County Expressway Authority.
- Allows the use of certain mitigation credits from other projects within the Wekiva Parkway study area.
- Increases the Lake Belt Area Wetland Mitigation fee from 24 cents per ton to 45 cents per ton of limerock or sand mined in the area.
- Deletes reporting provisions related to the progress and cost-savings of the "adopt-a-highway" program.
- Clarifies land uses in relation to outdoor advertising and provides for sign owners, advertisers, or property owners to be held liable for the removal of improperly permitted signs.
- Reduces the maximum fee FDOT may charge for logo signs on Interstates and removes authorization to implement a three-year rotation for signs in areas where demand exceeds availability.
- Provides explicit authority for public-use airports to dispose of or remove personal property, derelict or abandoned aircraft and derelict or abandoned motor vehicles from the airport's premises.

Approved by Governor. **Chapter 2010-139; Effective date: July 1, 2010.**

Transportation Projects on Public Roadways

CS/CS/SB 1842 would have required the Florida Department of Transportation (FDOT) to notify affected local governments of proposed changes to state highways when the project:

- Divided a state highway.
- Erected a barrier median which would modify vehicle turning movements.
- Had the effect of closing or modifying existing access to adjacent property.

The bill required that notification occur at least 180 days before the design of the project was finalized. The bill also allowed local governments to present alternatives designed to relieve the impacts to affected business properties. The bill also required FDOT to hold at least one public hearing in the jurisdiction where the project was located, receive public input and consider such input and alternatives presented by local governments in the final design of the highway project. Vetoed by Governor.

Violation of County Ethics Ordinances

Section 112.326, F.S., allows the governing body of any political subdivision to impose upon its own officers and employees, by ordinance, additional or more stringent standards of conduct and disclosure requirements than those specified in Part III of Chapter 112, F.S., so long as those standards of conduct and disclosure requirements do not otherwise conflict with the statutory provisions in Part III. Generally, violations of county ordinances are prosecuted in the same manner as misdemeanors and are punishable by a fine not to exceed $500 and/or by imprisonment in the county jail not to exceed 60 days.

HB 1301 allows counties to enact ordinances making a violation of the standards of conduct and disclosure requirements imposed upon county officers and employees pursuant to §112.326, F.S., punishable by a fine of up to $1,000, or a term of imprisonment in the county jail not to exceed one year. Approved by Governor. **Chapter 2010-112; Effective date: July 1, 2010.**

Wildlife Regulation

CS/SB 318 combines two bills related to reptiles of concern and captive wildlife. The bill prohibits any person from possessing, importing, selling, trading, or breeding certain reptile species, including species designated as a reptile of concern by the Florida Fish and Wildlife Conservation Commission (FWC). The bill bans Internet sales of wildlife, adds civil penalties to persons who are convicted of violations related to non-native and captive wildlife, clarifies that bonds are required for the possession of certain wildlife, clarifies terms and specific penalty language for captive wildlife, and provides a date certain for the evaluation of a potential ban on reptiles of concern.

The bill provides that persons licensed to possess a reptile of concern as of July 1, 2010, or by October 1, 2010, for anacondas other than green anacondas, may continue to possess the individual reptile for the remainder of that reptile's life. The FWC is required to submit annual reports listing each species on its list of reptiles of concern, conditional species, and prohibited species. The FWC is also directed to evaluate adding species, including iguanas, to the reptile of concern list. Finally, the bill provides consistency in nomenclature related to native and non-native wildlife. Approved by Governor. **Chapter No. 2010-185; Effective date: July 1, 2010, except as otherwise provided.**

Yard Trash/Gasification

CS/HB 569 authorizes the disposal of yard trash in class I landfills if the facility uses an active gas-collection system that collects the gas generated at the landfill and arranges for the beneficial use of the gas. In the last week of the Session, the bill was amended in the Senate - to provide statutory recognition of the use of yard trash as cover for municipal solid waste disposed at landfills. Currently, the use of yard trash as landfill cover is permitted under DEP rules and practiced in 33 counties. In addition, the amendment also included - language authorizing DEP to develop and adopt a methodology for awarding recycling credit for the use or disposal of yard trash at a Class I landfill with a gas collection system that makes beneficial use of the collected landfill gas. A qualifying landfill must apply to DEP for a permit modification prior to accepting yard trash at its facility. The limited exception to the ban on disposing yard trash in a Class I landfill is not intended to have a material impact on current operations at existing waste-to-energy or biomass facilities. Vetoed by Governor.

