

**2008 FLORIDA LEGISLATIVE UPDATE  
AND 2009 FORECAST**

**August 22, 2008**

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**I. ENVIRONMENTAL**

**A. Bills That Passed.**

**Cleanup of Contaminated Sites (HB 961)**

HB 961 increases the restoration cap amount for the Petroleum Participation Program and for the Florida Petroleum Liability and Restoration Insurance Program. *The effective date of this bill is July 1, 2008, Chapter No. 2008-127*

**Energy/Power Plant Siting (HB 7135)**

HB 7135 is a 237-page bill that establishes a legal framework to reduce carbon emissions in a deliberate and cost effective manner. Among other things, the bill: directs the Public Service Commission (PSC) to establish a regulatory structure to reduce demand for electricity and move electric utilities away from fossil fuel power plants to renewable energy; sets the stage for the Department of Environmental Protection (DEP) to cap greenhouse gas (GHG) emissions from electric utilities; provides economic incentives and tax benefits to encourage the development of renewal energy; attempts to reduce consumer demand for electricity through high efficiency building codes and appliance standards; uses the state's purchasing power to incentivize carbon neutral behavior and other Green practices; establishes new transportation policies to encourage energy independence and Green practices; and establishes energy efficient recycling goals and solid waste management policies for the state. *The effective date of this bill is July 1, 2008, except as otherwise provided; Chapter No. 2008-227.*

Here are some of the key provisions:

**Florida Energy and Climate Commission.**

This new Commission replaces the Florida Energy Commission. It consists of nine members—seven are to be appointed by the Governor, and one each are to be appointed by the Commissioner of Agriculture and the Chief Financial Officer. The Commission is given broad authority over methods and actions designed to make Florida a Green energy resource state. Its duties include administering the Florida Climate Protection Act (see below), data collection, supervising Florida's petroleum allocation and conservation plan, the development of a state energy policy, and investigation of opportunities for solar energy use including solar electric vehicles.

### Public Service Commission.

The bill makes several procedural changes to the selection process for PSC Commissioners, the Public Counsel and the PSC Nominating Councils. The PSC is given additional duties. For example, the PSC is to study and promote demand-side renewable energy systems, and to adopt mandatory goals and incentives for utilities to meet.

The PSC is to prepare a proposed Renewable Portfolio Standard Rule to provide incentives to utilities to utilize renewable energy, including wind and solar photovoltaic technologies, through a program of energy credits.

Utilities are allowed to recover costs associated with this program, as well as greenhouse gas registry expenses, greenhouse gas carbon capture and storage joint research projects and geological assessments, investments in renewable energy, and transmission line facilities directly associated with nuclear generation

Each public utility (by January 1, 2009) and each municipal utility and REA (by July 1, 2009) is to develop a standardized interconnection agreement allowing “net metering” of customer-owned electric generation.

### Florida Climate Protection Act.

“Major emitter” electric utilities regulated under Chapter 403 must report GHG emissions to the Climate Registry. The Cap and Trade Rules to be developed by DEP are: to create a statewide emissions cap on GHG from major emitters, to include a process for the trading of allowances, to allow for banking of GHG reductions, to allow the purchase of emission offsets, to consider the cost of the Cap and Trade program on electric rate payers and the state’s economy, and to consider the desirability of broadening the Cap and Trade program to other emitters.

### Power Plant Siting Act and Transmission Line Siting Act Changes.

HB 7135 also revises the PPSA and TLSA. For example, the State Comprehensive Plan now encourages development of low carbon emitting electric power plants, such as nuclear plants. The Trustees of the Board of the Internal Improvement Trust Fund are authorized to delegate the authority to grant easements to the Secretary of the Department of Environmental Protection (DEP) for transmission and distribution lines. Likewise, transmission lines may be placed adjacent to and within Florida Department of Transportation (FDOT) limited access rights-of-way.

Utilities may obtain separate permits for those associated facilities (e.g., roads, rail lines, transmission lines and water access) necessary to construct a nuclear power plant without certification under the PPSA. This early work approval is retroactive to May 1, 2008.

The bill includes some changes and clarifications regarding the land use consistency determinations under the PPSA. A linear facility is not "development" and is not subject to a consistency determination.

New notice provisions are added for proposed power plants and transmission line corridors, and informational meetings are to be conducted by a local government or regional planning council. Written notice must be provided to land owners within three miles of the proposed plant and to land owners within one-quarter mile of the proposed boundaries of all linear facilities that are 230 KV or above, including alternative transmission line corridors.

