



HILLSBOROUGH BOARD OF COUNTY COMMISSIONERS STATE LEGISLATIVE SESSION UPDATE

Week 4: January 30 – February 3, 2012

This is a brief report on the major issues that were addressed in week four of the 2012 state legislative session. Bills, committees, agencies, and members are hyperlinked for easy access to additional resources. Information from county staff; Smith, Bryan & Myers; and the Florida Association of Counties was used in this report. For further assistance, please contact Brandon Wagner, Intergovernmental Relations Manager, via [email](#) or phone at 276-2640.

Transportation: Tampa-Hillsborough County Expressway Authority and HART

[SB 1866](#) is the annual [Florida Department of Transportation](#) legislative package. Among its provisions is a mandated joint study between HART and Pinellas Suncoast Transit Authority in order to “achieve improvements in regional transit connectivity and implementation of operational efficiencies and service enhancements that are consistent with the regional approach to transit identified in the Tampa Bay Area Regional Transportation Authority’s (TBARTA’s) Regional Transportation Master Plan.”

Additionally, an amendment was filed to the bill restricting the independence and operation of the Tampa-Hillsborough County Expressway Authority (THEA). Among other things, the amendment would transfer all tolling functions to the state, which operates at a higher cost than THEA. It also requires any new bonding to be conducted through the state rather than the private sector until all debts to the department are satisfied. [Senate Transportation Committee](#) chairman and Hillsborough Legislative Delegation member [Jack Latvala](#) explained that while he did not like the circumstances, the amendment was a product of compromise and encouraged its support. The amendment passed 5-3, with Hillsborough County Senators [Jim Norman](#), [Arthenia Joyner](#), and [Ronda Storms](#) voting no. County staff will continue collaborating with other local stakeholders on this issue.

Regional Workforce Boards

[HB 7023](#) by [Representative Jason Brodeur](#) was taken up on the House floor this week. It was amended to more narrowly define the power of the Governor to remove persons associated with a regional workforce board from "serve at the pleasure of the Governor" to "cause," with specific terms. This was the third change in an attempt to balance the oversight and authority of local government, while providing the executive branch a process for addressing concerns short of suspending the entire workforce board. It passed by a vote of 95-19. [SB 1398](#) by [Senator Andy Gardner](#) is awaiting a hearing in the [Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations](#). The bill is a high priority of [Governor Rick Scott](#) and members of the central Florida region. County staff will continue to monitor this legislation as part of its 2012 State Legislative Program.

Capitol Formation for Infrastructure Projects

[HB 1491](#) by [Representative Eric Eisnaugle](#) creates the Florida Infrastructure Fund Partnership; a contingent tax credit program designed to leverage investment and private funding for state infrastructure projects, and encourage private sector economic activity. It is authorized to raise \$700 million in private funds for direct investment strategic infrastructure needs. On Wednesday the bill passed the [House Finance and Tax Committee](#) 19-3, and has one more committee stop. Its Senate companion, [SB 1472](#) by [Senator Garrett Richter](#), passed the [Senate Commerce and Tourism Committee](#), and has two remaining committee references.

Tangible Personal Property Tax Exemption

[HJR 1003](#) and [HB 1005](#) by [Representative Eric Eisnaugle](#) is another proposed constitutional amendment and accompanying general bill that would grant an additional \$25,000 exemption for tangible personal property taxes (TPP) to benefit small businesses, while granting the Legislature statutory power to adjust the TPP rate. This additional exemption is estimated to cost both the state and local governments approximately \$8 million annually and \$744,000 to Hillsborough County the first year. The issue is a priority of the Governor, and passed the [House Finance and Tax Committee](#) by strong margins of 18-5 and 17-5, with many expressing support for an outright repeal of the tax. Affected parties are discussing a compromise that would place the additional exemption language into the constitutional amendment while eliminating the legislative power to change the exemption by general law, thereby preventing instability over what to expect every year for both the public and private sectors. The Senate versions, [SJR 1062](#) and [SB 1064](#) by [Senator Nancy Detert](#), have not been considered.

Super Homestead Exemption

[HJR 1289](#) and [HB 1291](#) by [Representative Jason Brodeur](#) is a proposed constitutional amendment creating a “super homestead exemption” all non-school property taxes equal to 30 percent of the homestead property’s just value in excess of \$75,000 up to \$200,000, plus 15 percent of the homestead property’s just value in excess of \$200,000 to \$400,000. It would also allow the Legislature, by general law, to adjust the percent of just value, or the maximum and minimum levels of just value, used to calculate the additional homestead exemption (except school levies). Finally, this provision would allow the Legislature to totally exempt homestead property from non-school property taxes. The estimated statewide fiscal impact on local governments is over \$565 million in FY 13. During its first hearing in the [House Finance and Tax Committee](#) on Wednesday, much debate centered on how these provisions would interact with the non-homestead property tax cap on the upcoming 2012 general election ballot, and the future treatment of local government revenues. Some members requested the [Florida Association of Counties](#) and [Florida League of Cities](#) to bring forward a comprehensive proposal for a new local revenue scheme more sensitive to changing economic conditions. The bills ultimately passed 15-8 and 13-8 respectively, and have two more committee assignments.

