

LOCAL GOVERNMENT

CS/CS/SB 1704 — Telecommunications Rights-of-Way

by Regulated Industries Committee; Community Affairs Committee; and Senators Bronson, Silver, Holzendorf, Meadows, Turner, Gutman, Harris and Myers

This bill amends s. 337.401, F.S., relating to the fees that local governments may assess telecommunications companies for the use of public roads and rights-of-way, or franchise fees, as they are commonly known. The bill clarifies that the fee cap of one percent of gross receipts applies to all telecommunications companies providing local service and includes any “in-kind” contributions by a telecommunications provider. The bill prospectively prohibits municipalities from requiring or soliciting in-kind contributions from telecommunications companies, but “grandfathers” existing ordinances providing for these contributions. In addition, the bill further clarifies local government authority over public roads and rights-of-way.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 113-0

SB 2222 — Property Appraisers/Duties

by Senators McKay and Forman

This bill amends s. 197.122, F.S., to specify that “material mistakes of fact” by the property appraiser may be corrected within a 1-year period after the tax roll is approved by the Department of Revenue, rather than within 60 days after the tax roll is certified by the County Value Adjustment Board, thereby extending the opportunity for corrections of assessments. Beginning in 1999, if such a correction results in a refund of taxes paid because of the erroneous assessment, the property appraiser may ask the Department of Revenue to approve the refund request as provided in s. 197.182, F.S., or submit the correction and refund order directly to the tax collector for action. If this bill is approved by the Governor, this provision is effective January 1, 1999.

This bill creates s. 197.4155, F.S., to permit county tax collectors to implement an installment program for the payment of delinquent personal property taxes. If implemented, the program must be available to each delinquent personal property taxpayer whose delinquent personal property taxes exceed \$1,000.

This bill amends s. 197.432, F.S., to revise the requirements for calculating the rate of interest on void tax certificates and to prohibit holders of tax certificates from directly initiating contact with the owner of property upon which they hold a tax certificate to encourage or demand payment.

This bill amends s. 170.201, F.S., to allow municipalities to exempt certain charitable housing facilities used for elderly or disabled persons from special assessments for emergency medical services.

This bill amends s. 200.069, F.S., to change the current TRIM Notice to allow local governments to include *proposed* non ad valorem assessments, as opposed to only *adopted* non ad valorem assessments as provided in current law.

This bill amends s. 213.68, F.S., to grant garnishment authority to counties that self-administer the local option tourist development tax.

If approved by the Governor, these provisions take effect October 1, 1998, except as otherwise provided.

Vote: Senate 39-0; House 117-0

CS/SB 2474 — Growth Management, Land Use Planning and School Concurrency
by Community Affairs Committee and Senator Lee

This bill makes numerous revisions to ch. 163, part II, F.S., the Local Government Comprehensive Planning and Land Development Regulation Act, or growth management act as it is commonly known; ch. 380, part I, F.S., the Florida Environmental Land and Water Management Act; and ch. 186, F.S., the Florida State Comprehensive Planning Act.

The bill implements most of the recommendations of the Public Schools Construction Study Commission on planning and siting of public schools, as well as the extension of concurrency requirements to public schools. The bill provides incentives and disincentives to promote cooperation between school boards and local governments in the siting of new public schools, clarifies the prerequisites for a local government to extend concurrency requirements to public schools, and sets the parameters for adoption of school concurrency. The bill provides an exemption from the requirement for an interlocal agreement for municipalities which are found to have no significant impact on school attendance. Further, the bill clarifies that any county whose public school facilities element is the subject of a final order by the Administration Commission prior to the effective date of this act may implement that element consistent with the general law in effect at the time the final order was entered.

The bill also amends ss. 163.3187 and 163.3191, F.S., implementing the recommendations of the Evaluation and Appraisal Report (EAR) Technical Committee regarding streamlining the EAR review process and authorizing amendment of a local government's comprehensive plan after the EAR due date has passed.

The bill amends numerous sections of ch. 186, F.S., to clarify the role of the Governor's Office in reviewing and approving Strategic Regional Policy Plans, as well as to clarify the legal effect of the State Land Development Plan and delete references thereto. The bill further directs the Governor to establish a committee to review and make recommendations for changes to the State Comprehensive Plan and for future use of the State Land Development Plan.

The bill amends ss. 280.975 and 280.980, F.S, revising procedures relating to review of and resolution of disputes regarding proposed military base reuse plans.

Further, the bill defines the term "optional sector plan" and creates s. 163.3245, F.S., which provides an optional process for addressing the extra-jurisdictional impacts of large-scale developments. The bill authorizes the department to enter into agreements with local governments to designate areas appropriate for optional sector plans and requires that sector plans be adopted as plan amendments to the local government comprehensive plan.