At the request of a local government, a certification hearing may be held where members of the public may testify, regardless of party status. This hearing must be requested by the local government, and the request must be made within 50 days after the filing of the application.

#### Green Building Requirements.

The bill also expands the “Florida Energy Conservation and Sustainable Building Act” to require that new and renovated state buildings meet applicable Green energy codes (e.g., LEED, Green Globes, USGBC, and the Florida Green Building Coalition standards). After July 1, 2008, all new designs for county, municipal, school district, water management district, college, and university and court buildings are to meet the Green building codes.

#### Land Use Planning.

MPOs are encouraged to integrate sustainable development and GHG emission reductions in their transportation and land use strategies. Another bill (CS/HB 697) also requires the future land use elements of local comprehensive plans to include energy-efficient land use patterns and GHG reduction strategies.

#### Economic Incentives: Tax Credits, Exemptions and Awards.

The bill establishes various economic incentives. These tax credits, exemptions and awards (yes, awards) include: *ad valorem* tax exemption for renewable energy source devices; sales tax exemptions for hydrogen vehicles, hydrogen fuel cells and materials used in the distribution of biodiesel and ethanol; capital investment tax credit for new solar panel manufacturing facilities and other qualifying projects; renewable energy technology transferable investment tax credits; and renewable electric energy production credit.

#### Miscellaneous Provisions.

Other provisions in HB 7135 creates an expanded state employee telecommuting program, and prohibit homeowner association covenants that prohibit solar collectors, clotheslines, and other renewable energy devices in condominiums and homes.

Hybrid vehicles meeting the California low emission standards may use HOV lanes on state roads.

#### Legislative Review or Ratification.

Several key provisions are subject to future legislative review or ratification before implementation is required or authorized. These include: the PSC Renewable Portfolio Standard (the PSC is to submit its proposed rule to the Legislature by February 1, 2009); the DEP Cap and

Trade Rules (may not be adopted before January 1, 2010 and are subject to legislative ratification); and DEP's 2010 solid waste recycling initiative (to be submitted to the Legislature by early 2010 and subject to legislative approval). In addition, if the California motor vehicle emission standards are adopted by DEP, they may not be implemented until they are ratified by the Legislature

### **Gambling Vessels/Clean Ocean Act (SB 1094)**

SB 1094 creates the "Clean Ocean Act." It requires gambling vessels, excluding cruise ships, to annually register with DEP before entering state waters and to report any release of any waste (e.g. sewage, oily bilge water, treated graywater, untreated graywater, treated blackwater, untreated blackwater, or hazardous waste) into Florida waters. In addition, any berth for a gambling ship or a shuttle boat for a gambling ship must provide and charge for waste service that is capable of handling the waste to be released by the gambling ship during a calendar year. Violators are subject to a civil penalty not to exceed \$50,000. DEP is directed to submit this law to the U.S. Department of Commerce for inclusion in the state's approved Coastal Zone Management Program and to request federal agencies to prohibit waste discharges from any gambling vessels within Federal waters off the shores of Florida. *The effective date of this bill is July 1, 2008; Chapter No. 2008-231.*

### **Landfills in SWUCA (SB 1294)**

CS/CS/SB 1294 includes a provision that prohibits the issuance of a permit for a Class I landfill that will be located on or adjacent to a Class III landfill that was permitted on or before January 1, 2006, and is located in the Southern Water Use Caution Area (SWUCA). This provision is designed to prohibit the issuance of DEP permits for the expansion of a landfill in the City of Bartow. *The effective date of this bill is June 11, 2008, Chapter No. 2008-150.*

### **Ocean Outfalls (SB 1302)**

There are several deep ocean outfalls in Southeast Florida (Palm Beach, Broward, Dade and Monroe Counties) that discharge treated sewage into the Gulf Stream. SB 1302 requires all deep ocean outfalls to phase out completely by 2025. The bill also provides a number of incentives to outfallers to develop reuse programs for treated wastewater. *The effective date of this bill is July 1, 2008; Chapter No. 2008-232.*