Super Homestead Exemption (continued)

[Senator David Simmons](#) has another version of an additional ad valorem property tax exemption. [SJR 312](#) would delete the 5% non-homestead ad valorem tax cap from the 2012 general election ballot, and replace it with [SB 314](#) to permit the Legislature to prohibit increases in the assessed value of homestead and certain non-homestead property if the just value of the property decreases. It also reduces the limitation on annual assessment increases applicable to non-homestead property from 10 to 7 percent. These bills were previously workshopped in the [Senate Budget Subcommittee on Finance and Tax](#), but no vote was taken.

Budget

The [House Appropriations Committee](#) constructed a \$69 billion state budget proposal – [HB 5001](#). The bill will likely be considered by the entire House during week five. One conforming bill, [HB 1263](#), relating to the reorganization of the Department of Health, would mandate that counties take over their local county health departments with the state establishing block grants. County staff is coordinating with the local health department to analyze the financial implications.

The Senate floated an idea through the [Revenue Estimating Conference](#) to change the number and quantity of Medicaid hospital days for which counties would be required to pay. It was estimated to have cost Hillsborough County a minimum of \$8 to \$10 million annually. This is not yet part of any budget bill, and staff will be vigilant for this or other similar proposals.

Finally, in the area of juvenile justice funding, [HB 5401](#) would require alternatives to detention, including respite beds, to be paid for through both the Shared County/State Juvenile Detention Trust Fund and General Revenue. County staff is working with other stakeholders to ensure the language ensures no additional financial cost to local government in line with the Board's 2012 state legislative program.

Redistricting

The Florida House debated and passed its redistricting plans on Thursday and Friday on party-line votes. In Hillsborough County

- the number of Congressional seats would increase from three to four,
- the quantity of state Senate seats would go from four to five,
- and the amount of state House seats is decreased from 12 to 9.

Most questions focused on what information was used to craft the plans in anticipation of lawsuits challenging their validity. Next the Florida Senate must receive and pass the House and Congressional maps, then a mandatory review by the Florida Supreme Court. Information about all three redistricting plans can be found [here](#).

Environmental Permitting

[HB 503](#) by [Representative Jimmy Patronis](#) is a comprehensive bill designed to streamline the process for seeking environmental permits. Of greatest concern to Hillsborough County was a section forcing counties over a certain population to seek delegation from the state for wetlands and stormwater regulation. The language could also be interpreted to require certain local governments to assume unmanageable functions and costs. County staff, the leadership of the [Hillsborough County Environmental Protection Commission](#), the [Florida Stormwater Association](#), and other local governments negotiated diligently with the sponsor and proponents of the bill to remove this provision, and appreciates their courtesy. Following this and other changes, the bill passed the [House State Affairs Committee](#) unanimously. The Senate companion, [SB 716](#) by [Senator Mike Bennett](#), is awaiting its second hearing. County staff will continue to monitor these bills.

Environmental Resource Permitting

[SB 1354](#) by [Senator Nancy Detert](#), directs the Department of Environmental Protection (DEP) to adopt statewide environmental resource permit (ERP) rules based on existing DEP and Water Management Districts (WMD) rules, with differences allowed based on geographic differences in physical or natural characteristics. Affected local governments worked with the bill sponsor and the [Florida Department of Environmental Protection](#) to adopt an amendment which clarified that the statewide program “does not prohibit a county, municipality, or local pollution control program from adopting or implementing regulations that are stricter than those adopted...,” preserving home rule. The bill was passed unanimously by the [Senate Budget Subcommittee on General Government Appropriations](#). The House counterpart, [HB 7003](#) by [Representative Steve Crisafulli](#), has not been considered.

Onsite Sewage Treatment and Disposal Systems

[SB 820](#) by [Senator Charlie Dean](#) repeals the state-wide onsite sewage treatment and disposal system evaluation program, but requires a county or municipality with a first magnitude spring to develop and adopt by local ordinance a mandated septic system evaluation and assessment program, unless they opt out. All other counties (like Hillsborough) and municipalities may opt in. Certain existing septic system inspection programs are grandfathered in. It unanimously passed the [Health Regulation Committee](#). The House companion, [HB 999](#) by [Representative Chris Dorworth](#), is awaiting its second hearing. Hillsborough County supports repeal of the state-mandated program per the 2012 State Legislative Program.