SECTION III: BILLS/ISSUES OF INTEREST TO BROWARD COUNTY THAT FAILED

Affordable Housing

CS/CS/CS/HB 665 would have removed the cap on the amount of documentary stamp revenue that goes into the State Housing Trust Fund and the Local Government Housing Trust Fund and would have revised the state housing strategy to provide assistance for persons with special needs and seniors. The bill broadened the authority of the Florida Housing Finance Corporation regarding investment of funds, altered the criteria for awarding of State Apartment Incentive Loan (SAIL) funding to include job creation; and prohibited expending funds on new construction for one year (until July 1, 2011). The bill died in Senate messages when the House refused to concur with amendments added to the bill.

Animal Control or Cruelty Ordinances

SB 2372 would have amended s. 828.27, F.S., to make the surcharge a local government levies for a violation of an animal control or cruelty ordinance mandatory and to increase the amount to $15, from "up to $5" under current law. One dollar may be retained by the clerk of the court; $5 shall be used to pay for training animal control officers; and the remaining money shall subsidize the cost of spaying or neutering dogs and cats whose owners voluntarily submit their animals for sterilization. Owners of such animals may not be charged more for the spaying or neutering than the cost of sterilization less the subsidy paid from the surcharge. This bill did not require a county or municipality to enact an ordinance relating to animal control or cruelty.

Collective Bargaining/Impasse

CS/CS/SB 610 provided that for purposes of resolving collective bargaining impasses, and as sovereign county constitutional officer, the clerk of the circuit court, the sheriff, property appraiser, supervisor of elections, and tax collector will be the "legislative body" for their own employees. As currently defined in §447.203, F.S., a legislative body must have the authority to appropriate funds and establish policy governing the terms and conditions of employment. The bill created an exception for county constitutional officers deeming them each a "legislative body" even though such officers do not possess the power to appropriate funds. The bill also provided that when a county constitutional office had been abolished and replaced with an elected or appointed charter officer, the charter officer was subject to the provisions of the charter, so long as the charter was not inconsistent with general law or voter-approved special laws.

On final passage from the Senate, the bill was amended to provide that if a sheriff contracted with another governmental body to function as the employer of firefighters, emergency medical technicians, and paramedics, then the governmental body rather than the sheriff was deemed the legislative body for those employees. The County supported an amendment to strip this language out of the bill, but the bill was not heard in the House and died in Messages.

A companion bill in the House, CS/HB 417, had similar provisions to CS/CS/SB 610 but would have made the Board of County Commissioners serve as the legislative body responsible for resolving collective bargaining impasses between constitutional county officers and their workforce. In addition, if resolving an impasse involved an increase in the wages or economic benefits beyond a county constitutional officer's final offer at impasse, the bill required the County Commission to provide supplemental funds sufficient to pay for such increased wages or benefits. CS/HB 417 died in the House Full Appropriations Council on Education and Economic Development.

Construction Procurement Advertising

HB 1511 would have authorized local governments to use their publicly accessible Web sites for legally required advertisements and public notices. The use of such websites constituted legal notice. The bill defined "publicly accessible website" to mean a local government's official Web site that was accessible on the Internet. If specifically authorized by ordinance, a local government could use its website for legally required advertisements and public notices if:

- A public library or other governmental facility providing free access to the Internet during regular business hours existed within the jurisdictional boundaries of the local government.

- The local government provided notice to its residents at least once per year in a newspaper of general circulation, or the local government's newsletter or periodical, or another publication mailed or delivered to all residents or property owners within its jurisdictional boundaries, indicating that residents could register with the local government to receive all advertisements and public notices by first-class mail or e-mail.
- The local government maintained a registry of names, addresses and e-mail addresses of residents who requested in writing that they receive advertisements and notices by first-class mail or e-mail.

Advertisements and public notices published on a publicly accessible Web site were required to be conspicuously placed on the homepage of that Web site or be accessible through a direct link from the homepage. The advertisement had to indicate the date on which it was first published on the Web site. The bill also authorized local governments with authorized government access channels to include a summary of all advertisements and public notices published on its Web site on those channels. Finally, the bill provided specific authorizations for local governments to advertise or notice on its publicly accessible Web site provided certain requirements are met. Among the key authorizations, the bill amended §255.0525, F.S., to allow advertisement, through a publicly accessible Web site, of the solicitations for competitive bids or proposals of county, municipal or other political subdivisions' construction projects estimated to exceed certain specified costs. HB 1511 died in the House Military and Local Affairs Committee. A similar Senate bill, SB 376, also died in the Senate Community Affairs Committee.

