

GOVERNANCE SERVICES, LLC



Wakulla County
State Lobbying Services

Florida Legislative Session 2009
End of Session Report

Overview

Governance Services, LLC would like to thank the Wakulla County Board of County Commissioners for the opportunity to serve as your representatives in the State of Florida Legislative process for the 2009 Legislative Session. Governance Services, LLC used all of our available resources to ensure that Wakulla County was properly represented during the 2009 session, on your behalf we registered 5 of our professional staff: Scott Maddox, Paige Carter-Smith, Bo Bludworth, Audrey Moore, and Reggie Cardozo. Together we tracked, monitored, lobbied against, or lobbied in favor of over 70 bills relating to Wakulla County. Our staff attended the committee meetings pertaining to these bills and testified in those committee meetings on behalf of the commission and county. Your lobbying team also attended all of The Florida Association of Counties (FAC) weekly contract lobbyist meetings in order to relate Wakulla County's position on key issues and bills. We are active members of the Florida Association of Intergovernmental Relations (FAIR), an organization comprised of the in-house and contract lobbyist for a majority of the counties statewide. During these almost daily meetings, we were able to share information and coordinate valuable lobbying strategies.

Throughout the legislative process, but especially during budget negotiations, your Governance Team lobbied tirelessly so that the state and county libraries were properly funded. We regularly met with members and staff on the Conference Committee on Transportation and Economic Development Appropriations to make certain that they understood the importance of properly funding the library system in Wakulla County.

Governance Services LLC worked in collaboration with the FAC, FLC, and Department of Health to amend a bill that would have restricted County Health Departments from expending funds from the County Health Department Trust Fund. At our request, Sen. Lawson was a champion of this issue during the committee meetings and on the Senate Floor.

In conclusion, your lobbyist were able to "stop the bleeding", during a time that is being considered one of the roughest legislative sessions in decades. While we would have preferred better circumstances, overall Wakulla County was able to come out of the Legislative Session in a positive position.

Budget

This was another in a series of very difficult budget years for the Florida Legislature. Facing a deficit of over \$6 billion, the members failed to come to an agreement as to how to handle the problem during the regular 60 day Session and had to extend to 67 days. In the end, they passed an over \$66 billion budget.

Below are a few highlights relevant to the County's interests from the Budget, SB 2600.

Line #	Amount	Purpose
18	\$487,727	New PreK- 5 school in Wakulla County
3084- 3093	\$38,421,796	Total (general revenue and Trust Funds) allocated to Library, Archives and Information Services
3086A	\$1,200,000	Aid to Local Governments for Library cooperatives
3087	\$24,396,017	Aid to local governments for library grants
476- 488A	\$1,070,613,952	Total (General Revenue and Trust Funds) allocated to County Health Departments
	\$1,300,000	CR 372 Surf Road Ochlockonee Bay Phase IV St Marks Wildlife Refuge
	\$1,257,390	CR 372 Ochlocknee Bay Trail Phase I
	\$1,062,864	CR 367A from end of pavement to CR 367 Shell Point Road
	\$1,045,943	CR 367 Shell Point from CR 365 to end of pavement
27	\$35,848	Adults with Disabilities Funds

109	\$4,639	Public Schools Workforce Education Performance Based Incentives
	\$269,396	Public Schools Workforce Education Program Funds
74	\$6,605,327	Transfer Voluntary Pre-kindergarden to Agency for Workforce Innovation

Enrolled Bills

Enrolled bills are bills that have been passed by both the House and Senate, signed by the Speaker of the House and President of the Senate. It is then presented to the Governor for his/her approval or veto.

Local Government Expenditures/Campaign Financing

SB 216- Sen. Justice

The bill prohibits a local government, or person acting on its behalf, from spending, and prohibits any person or group from accepting, public money for a political advertisement or electioneering communication in connection with an issue, referendum, or amendment that the public will vote on at an election. It creates section 106.113, Florida Statutes. Currently, local governments are not prohibited from making expenditures to advocate for the passage or defeat of an issue, referendum, or amendment, the outcome of which will be decided at an election. Existing law defines a political advertisement as a paid expression in any communications media, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by any other means except by the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

Effective July 1, 2009.

Relating to Impact Fees

SB 227 – Rep. Aubuchon

HB 227 requires that when someone challenges an impact fee, the government entity that enacted the ordinance must show, by a preponderance of the evidence, that the imposition or amount of the fee meets the requirements of

state legal precedent or law. This bill also provides that the court may not use a deferential standard of review that favors either party. The effect is to remove the burden of proof from the challenger and remove the presumption of correctness from the governmental entity and place the full burden on them. This bill was amended in committee to impose an impact fee rate freeze until July 1, 2011, prohibiting any entity from increasing a fee. This bill was signed by Officers on 5/19/09 and presented to the Governor, who approved the bill on 5/21/09.