Reclaimed Water

[HB 639](#) by [Representative Dana Young](#) was substantially amended and approved unanimously on January 30 in the [House State Affairs Committee](#) following changes to the bill that ameliorate concerns by some that the bill would have defined reclaimed water as a commodity. [SB 1086](#) by [Senator Rene Garcia](#). The Senate bill has two references but has not yet been heard.

PIP Insurance Reform

[SB 1860](#) by [Senator Joe Negron](#) had its first hearing in the [Senate Banking and Insurance Committee](#) on February 2, passing unanimously. It seeks a comprehensive overhaul of the mandatory PIP insurance system to reduce fraud and lower insurance rates. The House version, [HB 119](#) by [Representative Jim Boyd](#) awaits consideration in its last committee of reference – [Economic Affairs](#). County staff will continue monitoring these bills to ensure they do not interfere with Hillsborough County's PIP ordinance.

Transactions by Secondhand Dealers and Secondary Metals Recyclers

[SB 540](#) by [Senator Chris Smith](#) passed the [Senate Criminal Justice Committee](#), and has two remaining stops. Meanwhile, [HB 885](#) by [Representative Clay Ford](#) passed its first of three committees by a unanimous vote. They improve the law instituted in 2008 to the rise in the theft of restricted regulated metal properties, strengthen reporting requirements, and create a uniform floor of minimum statewide standard to prevent shopping of stolen metals in different communities. The bill is backed by various business, local governments, and law enforcement entities. Hillsborough County supports the bill as part of its 2012 State Legislative Program.

Gaming / Internet Sweepstakes Cafes

On Friday, February 3, the House [Business and Consumer Affairs Subcommittee](#) considered [HB 487](#) by [Representative Erik Fresen](#), a reconstituted gaming bill designed to garner enough support for passage. It included amended provisions related to establishing a limited number of destination resorts, and a ban the use of simulated gaming devices that is identical to [HB 3](#) by [Representative Scott Plakon](#). After some public testimony, the bill sponsor announced that there were not sufficient affirmative votes, and requested the bill be TP'd. There are no further meetings of the committee, effectively killing the bill. The full ban option appears dead in the Senate due to the lack of support. County staff will report of any further action on these bills.

Disabled Parking Permits

On February 1, [HB 27](#) by [Representative John Julien](#), unanimously passed the [House Economic Affairs Committee](#); and [SB 226](#) by [Senator Gwen Margolis](#), passed the [Senate Budget Committee](#). Both have cleared all committees of reference and are ready for floor action. They make a number of improvements to the process of obtaining, using, and renewing a disabled parking permit to reduce fraud to benefit those truly in need.

Disposition of Human Remains

[HB 625](#) by [Representative Ken Roberson](#) would make a number of improvements to the statutes regulating the disposition of human remains in Florida that may in turn benefit Hillsborough County. The bill cleared its second of four committees of reference. Its Senate companion, [SB 956](#) by [Senator Alan Hays](#), has yet to be heard.

Preference in Award of State Contracts

[HB 673](#) by [Representative Jason Brodeur](#) was debated in the [House Community and Military Affairs Subcommittee](#). It would require preferential treatment of Florida-based businesses in awarding competitively bid contracts for construction services with any state revenues, while negating any local preference programs. The bill was amended to say that grants containing at least 10% state funds must abide by its provisions. It was approved 9-3. The Senate companion, [SB 1460](#) by [Senator David Simmons](#), passed its first committee of reference, [Senate Community Affairs](#). Further discussion of the threshold of state dollars required to trigger the provision are possible.

Gubernatorial Appointments

The following individuals are residents of, or have been appointed to, posts in Hillsborough County by [Governor Rick Scott](#) and require Senate approval:

Construction Industry Licensing Board

- Robert W. Moody, Jr., of Valrico

Board of Nursing

- Leonard J. Connors of Plant City

Tampa Port Authority

- Carl Lindell, Jr., of Tampa

Governing Board of the Southwest Florida Water Management District

- Randall "Randy" Marshall of Zephyrhills

Executive Director of the Southwest Florida Water Management District

- Blake C. Guillory

Coming Up

The Legislature is approaching the halfway point of the 2012 session. Committees are moving quickly to hear numerous bills. The House has completed its redistricting package, and prepared a budget plan for a floor vote in week five. The Senate has been contemplating a break to await fresh numbers from the Revenue Estimating Conference. However, it is likely that the Senate will announce budget committee allocations next week and proceed to complete the session on time. They will also receive and act upon the House redistricting map, and amended Congressional proposal.