County Building Code Services

Efforts to obtain authorization for counties to conduct building plan reviews, building code inspections, and other building code services related to county-owned facilities were unsuccessful in the 2010 Session.

Domestic Security

CS/SB 274 addressed local government comprehensive planning concerning military bases and land use compatibility. These planning related issues passed as part of the CS/HB 7129 which was approved by the Governor (Chapter 2010-182) and takes effect on July 1, 2010. CS/SB 274 also prescribed specific changes to §311.12, relating to security standards applicable to Florida's public seaports, not included in CS/HB 7129. In particular, CS/SB 274 would have:

- Prohibited seaports from charging identity credential administrative fees in addition to the fee for the federal Transportation Worker Identification Credential (TWIC). If a seaport attempted to pass through its administrative fees it could be charged a fine of up to $10,000.
- Removed the requirement that workers on a seaport get state criminal history checks.
- Deleted the access eligibility reporting system.
- Deleted the minimum seaport security standards established in current Florida law.
- Deleted the requirement that persons seeking access to restricted areas execute affidavits.

CS/SB 274 died in the Senate Criminal Justice Committee.

Electioneering Communications

SB 1928 would have amended §106.113, F.S., passed in the 2009 session (SB 216). Senate Bill 216 prohibited local governments from expending or authorizing the expenditure of funds for political advertisements and electioneering communications concerning any issue, referendum or amendment that was subject to a vote of the electors. SB 1928 removed references to "electioneering communication," clarified that any official (not just elected officials) could express opinions, and limited the expenditure of funds prohibition to political advertisements. The bill, however, did not receive a hearing and died in the Senate Ethics and Elections Committee.

Similar language was included in CS/CS/HB 1207 (the Leadership Funds bill), but was removed during the House's consideration of the bill on second reading. CS/CS/HB 1207 subsequently passed the House and Senate, but was vetoed by the Governor.

Fertilizer Preemption

Language proposed in HB 1445 would have preempted local governments from regulating both the sale and use of fertilizer; however, counties were successful in achieving an amendment to the amendment that limited preemption to sale only—an issue for Pinellas County and several cities on the southwest coast where the sale of fertilizer in specific months is regulated. Even as amended, the bill was problematic. The bill passed the House on a divisive vote of 74 to 37, but was never brought up in the Senate and died.

First Responder Abuse Reporting

Efforts to amend §39.201, F.S., to include first responders in the list of personnel responsible for reporting potential child abuse were unsuccessful.

First-Time Homeowner/Non-homestead

SJR 1254, a joint resolution, removed from the Community Affairs Committee in the final two days of Session, proposed an amendment to the State Constitution, to create an additional homestead exemption for first-time homebuyers and to reduce from 10 percent to 5 percent, the limitation on annual assessment increases applicable to non-homestead property and would have taken effect January 1, 2011. This amendment would have allowed individuals that are entitled to a homestead exemption under s. 6(a), Art. VII, State Constitution, that have not previously received a homestead exemption in the past three years to receive an additional homestead exemption equal to 50 percent of the just value of the homestead property up to $200,000 for a period of five years or until the property is sold.

The additional exemption would have been available within one year of purchasing the homestead and would have been reduced by 20 percent of the amount of the additional exemption received in the year the homestead was established or by an amount equal to the difference between the just value of the property and the assessed value of the property determined under Section 4(d) of this Article, whichever is greater. The additional exemption would have applied to property purchased after January 1, 2010, but would not have been available in the sixth and subsequent years after the additional exemption is first received. The exemption would not have applied to the portion of property taxes which the Legislature mandates school boards raise annually to fund public education; thus, putting the entire fiscal impact of the proposed constitutional amendment on cities and counties reaching $450 million in the fourth year.

A similar, but less fiscally burdensome, first-time homebuyer homestead exemption that was passed by the Legislature in the 2009 Session will appear as Amendment 3 on the November 2010 General Election ballot.

Growth Management/Transit Oriented Development

SB 1742 broadly defined the term "transit oriented development," expedited the review of comprehensive plan amendments that implemented transportation concurrency exception areas, provided for the sharing of costs of mitigation for transportation concurrency, and allowed landowners or developers to request the establishment of transportation concurrency backlog areas for certain developments. The bill was twice temporarily postponed before the Senate Transportation Committee with an amendment pending by Sen. Baker which would have allowed a development of regional impact to direct its proportionate share payment to fund regionally significant mobility improvements as identified in an MPO's long-range plan or the local government's concurrency management plan. The bill was not brought back for a subsequent hearing and died in the Transportation Committee.