Ethical Conduct for Local Officers & Employees

SB 252- Sen. Constantine

This bill applies to a political subdivision (city, county) that contracts with a private entity to serve as their chief administrative officer.

Employees, directors, and officers of any private entity that perform the functions of chief administrative officer or employee of a political subdivision would be ethically accountable to the public and subject to the same ethical standards as public officers and employees.

Including:

- Financial reporting requirements for local officers.
- The gift and honoraria provisions of f.s. 112.
- The conduct provisions of section f.s. 112.313.

Effective on July 1, 2009.

Growth Management

SB 360- Sen. Bennett

The bill will create the Community Renewal Act which calls for revisions to the Growth Management Act and the Environmental land and Water Management Act. These revisions include changes to the comprehensive plan amendment process that would allow additional growth in densely populated areas and revise the consequences enforced when local governments have not met reporting requirements. It creates Transportation Concurrency Exception Areas (TCEA) in cities that qualify as dense urban land areas, urban service areas that been adopted into the comprehensive plan and are within counties that qualify as dense urban land areas, counties, including cities therein, that have a population of at least 900,000, that qualify as a dense urban land area but do not have an urban service area designated in the comprehensive plan. SB 360 requires dense urban land area communities to adopt transportation mobility

strategies within designated exception areas within 2 years. If such strategies are not adopted within this time period, DCA may submit a finding to the Administration Commission, which may impose sanctions. It also exempts counties that have a population of at least 1.5 million and implement a transportation concurrency-related assessment to support alternative modes of transportation. TCEAs are not created for a county that has exempted more than 40% of its urban service area from transportation concurrency for purposes of infill.

It creates a definition in Ch. 163 for "Dense Urban Land Area" which states a Dense Urban Land Area means a local government having an average of at least 1,000 people per-square mile of land area, or a county, including all cities located therein, which has a population of at least 1 million, according to the latest census and latest population estimates from the Office of Economic and Demographic Research. By definition this includes Broward, Duval, Hillsborough, Miami-Dade, Orange, Palm Beach, Pinellas and Seminole Counties. It also includes a city having an average an average of at least 1,000 people per square mile and a total population of 5,000. This includes approximately 190 cities affecting another 24 counties statewide.

The bill eliminates the DRI program in Dense Urban Land Areas and retains requirement that development orders from DRI-size projects (even though exempt under proposal) be reviewed by state land planning agency.

The penalty (i.e., FLUM amendments that increase density) for failing to adopt a public school facilities element and entering into an interlocal agreement is now eliminated. However, DCA is required to submit a finding to the Administration Commission if it finds insufficient cause by the local government for not adopting a school facilities element into its plan.

The following are all new issues that the bill contains:

- Extends the Alternative State Review Process to any local government that wants to adopt and Urban Service Area.
- Extends any local government development order or building permit issued between September 1, 2008 through January 1, 2012 for an additional 2 years.

- Requires zoning changes to be made simultaneously with any plan amendments if requested by the applicant. Zoning changes take effect upon the comprehensive plan amendment becoming effective.
- Requires school districts to include relocatable facilities (a.k.a. portables) in its level-of-service (LOS) calculations if such facilities are used in the student station inventory.
- Prohibits local governments from adopting or maintaining in effect any ordinance or rule that establishes standards for security cameras that require a business to expend funds to enhance the services provided by local government.
- Requires counties to include within their land development regulations language ensuring that the densities of RV parks be maintained when such properties propose a use change.
- Allows SHIP funds to be used for manufactured housing constructed after 1994.

The bill has been presented to the Governor who must act on the bill by June 2nd.

Florida Retirement System

HB 479- Rep. Schenck

This bill, championed by Sen. Fasano, was the center of quite a bit of discussion this Session. The aim of the bill is to prevent “double-dipping” in the State Retirement system. In particular, it prohibits employees from retiring, drawing retirement benefits, and then almost immediately returning to their previous position at the same salary- thereby drawing a retirement check and a paycheck at the same time. The most vocal opponent of the bill was Sen. Lawson who felt the bill punished all State employees for the sins of a very few who take advantage of the system. He also argued that this kind of Legislation would make Florida an even less desirable place for the best available workers. However, in the end, and after much debate, the bill ultimately passed.

Specifically, the bill:

- Clarifies and revises terminology throughout chapter 121 relating to “municipality” and “charter school.”
- Clarifies that an “employee” is not a state employee who is covered by a leasing agreement or a co-employer relationship.