Finally, the bill creates the Transportation and Land Use Study Committee, the members of which are to be appointed jointly by the secretaries of DCA and DOT. The committee must review statutes relating to coordination of transportation and land use and report to the Governor and the Legislature by January 15, 1999.

If approved by the Governor, these provisions take effect upon becoming law, except the provisions relating to school concurrency and school siting become effective July 1, 1998, and the provisions relating to streamlining EAR requirements become effective October 1, 1998.

Vote: Senate 40-0; House 113-1

CS/CS/CS/HB 3075 — Firefighters and Police Pension Trust Funds

by Finance & Taxation Committee; Governmental Operations Committee; Law Enforcement & Public Safety Committee; Rep. K. Pruitt and others (CS/SB 270 by Community Affairs Committee, Senator Childers and others)

The bill substantially revises the administration of local pension plans for firefighters (ch. 175, F.S.) and police officers (ch. 185, F.S.) to standardize benefit administration for plans enacted by local ordinance and special act of the Legislature (local law plans), and to clarify the responsibilities of the Division of Retirement in its oversight role on such plans as required by ch. 112, part VII, F.S., in accordance with 1996 revisions to the Administrative Procedures Act, ch. 120, F.S. The bill requires significant changes in the benefits offered by many local law plans by requiring compliance with the minimum benefits for chapter law plans. The most significant requirements include compliance with the definition of salary, for purposes of determining the monthly retirement benefit, which includes many forms of compensation other than the base rate of pay; and compliance with a definition of disability which prevents the transfer of the police officer or firefighter to useful service other than as a police officer or firefighter.

If approved by the Governor, these provisions take effect October 1, 1998.

Vote: Senate 36-1; House 104-11

HB 1555 — Property Owners/Assessment Notice

by Rep. Harrington (CS/SB 492 by Community Affairs Committee and Senator McKay)

This bill amends s. 170.07, F.S., to require 30 days' written notice, rather than 10 days' notice, as to the time and place for a public hearing to discuss the imposition of a special assessment upon property.

This bill amends s. 194.032, F.S., to extend the deadline of the initial hearing of the county Value Adjustment Board from 45 to 60 days after the TRIM notice is sent. In addition, the deadline for noticing a petitioner of their scheduled appearance before the value adjustment board is extended from 5 to 15 calendar days.

If approved by the Governor, these provisions take effect January 1, 1999.

Vote: Senate 37-0; House 117-0

SB 830 — Homestead Tax Exemptions/Social Security Numbers

by Senators Cowin, Brown-Waite and Grant

This bill amends s. 196.011, F.S., to delete a requirement that an applicant for homestead tax exemption must provide his or her social security number as a condition of receiving the exemption. In addition, this section is amended to delete a provision which requires county property appraisers submit social security numbers from homestead exemption applications, for the 2000 tax year and thereafter, to the Department of Revenue.

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 31-7; House 95-16

CS/CS/HB 4181 — Statewide Unified Building Code

by Transportation & Economic Development Appropriations Committee; Community Affairs Committee; Rep. Constantine and others (CS/CS/SB 1190 & 868 by Governmental Reform & Oversight Committee; Community Affairs Committee; and Senators Clary and Meadows)

This bill establishes the Florida Building Code (FBC), a single statewide building code and codifies many of the recommendations of the Governor's Building Codes Study Commission. This committee substitute for committee substitute provides that:

- The Board of Building Codes and Standards is reconstituted as the Florida Building Commission (FBC);
- The Department of Insurance is required to adopt the Florida Fire Prevention Code and the Life Safety Code;
- Before the 2000 Regular Session, the FBC must submit for review and approval or rejection, the Florida Building Code adopted by the FBC and prepare a list of recommendations of revisions to the Florida Statutes necessitated by adoption of the Florida Building Code if the Legislature approves the Florida Building Code;
- Upon initial adoption, the Florida Building Code and the Florida Fire Prevention Code and the Life Safety Code are deemed adopted by all local jurisdictions; with some restrictions, local governments may adopt more stringent requirements to the codes;
- Beginning in 2001, local governments shall assume expanded responsibilities for permitting, plans review and inspection of facilities that are currently reviewed by state agencies;
- The Florida Building Commission will create and administer a statewide product evaluation system;
- There will be a building code training program developed which will become part of current continuing education requirements for occupations related to construction and construction regulation;

- There will be disciplinary consequences related to material code violations for state-certified and registered contractors; and
- The Department of Business and Professional Regulation is required to implement an automated information system which tracks disciplinary actions taken against construction-related occupations on a statewide basis.

If approved by the Governor, these provisions take effect July 1, 1998, or upon becoming law, whichever is later.