Household Moving Services

CS/CS/SB 320 would have preempted local government ordinances regulating movers of household goods or moving brokers which were enacted on or after January 1, 2010. Local government ordinances enacted prior to January 1, 2010, such as those enacted by Broward, Miami-Dade and Palm Beach Counties, would remain in effect including any amendments made to such ordinances after January 1, 2010.

In addition, the bill allowed Broward, Miami-Dade and Palm Beach Counties to continue to levy "reasonable" mover registration fees that did not exceed the cost of administering the regulatory program. Consistent with current state law, the imposition of a local registration fee or bonding requirement would only apply to a mover or moving broker whose principal place of business is located within the county's jurisdiction. The bill makes clear the preemption does not extend to a local government's authority to levy local business taxes. In addition, the bill also made the following changes to the state's household movers' law:

- Excludes movers from liability in certain circumstances.
- Allows movers to refuse to transport a shipper's packed goods under certain circumstances.
- Requires movers to register biennially, rather than annually, with the Department of Agriculture and Consumer Services.
- Clarifies the definition of storage.

CS/CS/SB 320 passed the Senate but died in Messages. The House companion measure, CS/CS/HB 199, died in the House General Government Policy Council, despite passing three policy committees in the House.

Local Government Comprehensive Plan Review Period

Although several growth management bills were filed, there was little appetite to deal with major growth legislation in the 2010 Session. As a result, bills did not progress and there were no opportunities to amend a bill to extend the current 30-day period allotted to regional planning councils to review local comprehensive plans and amendments and provide objections, recommendations and comments to the Florida Department of Community Affairs.

Local Government Leases/Electioneering Communications

CS/CS/CS/HB 829 was the companion bill to SB 1004. Like SB 1004, CS/CS/CS/HB 829 expanded the flexibility of local governments by authorizing boards of county commissioners to negotiate the lease of county real property, other than an airport or seaport facility, for a term not to exceed five years rather than going through the competitive bidding process. The bill also allowed government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located. However, CS/CS/CS/HB 829 had also been amended in the House Economic Development and Community Affairs Council to limit the effect of SB 216 which passed in the 2009 Session and restricted the ability of local governments to expend public funds for political advertisements and electioneering communications on referendum issues and questions. The unwillingness of the Senate to accept any changes in last year's law, however, prevented the further consideration and passage of this bill. The bill died on the calendar.

Lost Personal Property

Efforts to obtain authorization for public transit systems to dispose of abandoned or lost property were unsuccessful. The need for legislation in this area has been discussed with the Florida Public Transportation Association and other public transit entities with the intent of building support to address the issue during the 2011 Session.

Managing Entity

Efforts to obtain an amendment to existing statutory language to allow counties participating in the Medicaid Reform Pilot to opt out of the Department of Children and Families decision to require circuits to participate in managed behavioral health care, were unsuccessful.

Medicaid Reform Expansion

HB 7223 would have expanded the current Medicaid managed care pilot program established in 2005 and implemented in 2006 in Broward, Duval, Nassau, Baker, and Clay counties to all 67 counties beginning with Miami-Dade County in 2011. The Medicaid Reform Pilot Program waiver was a five-year demonstration which expires June 30, 2011. With the expiration of the current waiver looming, the Legislature needed to make a determination regarding expanding the current pilot program, continuing the program in its current status, or eliminating the program. The Senate version proposed expanding the managed care pilot program to 19 additional counties. The complex issue and differing approaches was left to budget negotiations. No agreement was reached and the efforts to expand the current managed care program failed. Instead, SB 1484 directs the Agency for Health Care Administration (AHCA) to request an extension of three years for the current Medicaid Reform waiver obtained under section 1115 of the Social Security Act no later than July 1, 2010.

Pretrial

CS/CS/HB 445 sought to limit the availability of pretrial programs throughout the State of Florida by imposing conditions upon releases such as confirmed indigency, no prior arrests involving violence, and never having failed to appear. Interested stakeholders met with the House sponsor to discuss concerns over the impact of the bill and were successful in getting the sponsors to accept amendments offering judicial discretion when ordering persons not meeting the eligibility criteria to drug court, mental health court, or a prison diversion program. The Broward Sheriff's Office estimated that even with the amendment, 1500 people currently eligible for pretrial release would remain in jail. As a result, BSO and the county worked to defeat the legislation, and the bills died in committee. On the last day of session, there was an attempt to amend pretrial language on to SB 690, on third reading. The bill was never brought up.