- July 1, 2010 is the effective date for the new termination, benefit, and reemployment provisions in FRS including PEORP.
- DROP termination and employment termination for the purpose of eligibility for retirement benefits is deemed not to have occurred:
 - For retirements effective before July 1, 2010, if the person is reemployed within thirty days (current law); or
 - For retirements effective on or after July 1, 2010, if the person is reemployed within 6 months.
- Reemployment and receipt of benefits *after* 6 months would be allowed for persons with FRS termination dates (including DROP termination dates) on or after July 1, 2010.
- A person receiving a distribution from PEORP is considered terminated for the purpose of benefits and is not eligible for reemployment until after 6 months if the distribution is taken on or after July 1, 2010 and may not reenroll in an FRS plan.
- In the event a person who retires on or after July 1, 2010, is subsequently employed by an FRS employer, the employer and the employee will be jointly and severally liable for reimbursement of any benefits paid.
- Retirees reemployed after that date may not reenroll in an FRS plan and may not renew membership in the Senior Management Class.
- An FRS retiree who is first *elected* to office after July 1, 2010, may not receive FRS benefits while in office for the first 6 months but would be eligible for salary in the elected position during that time. Further, they may not enroll in the elected class. In addition, these individuals would be restricted from participating in the Senior Management Class.
- An elected official who is participating in DROP is not subject to termination or reemployment limitations until the end of the current term of office. At the end of the 60 month DROP period, the elected officer may not accrue additional benefits but may continue to accrue interest unless the DROP participation begins on or after July 1, 2010.
- An elected official who is participating in the DROP program for elected officials must terminate DROP within 60 months or at the end of the current term of office. If DROP participation is for a dually employed position, the employment relationship must terminate in 60 months.
- Penalties were also included in this bill with regard to a delay in the decision to go into DROP. With certain exceptions, persons delaying DROP participation during the 12 month period immediately following his or her

maximum DROP deferral date loses a month of DROP participation for each month delayed.

- DROP provisions, including extension for teachers, were retained.
- The bill clarifies that a member may not receive a pension or benefit from a plan based on or including out of state / federal service. See s. 121.1115(1)(e).
- On or after July 1, 2010, the provision allowing reemployment of part time educational personnel and full time teachers after one month of termination was omitted. This option will not be available for persons whose termination date is *on or after* July 1, 2010. For persons with termination dates *before* that date, this option is still available according to the amended language in the bill.
- The exemption from the experience requirement on salary schedules for reemployed retired teachers was retained (it had been removed in previous versions).

If signed by the Governor, the bill will become effective on July 1, 2009.

Public Construction Projects

HB 611- Sen. Haridopolos

Currently, political subdivisions, wanting to begin a public construction project in excess of \$200,000 must award the project through a competitive bid process, with a few exceptions. HB 611 was pushed through the Legislature by the construction industry which is suffering under the current economic downturn. The bill will raise the threshold requirement for competitive bidding, but also make it more difficult for school districts to perform maintenance and small repair jobs using in-house staff.

The bill:

- Revises the threshold amounts under which a local government must put a project out for competitive bid to \$300,000 which is an increase of \$15,000 because the amount is adjusted annually for inflation and currently is actually at \$285,000.
- Defines “repair” and “maintenance” as not including any new building, structure or other public works construction or any substantial addition, extension or upgrade to an existing public facility where its cost is more than 20 per cent of the total cost of the repair/maintenance project.

- Requires that for any repair or maintenance project that includes an addition, extension or upgrade to an existing public facility and the local government wants to perform the work using in-house staff, the local government must publish a public notice identifying the project and the scope of the work at least 30 days prior to beginning the job. Current law is 14 days. The public notice must include the estimated total cost of the project including employee compensation and benefits, equipment costs and maintenance, insurance cost and materials.
- Give a qualified contractor or vendor who could have been awarded the project had it been competitively bid the opportunity at a public meeting to present evidence regarding the project and the accuracy of the local government's estimated cost.
- Provides exceptions to the 30-day wait period including if there is an immediate danger to health and safety or the repair job is needed to maintain essential services, among other reasons.

If signed by the Governor, the bill becomes effective July 1, 2009.

Relating to Special Districts

SB 712 – Sen. Pruitt

This bill authorizes special districts to purchase commodities and contractual services from the purchasing agreements of other special districts, counties, and municipalities, under certain conditions. Landscape architectural services, surveying and mapping services, and architectural and engineering services are excluded.