### **Onsite Sewage Treatment and Disposal Systems (CS/SB 1318)**

CS/SB 1318 revises the membership of the Research Review and Advisory Committee and the technical Review and Advisory Panel established by the Department of Health for the purposes of onsite sewage treatment and disposal system regulation. In particular, the membership is expanded to include a representative from local government who is knowledgeable about domestic wastewater treatment. The bill also provides an exemption from certification requirements for certain persons who are working under the direct responsible charge of a licensed engineer. *The effective date of this bill is July 1, 2008; Chapter No. 2008-215.*

### **Recycling Goals (HB 7135)**

The energy bill, HB 7135, includes provisions relating to recycling. One provision establishes a long-term recycling goal of 75 percent, and it requires DEP to establish a comprehensive recycling program designed to achieve that goal by 2020. The program is to be developed in coordination with public and private stakeholders. The program is to be submitted to the Legislature by January 1, 2010, but may not be implemented until approved by the Legislature. *The effective date of this bill is July 1, 2008, except as otherwise provided; Chapter No. 2008-227.*

### **Recycling Certain Materials (HB 7135)**

Another provision in HB 7135 requires DEP to undertake an analysis of the need for different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis is to include input from a variety of stakeholders and is to be included in a report submitted to the Legislature by no later than February 1, 2010. Until the Legislature enacts any recommendations, local and state governments are prohibited from adopting any rule or ordinance regarding the use, disposition, sale, prohibition, restriction or tax of such auxiliary containers, wrappings or disposable plastic bags. *The effective date of this bill is July 1, 2008, except as otherwise provided; Chapter No. 2008-227.*

### **Water Quality Credits (CS/HB 547)**

CS/HB 547 amends current law governing water quality credit trading and authorizes DEP to adopt a water quality trading program. The bill authorizes voluntary trading of water quality credits as part of the Basin Management Action plans for regulation of Total Maximum Daily Loads. The bill spells out how the credit trading system is to function. The bill requires the DEP to initiate rulemaking on the credit program by September 1, 2008. The water quality credit trading program is limited to the Lower St. Johns River Basin as a pilot project. Results are to be reported to the Governor and both houses of the legislature no later than 24 months after adoption of the basin management action plan for the Lower St. Johns River Basin. *The effective date of this bill is July 1, 2008; Chapter No. 2008-189.*

### **B. Bills That Died.**

Desalination (HB 199 / SB 708)  
Expedited Permitting (HB 147/SB 402)  
Landfills/Location (SB 730)  
Offshore Drilling (HB 221/SB 426)  
Recycling (HB 301/SB 692)

## C. Bills That Were Vetoed.

### Protection of Wild and Aquatic Life (HB 7059)

HB 7059 authorizes—but does not require-- the Board of Trustees of the Internal Improvement Trust Fund to provide for the establishment of seagrass mitigation banks to offset the mitigation of unavoidable impacts to seagrasses by projects that are determined to be in the public interest. The bill also establishes civil penalties for the careless operation of vessels outside of channels within an aquatic preserve resulting in seagrass damage. In addition, the bill also addresses review of management plans, forfeiture of seized wildlife, the use of photographs of illegally taken wildlife as evidence, and delegation from the Board of Trustees to the FWCC of certain submerged land activities. The Governor vetoed the bill because of concerns that the provisions authorizing the establishment of mitigation banks on sovereignty submerged lands would undermine the protection of seagrass beds and other marine and freshwater habitat around the state and raise serious constitutional issues. *This bill was vetoed by the Governor on June 30, 2008.*

## II. LAND USE

### A. Bills That Passed.

#### Brownfield Redevelopment (CS/HB 527)

CS/HB 527 revises the Brownfield Redevelopment Act and establishes a new tax credit for an additional 25 percent of total site rehabilitation costs, up to \$500,000, and a bonus for the construction and operation of a health care facility or health care provider on a brownfield site. The bill expands the Brownfield Areas Loan Guarantee Program. The bill also clarifies the requirements for submittals of site rehabilitation and tax credit applications, and it reduces or eliminates some of the requirements for brownfield area designations and for brownfield site rehabilitation agreements. In addition, the bill extends tax credits to sites involving the removal of solid waste. Finally, the bill amends the Innocent Victim Petroleum Storage System Restoration Program in an effort to allow initial petroleum contaminated sites to remain eligible for state-funded clean-up. *This effective date of this bill is June 30, 2008 and shall operate retroactively to January 1, 2008; Chapter No. 2008-239.*

#### Building Codes (HB 697)

The general subject of the bill is required energy conservation by Florida's Building Code. However, the bill amends Florida's Growth Management Act in a variety of ways. These include:

- Revising requirements for the future land use element of a local comprehensive plan to include energy efficient land use patterns and greenhouse gas reduction strategies.
- Requiring the traffic circulation element of a local comprehensive plan to incorporate transportation strategies to reduce greenhouse gas emissions.