Public Nuisance

Efforts to amend Section 893.138, Florida Statutes, regarding public nuisances from "on more than two occasions with a six-month period" to "two occasions within a six-month period" for declaring a public nuisance and abatement as defined in statute, were unsuccessful.

Revenue and Expenditures Caps (TABOR)

SJR 2420, proposed an amendment to Section 1 and the creation of a new section in Article VII of the State Constitution to limit state and local government revenues and require voter approval of new taxes and fees. SJR 2420 would have provided the following:

- Replace the existing state revenue limit based on Florida personal income growth with new state revenue limits and creates a local government revenue limit.
- Limit property tax revenues based on changes in local growth and school enrollments changes.
- Require excess revenues to be deposited into budget stabilization funds and provides for distribution of the excess funds.
- Authorize voters to permit the collection of revenues in excess of the limit.
- Authorize the Legislature and the local governing body to approve emergency taxes by a supermajority vote.
- Prohibit state and local government from imposing new taxes, fees, assessments, or charges for services without first obtaining approval by a supermajority vote of electors voting on the issue.
- Prohibit the state and local government from incurring multi-year debts or financial obligations without adequate cash reserves.

The joint resolution would have made it more difficult for a county, municipality, special district, or school district, to increase taxes, special assessments, and other home rule revenue sources by requiring voter approval to exceed revenue limits and to spend excess revenues when limits are exceeded.

Seaport Investment

CS/CS/HB 1169 would have created the Florida Ports Investment Act. The bill allowed insurance companies to make investments in the not-for-profit Florida Ports Investment Corporation (Corporation) in exchange for future insurance premium tax credits. The Corporation, which the bill created, was charged with making subsequent investments in seaport infrastructure projects upon application by Florida's public seaports. The Corporation was specifically directed to fund freight mobility projects that improved throughput, improved long-term congestion relief for freight movement for any part of the state's transportation network, or improved economic productivity for the state or the regions in which projects were located. At least 25 percent of the total project funds had to be matched through seaport, local, private, or federal funds.

An insurance company that invested in the corporation would earn a vested credit against its insurance premium tax liability equal to one-hundred percent of the face amount of the credits purchased by the participating investor. The insurance company could use no more than 10 percent of the credit, including any carry forward credits, per year beginning with premium tax filings for calendar year 2012. The total amount of tax credits allocated could not exceed $100 million and participating insurance companies could not use more than $10 million annually. CS/CS/HB 1169 passed the House of Representatives but subsequently died in Messages. Its companion bill, CS/CS/SB 1992, despite passing three substantive committees, died in the Senate Finance and Tax Committee.

Taxicab and Limousine Permits

During the last week of the 2010 Session an amendment was filed to pre-empt local ordinances from prohibiting or placing restrictions on the transfer of licenses, medallions, and other permits authorizing the operation of for-hire transportation vehicles such taxicabs and limousines. The amendment also pre-empted any local ordinances that imposed restrictions on the transfer of stock shares of corporations operating such vehicles. The amendment's sponsor intended to pre-empt existing regulations in Miami-Dade County, but the amendment would have also impacted standards in Broward, Hillsborough, Orange and other large urban Florida counties. After explaining to the amendment sponsor the broad scope of the amendment and its impact, the sponsor agreed to withdraw the amendment and pre-emption was averted.

Term Limits

HJR 495 would have proposed a constitutional amendment to extend term limits for state senators and representatives to 12 consecutive years, an increase of four years to the current term of office. The joint resolution also would have imposed term limits on county and municipal officers, disqualifying a county or municipal officer from appearing on the ballot if, by the end of their current term, such officer would have served 12 consecutive years in office. The House Policy Council discussed the bill in the sixth week of the Session, but ran out of time before a formal vote on the measure could be taken and the bill subsequently died. The Senate companion, SB 598, met a similar fate not having been heard in its first committee of reference, the Senate Ethics and Elections Committee where it died.

Truth in Millage Notices

Efforts to amend state law to allow counties to notify property taxpayers of the portion or percentage of property taxes attributable to the constitutional county officers listed in Article VIII, §1(d), of the Florida Constitution were unsuccessful.