Vote: Senate 37-0; House 115-0

HB 3863 — Coastal Zone Protection Act

by Reps. Argenziano and Stabins (SB 1404 by Senators Brown-Waite, Dudley, Williams and Clary)

This bill amends s. 161.54, F.S., to modify the definition of the term “substantial improvement,” for purposes of the Coastal Zone Protection Act, to specify what constitutes nonstructural interior finishings.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 117-0

VETERANS

SB 142 — Veterans/Employment Preference

by Senator Brown-Waite and others

This bill (Chapter 98-33) amends a number of “veterans’ preference” provisions of ch. 295, F.S. In addition to several clarifications of the law, the bill requires state residency in order to declare veterans’ preference, provides that military retirees are eligible for veterans’ preference in appointments and retention, allows veterans from other states to benefit from Florida’s Veteran’s Preference law after they have established residency in Florida, and authorizes the Public Employees Relations Commission discretion to award reasonable attorney’s fees, up to a maximum of \$10,000, where the public employer is found to have violated the veteran’s preference statute.

These provisions were approved by the Governor and take effect April 29, 1998.

Vote: Senate 37-0; House 117-0

SB 1260 — Veteran/Term Redefined

by Senator Harris

This bill amends s. 1.01, F.S., to redefine the “Vietnam Era,” thus increasing the number of military veterans eligible for state “wartime” benefits. The Vietnam Era is redefined as the time period of February 28, 1961, to May 7, 1975, rather than the time period of August 5, 1964, to May 7, 1975.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 36-0; House 120-0

SPECIAL DISTRICTS

CS/HB 3269 — Special Districts

by Community Affairs Committee and Rep. Gay (SB 1032 by Senators Rossin and Myers)

This bill revises ch. 189, F.S., the Uniform Special District Accountability Act, and other laws governing special districts in Florida. The bill amends s. 189.4042, F.S., by requiring referendum approval to dissolve or merge a county or municipally created independent district with ad valorem taxing powers. The bill amends s. 189.405, F.S., to require a candidate for a special district seat to pay a filing fee or submit a required number of signatures consistent with existing requirements for other candidates. The bill further modifies s. 15 of ch. 97-256, L.O.F., which requires all special districts to codify all special acts relating to that special district. The bill extends the deadline for codification to the year 2004, depending upon the number of special acts governing the district, and eliminates the prohibition against including substantive changes in codifying special acts. The bill also eliminates a requirement that a special district codify its special acts at the time it requests substantive amendments to its enabling legislation. Finally, this bill authorizes special districts to grant merit pay bonuses to employees.

If approved by the Governor, these provisions take effect upon becoming law, except for the provisions relating to candidate qualification, which become effective on January 1, 1999.

Vote: Senate 40-0; House 118-0

MISCELLANEOUS

HJR 3151 — Homestead Exemption/Age 65 or Older

by Rep. Villalobos and others (SJR 246 by Senators Diaz-Balart, Gutman and others)

This joint resolution amends s. 6, Art. VII, State Constitution, to authorize counties and municipalities to grant an additional homestead tax exemption of up to \$25,000 to persons at least 65 years old whose household income does not exceed \$20,000. The joint resolution must be implemented by general law, which must define household income, must require counties and municipalities to grant the additional exemption by ordinance, and must provide for the periodic adjustment of the income limitation for changes in the cost of living.

These provisions must be submitted to the electors at the general election to be held in November 1998.

Vote: Senate 34-5; House 113-2

CS/HB 1739 — Regional Poison Control Center

by Health Care Standards & Regulatory Reform Committee, Rep. Saunders and others (CS/SB 302 by Community Affairs Committee and Senator Lee)

The committee substitute (Chapter 98-7) amends s. 395.1027, F.S., and creates s. 401.268, F.S., to require, by October 1, 1999, regional poison control centers (RPCC) and life support service licensees to develop and implement, respectively, a prehospital emergency dispatch protocol that defines toxic substances and describes the procedure by which the designated RPCC may be consulted by the life support service licensee.

These provisions were approved by the Governor, without his signature, and take effect July 1, 1998.

Vote: Senate 37-0; House 114-0

HB 627 — Community Policing Innovations

by Rep. Goode and others (SB 474 by Senator Dyer)

This bill amends ch. 163, parts III and IV, F.S., to grant additional authority to local governments to include community policing programs and techniques within community redevelopment areas and neighborhood improvement districts. The bill also allows a county, municipality, or community redevelopment agency, subject to specified conditions, to acquire and dispose of certain properties immediately adjacent to existing projects without complying with existing statutory procedures. Finally, the bill authorizes the Criminal Justice Standards and Training

Commission to incorporate community policing concepts into required course curriculum and continuing education programs required of law enforcement officers.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 118-0