- Requiring the land use map within a comprehensive plan to identify and depict energy conservation policies.
- Requiring the home element of a local comprehensive plan to include energy efficient design and construction requirements for new housing.

The legislation includes a variety of standards for achieving greenhouse gas reduction in construction. The bill also emphasizes the use of solar energy and the development of transportation strategies to eliminate or reduce petroleum usage. These provisions, in addition to being included in the state building code, are required to be inserted into various elements of local government comprehensive plans as they are amended. *The effective date of this bill is July 1, 2008; Chapter No. 2008-191.*

## **B. Bills That Died.**

Aggregate Mining (HB 774/2406)

Agriculture (HB 761/SB 1376)

Bert Harris (HB 881/SB 1578)

Growth Management (CS/SB 474 - CS/HB 7129)

Land Development/Enclaves (HB 1173 / SB 2246)

*Vox Populi* Public Participation Requirements for Local Commissions (SB 2276)

## **C. Bills That Were Vetoed.**

### **Developments of Regional Impact (CS/SB 1706)**

CS/SB 1706 amends the substantial deviation provision of the DRI law to reaffirm and clarify the 2007 automatic 3-year extension of DRI developments orders, buildout and commencement dates. The new language makes it clear that the extension applies as well to "all associated local government approvals" including concurrency certificates. CS/SB 1706 also exempts from DRI review any developments within a county with a population greater than 1.25 million which development has at least two uses, one of which is a medical technology, biotechnology or life science facility, located in an urban infill area, etc. The Governor vetoed CS/SB 1706 because of concerns that the bill "may increase the burden on communities and shift the cost of new development from the people that benefit from development to the citizens of our state." However, the Governor also indicated that he "look[s] forward to working with the Legislature during the two years remaining on the current development of regional impact extension to insure that we balance the vital elements of growth, while also encouraging prudent development." *The Governor vetoed the bill June 25, 2008.*

## **DRI/Port-Related Facilities/Internal Capture (SB 682)**

SB 682 is a transportation omnibus bill of approximately 100 pages in length. It covers a wide variety of growth-related and other transportation topics. Among the most notable are:

- Section 163.3177 is amended to require the integration of airport planning with adjacent land use planning by the local general purpose government.
- Certain seaport related (water transport dependent) projects are exempt from development of regional impact (DRI) review if the project is within 3 miles of the seaport.
- Section 163.3182 is amended to authorize transportation concurrency backlog authorities to issue bonds for a period of 30 years.
- The bill includes a prohibition against counties, cities or special districts owning or operating an asphalt plant or concrete batch plant. The bill provides for alternative tolling and payment methods as well as variable pricing on the Florida Turnpike system depending, among other things, on whether the drivers are using high occupancy/express lanes.
- The bill directs DOT to establish an approved methodology for calculating proportionate sharing exactions which recognizes the sustainable DRIs will achieve an internal capture rate greater than 30 percent.

The Governor vetoed SB 682 because it includes a provision directing the selection process for fuel, food and other service contracts along the Florida Turnpike in a manner that substantially deviates from established procurement laws. *The bill was vetoed by the Governor on June 17, 2008.*

## **III. WATER RESOURCES**

### **A. Bills That Passed.**

#### **Everglades Restoration Bonds (SB 1552)**

This bill authorizes the issuance of additional Everglades restoration bonds to implement the Florida Keys Area of Critical State Concern protection program. It requires the Legislature to analyze the ratio of the state's debt to projected revenues before authorizing the issuance of certain bonds. It also gives the department the authority to use moneys from the Save Our Everglades Trust Fund to fund projects identified in the Keys Wastewater Plan, subject to a specific appropriation. *The effective date of this bill is July 1, 2008; Chapter No. 2008-49.*



### **Florida Forever (SB 542)**

SB 542 reauthorizes the Florida Forever Land Acquisition Program. The legislation preserves the dedication of documentary stamp tax revenue for land acquisition programs and authorizes the issuance of bonds to purchase conservation lands up to \$5.3 billion dollars.