SECTION IV: LOCAL BILLS

Broward County Office of Inspector General

HB 1425 would have created and established the Broward County Office of Inspector General (Office). The purpose of the Office was to detect misconduct involving abuse, corruption, fraud, waste, inefficiencies, and mismanagement by local government officials and employees, local government agencies and instrumentalities, contractors and other parties who did business with Broward County's local governments or received local government funds. The bill provided for an Inspector General (IG) to lead the Office and set forth governing requirements and guidelines, including:

- Establishing the functions, authority, and powers of the Office and Inspector General.
- Providing for the delivery and publication of finalized reports and recommendations to affected local governments, officials and employees.
- Providing the IG's qualifications, selection process and removal procedures.
- Providing requirements for physical facilities, staff, and funding for the Office.
- Requiring each local government to adopt, by ordinance or resolution, a code of ethics regulating the behavior of its elected and appointed officials and employees by a certain date, and empowering the IG to adopt a model code that would apply to all local governments until each had adopted its own code.
- Providing for the future amendment of the special act, and superseding any charter amendments creating a similar office or position.

The creation of the Office and IG were subject to approval, by a majority vote, of the electors in a countywide referendum to be scheduled in conjunction with the November 2010 general election. In addition, Board of Commissioners would have been required to schedule a referendum in conjunction with the general election of November 2016, for voters to determine the continuation of Office and IG. HB 1425 passed the House, but was not considered by the Senate, and died in the Senate Committee on Rules.

Broward Independent Fire District

HB 1393 would have created a Broward Independent Fire District; providing boundaries; providing for board; providing district powers and duties, including financial powers and procedures; providing power to impose impact fees, special assessments, user fees, and ad valorem taxes; providing ballot statement; requiring referendum. The bill died in the House Military and Local Affairs Policy Committee.

City of Fort Lauderdale Annexation

HB 1209 annexed areas known as: Cypress Creek Road-A, Cypress Creek Road-B, Andrews/NE 62 Street North and Andrews/NE 62 Street South:

- Cypress Creek Road-A consists of 4.83 acres. It has no residents, and one commercial property (a gas station) and a right-of-way.
- Cypress Creek Road-B consists of 7.38 acres. It has an estimated population of eight. The area contains four mobile homes and two commercial properties (one gas station and a shopping center).
- Andrews/NE 62 Street North and Andrews/NE 62 Street South consist of 5.59 acres. There are no residents, one commercial property (a 28-unit office condominium) and a road right-of-way.

This annexation is effective on September 15, 2010, and does not require a referendum. Approved by Governor. **Chapter 2010-257; Effective date: Upon becoming law.**

City of Lauderhill Annexation

HB 1295 provides for the annexation of one commercial parcel, a gas station located on the northwest corner of Sunrise Boulevard and N.W. 31 Avenue, into the municipality. This corner parcel is surrounded by the city on three sides. The annexation is effective on September 15, 2010. Approved by Governor. **Chapter 2010-261; Effective date: Upon becoming law.**

City of Parkland Annexation

HB 1549 would have extended the corporate city limits of the City of Parkland to six parcels recently annexed into Broward County as part of the Wedge Property. The bill died in House Military and Local Affairs Policy Committee.

City of Tamarac Annexation

HB 1129 enlarges the corporate limits of the City of Tamarac to include contiguous, unincorporated land known as "Prospect Bend." The bill provides that this annexation will be effective on September 15, 2010. Approved by Governor. **Chapter 2010-256; Effective date: Upon becoming law.**

North Springs Improvement District

HB 1621 revises the legal description of the North Springs Improvement District's boundaries to include several property owners who have requested that the district amend its boundaries to include their properties for the purpose of receiving water, wastewater and drainage services and facilities. The boundaries of the district will expand from approximately 7,040 acres within Broward County to approximately 8,420 acres. Approved by Governor. **Chapter 2010-269; Effective date: Upon becoming law.**

South Broward Utilities Advisory Board Membership

HB 1215 revises a Board membership criterion by allowing each Board member appointed by the Town of Southwest Ranches to be a water or sewer user within the service area of the former South Broward Utility. Approved by Governor. **Chapter 2010-258; Effective date: Upon becoming law.**

Special Assessment to Fund Municipal Law Enforcement

HB 1123 would have authorized municipalities in Broward County to levy special assessments to fund law enforcement services; providing for reduction in ad valorem assessments under certain circumstances. The bill died in the House Military and Local Affairs Policy Committee.

Traffic Violations on Private Roads

HB 1131 would have authorized the enforcement of moving traffic violations in municipalities within county under certain circumstances regardless of compliance with specified DOT standards. The bill died in the House Military and Local Affairs Committee.

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