CS/CS/HB 3193 — Homeowners’ Associations

by Community Affairs Committee; Real Property & Probate Committee; Reps. Starks, Tobin, and Silver (CS/SB 544 by Judiciary Committee, Senators Dyer and Forman)

This bill revises ch. 617, F.S., governing mandatory homeowners’ associations, and ch. 689, F.S., governing the disclosures which must be made to prospective purchasers of property within an association. The bill amends s. 617.303, F.S., by providing that reserve and operating funds of the association must be held separately by the developer and prohibiting commingling of association funds with the developer’s funds or with those of another association. The bill amends s. 617.307, F.S., to provide for the delivery of specified documents by the developer to the association members at the time the members are entitled to assume control of the association. The bill also creates s. 617.3075, F.S., to prohibit certain clauses in homeowners’ association governing documents. Finally, the bill revises s. 689.26, F.S., to require notice that certain documents are available in the record office in the county where the property is located, and to require that a contract for sale refer to and include the disclosure summary and must also include a statement that the potential buyer should not execute the contract until they have received and read the disclosure summary.

If approved by the Governor, these provisions take effect October 1, 1998.

Vote: Senate 38-0; House 117-0

CS/HB 3287 — Affordable Housing

by Community Affairs Committee and Reps. Gay and Lynn (CS/SB 1156 by Governmental Reform & Oversight and Senator Dyer)

This is a “glitch bill” which clarifies language and updates the 1997 action by the Legislature which reconstituted the Florida Housing Finance Agency (FHFA) as the Florida Housing Finance Corporation (FHFC). The bill amends several provisions of ch. 420, F.S., governing the FHFC and its relationship to the Department of Community Affairs (department) and other state agencies. The bill addresses concerns of State Comptroller by providing, in s. 420.0006, F.S., that, in the event that the FHFC does not comply with performance measures outlined in its contract with the department, the Governor must direct the inspector general to investigate the non-performance. During such time, the Governor may request that the Office of the State Comptroller continue advances sufficient to meet the debt service requirements of the FHFC.

The bill amends s. 420.504, F.S., authorizing the FHFC to provide notice by mail or facsimile, rather than publication, for internal review committee meetings for competitive proposals or procurement. This section is also amended to provide that the FHFC is an instrumentality of the State of Florida. The bill amends s. 420.507, F.S., governing the powers of the corporation, authorizing the FHFC to mortgage any real or personal property owned by it, to establish its fiscal year, to prevent participation in its programs by applicants that have been involved in fraudulent actions, and to provide for the development of infrastructure improvements and rehabilitation.

Finally, the bill amends several provisions to distinguish between the fiscal year of the department and the FHFC and between the State Housing Trust Fund and the State Housing Fund to clarify the disposition of moneys to and from those funds.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 35-0; House 117-0

CS/CS/HB 1589 — Counties

by Community Affairs Committee; General Government Appropriations Committee; Rep. Westbrook and others (CS/SB 2086 by Community Affairs Committee and Senator Williams)

This bill changes the population requirement from 50,000 or less to 75,000 or less for a county to be designated or considered a “small county” in numerous chapters of the Florida Statutes which provide benefits, exemptions or special consideration to small counties. Presently, there are 29 counties in Florida with populations of 50,000 or less. The committee substitute would add three more counties (Columbia, pop. 53,684; Nassau, pop. 52,740; and Putnam, pop. 70,243) to a list of small counties.

The bill further amends s. 34.191, F.S., to authorize counties to use a collection agency or attorney to collect past due fines and fees.

Finally, the bill creates s. 218.076, F.S., requiring the Department of Environmental Protection to waive processing fees for renewals of specified exemptions issued to any county, municipality or special district.

If approved by the Governor, these provisions take effect July 1, 1998.

Vote: Senate 39-0; House 108-0

HB 4143 — Emergency Telephone Services/911

by Rep. Edwards and others (CS/SB 2164 by Judiciary Committee and Senator Latvala)

This bill amends s. 365.171, F.S., to add commercial mobile radio service providers, also known as wireless/cellular telephone service providers, to the existing provisions on limitation of liability in connection with the provision of “911” services. As such, a commercial mobile radio service provider will not be liable for damages resulting from or in connection with “911” service or identification of the telephone number, address, or name associated with any person accessing “911” service, unless the commercial mobile radio service provider acted with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property in providing such services. Additionally, a commercial mobile radio service provider will not be liable for damages to any person resulting from or in connection with the commercial mobile radio service provider’s provision of any lawful assistance to any investigative or law enforcement officer of the State of Florida or political subdivisions thereof, of the United States, or of any other state or political subdivision thereof, in connection with any lawful investigation or other law enforcement activity by such law enforcement officer unless the commercial mobile radio service provider acted in a wanton and willful manner.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 40-0; House 112-0