SB 542 is a comprehensive rewrite of the state's land acquisition and land management program. The 106 page bill includes many substantive changes to the law. Highlights include:

- Providing for additional detail in state land management plans.
- Requiring a study to determine the potential and value of using state lands for assisting in efforts to address climate change issues such as carbon capture and carbon sequestration.
- The bill requires that any land acquisition of \$100 million dollars or more must be submitted to and approved by the Legislative Budget Commission.
- Of the revenue distributed to the Department of Environmental Protection and the Water Management Districts, a minimum of 3% of the funds must be utilized to expedite public access to state lands.
- The Division of State Lands must prepare an annual work plan that details the Florida Forever acquisition goals for the coming year.

*The effective date of the bill is July 1, 2008; Chapter No. 2008-229.*

### **Inland Navigation (SB 758)**

SB 758 amends general law governing inland navigation districts. The amendments allow the districts to contract with other local governments to provide for waterfront access. The bill also simplifies maintenance dredging requirements within district navigation rights-of-way. Finally, the bill transfers responsibility for manatee signage from the inland navigation districts to the Fish and Wildlife Conservation Commission. *The effective date of this bill is July 1, 2008; Chapter No. 2008-40.*

### **Water Utilities (SB 2052)**

SB 2052 authorizes Public Service Commission staff to prepare staff assisted rate cases for utilities with gross annual revenue of \$250,000 or less for presentation to the Commission. The previous revenue limit was \$150,000. *The effective date of this bill is July 1, 2008; Chapter No. 2008 – 56.*

**B. Bills That Died.**

Water Management Districts (HB 7143/SB 1296)

West-Central Florida Water Restoration Act Plan (HB 1415/SB 2580)

**IV. MISCELLANEOUS BILLS OF INTEREST**

**A. Bills That Passed.**

**APA (CS/CS/SB 704)**

CS/CS/SB 704 creates the Open Government Act. Among other things, it provides for additional restrictions on the use of unadopted rules, and it creates incentives for agencies to promulgate rules rather than rely on unadopted rules to implement their statutory responsibilities. The bill also increases from \$15,000 to \$50,000 the limits on attorneys' fees that may be awarded in challenges to proposed and existing rules. In addition, the bill makes changes to the rulemaking process to enhance public participation, and it provides for the on-line electronic publication of the Florida Administrative Code. *The effective date of this bill is July 1, 2008; Chapter No. 2008-104.*

**APA/Small Business Regulatory Relief Act (HB 7109)**

HB 7109 establishes the Small Business Regulatory Relief Act. The bill creates the Small Business Regulatory Review Council and the Small Business Advocate. Among other things, the Council is to provide state agencies with input regarding proposed rules or programs that may adversely affect small business, consider requests from small business owners to review rules or programs adopted by an agency, and review rules to determine whether they place an unnecessary burden on small businesses or affect their private property rights and to make recommendations to the agency to mitigate the adverse effects. The duties of the Small Business Advocate include serving as principal advocate on behalf of small businesses. Significantly, the bill also amends the APA by requiring state agencies to prepare a Statement of Estimated Regulatory Costs (SERC) if the proposed rule will impact small business and creating a review process when that agency does not utilize an alternative rule offered by the counsel. Heretofore, agencies were required to prepare a SERC in limited cases, such as when an affected person submits a proposed lower cost regulatory alternative. As such, this bill likely will require agencies to prepare a SERC for substantially more proposed rules.. *The effective date of this bill is July 1, 2008; Chapter No. 2008-149.*

**Fish and Wildlife Conservation Commission (CS/CS/SB 1286)**

CS/CS/SB 1286 is the result of the required Sunset Review of the Fish and Wildlife Conservation Commission. The bill generally reenacts provisions pertaining to the FWCC and makes statutory changes recommended in the agency sunset review report. Among other things, it raises the annual registration fees for all vessels on a sliding scale. The bill also contains a number of required reviews of FWCC activities to ensure agency efficiency. *The effective date of this bill is July 1, 2008; Chapter No. 2008-106.*

### **Hybrid Vehicles/Highway Safety (SB 1992)**

The bill allows “hybrid vehicles” to use “high-occupancy-vehicle lanes” on state roads. The same language appears in SB 682 and HB 7135. SB 1992 also addresses a host of issues such as school zone signage, racing on highway “spectator” penalties, DUI standards, maximum bumper heights, child restraint requirements, electronic traffic citations, specialty license tag limits for drivers, licenses for 80-year olds or older Floridians, replacement licenses, disqualification of commercial drivers and creation of the Automobile Lenders Industry Task Force. *The effective date of this bill is effective June 17, 2008, except as otherwise provided; Chapter No. 2008-176.*