The purchase is authorized if:

- The purchasing agreements of other special districts, counties, and municipalities are procured pursuant to competitive bids, requests for proposals, or competitive negotiations; and,
- The purchasing agreements of other special districts, counties, and municipalities are otherwise in compliance with general law and the purchasing agreement of the other special district, municipality, or county was procured by a process that would have met the procurement requirements of the purchasing special district.

Emergency Medical Services

SB 948- Sen. Jones

This bill amends section 401.2701 of Florida Statutes, relating to Emergency Medical Services Training programs. It allows for “a portion of the field

internship experience [required for paramedic programs] may be satisfied aboard an advanced life support permitted vehicle *other than an ambulance.*" Previously, only internship experience on board a life support permitted ambulance was authorized.

Secondly, under section 401.281 Florida Statutes regarding Drivers, removes the prohibition against potential drivers who have been convicted of reckless driving in the 3 years before initial designation as a driver and only prohibits those convicted of driving under the influence and who have had their drivers license suspended. The previous language prohibited drivers who had been convicted of reckless driving in addition to driving under the influence and who had their license suspended.

If signed by the Governor, this bill becomes effective July 1, 2009.

Transportation

HB 1021- Rep. Aubuchon

This year's Transportation bill amends several sections of Florida Statutes. A few of the changes are:

- DRI Exception: Adds "facilities determined by the Department of Community Affairs and applicable general purpose local government to be port-related industrial or commercial" and which are within 3 miles of a port or are in a port master plan area, which rely on the port, are excluded from Developments of Regional Impact.
- "Backlog" defined as: facility on which the adopted level of service standard is exceeded by the exiting trips PLUS additional projected background trips from any source other than the development project that are forecast by established traffic standards consistent with the University of Florida bureau of economic and business research medium population projections.
- Authorizes the Transportation Backlog Authority to issue debt obligations such as bonds, notes, certificates, and similar debt instruments.
- Provides that as long as the schedule calls for the elimination of backlogs within 10 years of adoption, the final maturity date of the debt will be no longer than 40 years after the date the debt is incurred.
- Adds "stipend requirements" to the list of procedures the Department shall adopt by rule for administering design-build contracts.

- Allows for the payment of stipends, if the department determines it is in the best interest of the public, to design-build firms who are not selected for construction contracts.
- Transportation construction and utilities: where the utility to be removed was installed to serve the department or its tenants, the department will pay for its removal. It will not pay for the removal of subsequent additions to such a utility made to serve others parties.
- If the department wishes to relocate an above ground electric facility to an underground electric facility, the department will pay those costs where the electric facility was transferred from private to public utility less than 5 years previous.
- Prohibits pay phones from being installed in the right-of-way of any city, county or state road.
- Regarding projects within a comprehensive plan by counties with a population of fewer than 150,000, the department may enter into a reimbursement agreement for a project or project phase if it is a high priority project for the entity. The department is authorized to enter into repayment agreements of up to 30 years.
- Requires the department notify an affected County and all the cities within that County if the Department amends their adopted work program to delete or defer a capacity project.
- SCRAP: allocates \$25 million from the State Transportation Trust Fund to fund the Small County Road Assistance Program (SCRAP) as of fiscal year 2012-2013.
- Makes changes to the SCRAP program by adding language stating: “whether the road is located in a fiscally constrained county” to the list of secondary criteria the Department may consider in prioritizing road projects.
- Provides for the creation of a 3-year, rotation based program to allow business more opportunities to have their logos on interstate exit signs.
- Allows for a fee to be charged on these logo signs based on population and traffic, but not to exceed \$5,000 in urban areas and \$2,500 outside of urban areas.
- Adds to the definition of the word “race” the use of a motor vehicle in “competition arising from a challenge to demonstrate the superiority of a vehicle or driver and the acceptance or competitive response to that challenge either by immediate response or prior arrangement...”

This bill has been presented to the Governor and if signed will take effect on July 1, 2009.

Department of Health

SB 1662- Sen. Peaden

The Department of Health bill this year was a bone of contention for the Counties. It repealed the section of Florida Statutes exempting County Health Departments from Rate. We spoke to democratic leader and vice-chair of General Government Appropriations, Sen. Lawson about the problem this change would pose to County Health Departments and the negative effect on the quality of care they could then provide. He agreed to run an amendment removing this language. However, because of the bill sponsor's strong objection in committee as well rumored pressure from leadership, the amendment failed.

The bill currently repeals Florida Statutes section 216.2625 which created the exemption from Rate for County Health Departments. It also inserts language providing that "funds from the County Health Department Trust Fund may be expended by the Department of Health for the respective County Health Departments in accordance with budgets and plans agreed upon by the County authorities of each County and the Department of Health." It also removed language requiring that the emergency reserve in the Trust Fund be increased from \$500,000 each July 1 by the increase in the Consumer Price Index.

In a late Session amendment, language changing the permissive language to compulsive was added regarding the establishment of microbiological and chemical laboratories by the Department.

This bill has been presented to the Governor and if signed will take effect on July 1, 2009.

Failed Bills

Juvenile Justice

HB 173- Rep. Adams

(also: HB 1211, HB 1475, SB 654.)

Summary:

- Permits the court to retain jurisdiction over a child beyond the age of 18, and the child's parents or guardians, until all fees, costs, and costs associated with court-appointed counsel have been satisfied.

- Permits a child to be taken into custody for violating the conditions of preadjudicatory release set by the court.
- Permits the detention of a child that absconds from home or nonsecure detention care or otherwise violates the terms of release while awaiting placement in a residential facility, or commits a new law violation, or that intentionally fails to appear for trial.
- Requires that a child be placed in secure detention care upon intake if alleged to have absconded from home or nonsecure detention or otherwise violated the terms of postadjudication release.
- Provides that the pre and postadjudication time limits for holding a child in detention care do not apply to a child held in secure detention for absconding from home or nonsecure detention, committing a new law violation, or otherwise violating the terms of release after adjudication while awaiting placement in a residential facility; escaping or absconding from certain residential, probation or other programs; being charged with certain acts specified in current law; or intentionally failing to make a court appearance.
- Increases the length of time a child awaiting placement in a low or moderate risk residential program can be held in secure detention care and provides that the only detention option for a child committed to a high risk or maximum risk residential program is secure detention.
- Makes the court primarily responsible for determining the appropriate restrictiveness level for a child committed to a residential program.
- Provides counties with the option to levy a mandatory court cost of up to \$50 to fund local juvenile crime initiatives.

None of the bills made it to the Chamber floor. All of them either failed or died in the committee process.

Property Taxes/13.5 mils limitation

SB 738- Sen. Bennett

If passed, this bill would have proposed a Constitutional Amendment to be approved by the voters which would limit the total mils on any one piece of property to 13.5. This would apply no matter how many taxing authorities the piece of property fell under. Much of the discussion on this bill fell on two topics of concern: the disparate effect on high versus low property value Counties and the power of the Legislature to decide how the 13.5 mils would be divided.

The first concern was voiced by the small and Northern counties. They contend that even though counties like Miami-Dade and Palm Beach may be able to run effectively on 13.5 mills, the same could not be said for counties like Dixie and Liberty. In counties where property values are low, taxing authorities must levy nearly the maximum allowable millage just to sustain necessary services. While high property value areas can tax at significantly lower mills to receive the same amount of money.

Secondly, there was concern by both the Association of Counties, the League of Cities as well as many legislators themselves over the language calling for the Legislature to decide how to handle individual properties levied at higher than 13.5 mills. The bill would require that that property only pay 13.5 mills and that any levies in excess of that would not be paid. But the question as to which taxing authority would receive less than the full amount would be left to the Legislature. Would the County's share be cut? Or the School District? Would all the taxing authorities share equally in the cut or would one be considered less important than the others and take the entire loss? Leaving this much power in the hands of future Legislators seemed to make all parties uncomfortable and stymied this bill in the committee process.

Transportation SCRAP and SCOP

HB 819- Rep. Adkins (partially amended into HB 1021)

As was the case with so many bills this year, HB 819 fell victim to the State Budget crisis. If passed, the bill would have amended the purpose of the Small County Outreach Program (SCOP) to include "repairing or rehabilitating county bridges, paving unpaved roads, [and] addressing road-related drainage improvements" in its scope.

However, the rest of this bill was amended into HB 1021, which did pass. HB 1021 enacts many changes to Transportation Statutes (as outlined above) but takes from this bill language that allocates \$25 million from the State Transportation Trust Fund to fund the Small County Road Assistance Program (SCRAP) as of fiscal year 2012-2013, and makes changes to the SCRAP program by adding language stating: "whether the road is located in a fiscally constrained county" to the list of secondary criteria the Department may consider in prioritizing road projects.

Although both these changes were well received and supported by many, the members did not see fit to amend all of this bills language into moving

legislation and the bill died during the committee process. Governance understands the importance this program has to so many small counties and will work diligently in the coming year to garner support for this good legislation.

~~ The Team at Governance Services would like to thank you for the opportunity to represent the interests of Wakulla County before the State Legislature this year. It's always a pleasure to work with the Commission and we look forward to our partnerships in the future.