### **New License Plates (SB 734)**

The Legislature created four new license plates: a Florida Tennis license plate ("Play Tennis"), a Lighthouse Association license plate ("Visit Our Lights"), an In God We Trust license plate ("In God We Trust") and a Horse Country license plate ("Horse Country"). *The effective date of this bill is October 1, 2008; Chapter No. 2008-38.*

### **No More New License Plates (SB 1992)**

Another bill, SB 1992, purports to prohibit the issuance of new license plates for three years, from July 1, 2008 until July 1, 2011. *The effective date of this bill is June 17, 2008, except as otherwise provided; Chapter No. 2008-176.*

## **B. Bills That Died.**

Affordable Housing SB 482

Regulation of Paid Petition Signature Gatherers (HB 903/SB 2340)

Truth in Government (HB 95/SB 268)

## **V. PROPERTY TAX LEGISLATION**

### **A. Bills That Passed**

#### **Property Taxation (SB 1588)**

SB 1588 is the implementing for the 2007 statutory and constitutional tax limitation measures enacted by the Legislature and approved by referendum of the electorate. The bill was amended to include a substantive change to the tax limitation measures of 2007. Specifically, the amendment requires that the roll back rate of ad valorem taxes levied by majority vote of a local government governing board must be calculated as if the tax base had not been reduced by Amendment No. 1 to the Constitution. *The effective date of this bill is June 17, 2008 except as otherwise provided; Chapter No. 2008 – 173.*

## **TAX AND BUDGET REFORM COMMISSION PROPOSALS**

Florida's Constitution provides for the formation of a Tax and Budget Reform Commission comprised of 25 appointees appointed by the Governor, Speaker of the House and President of the Senate. The Commission meets every 20 years. It concluded its meetings at approximately the same time as the Legislature in late April. The Commission has approved these proposals, which will go directly to the ballot for consideration as constitutional amendments:

### **Constitutional Proposal (CP) 2 – McKay**

CP 2 eliminates the required local effort (RLE) for education funding and requires the state to make up the difference through the repeal of current sales tax exemptions, an increase in the sales tax of up to 1% or by reducing the state budget. The proposal also provides a 5% annual assessment cap on non-homestead property (i.e., commercial, second homes).

### **Constitutional Proposal 4 – Governmental Procedures and Structure Committee**

CP 4 provides that the Legislature may prohibit the consideration of storm hardening improvements and the installation of renewable energy source devices in the determination of the assessed value of residential property.

### **Constitutional Proposal 6 / 8 / 34 – Wilkinson / Scott / Lacasa**

CP 6 / 8 / 34 requires that working waterfront properties must be assessed based on actual use rather than highest and best use for the purpose of levying ad valorem taxes. Working waterfronts include waterfront such as commercial fishing enterprises, boat docks, public marinas, public dry storage facilities, water dependent marine manufacturing facilities, commercial fishing facilities and marine vessel construction and repair facilities.

### **Constitutional Proposal 15/16 - Yablonski**

CP 15/16 directs the Legislature to provide a property tax exemption for real property encumbered by conservation easements. The proposal also requires the Legislature to develop a classification and assessment of land use for conservation purposes that is not perpetually encumbered by an easement.

### **Constitutional Proposal 20 – Levesque**

CP 20 repeals a limit on the power of the state to spend funds directly or indirectly in aid of sectarian educational institutions. The measure also prevents the state from excluding individuals and entities from a generally available public benefit or a contract to provide government services on the basis of religion.

## **PROPOSED CONSTITUTIONAL AMENDMENTS**

1. Relating to Property Rights/Ineligible Aliens.
2. Florida Marriage Protection Amendment.
3. Changes and Improvements Not Affecting the Assessed Value of Residential Real Property.
4. Property Tax Exemption of Perpetually Conserved Land Classification and Assessment of Land Used for Conservation.
5. Eliminating State Required School Property Tax and Replacing with Equivalent State Revenues to Fund Education.
6. Assessment of Working Waterfront Property Based Upon Current Use.
7. Religious Freedom.
8. Local Option Community College Funding.
9. Requiring 65 Percent of School Funding for Classroom Instruction; State's Duty for Children's Education.

## ODDS AND ENDS

Each year, individual legislators file any number of bills that are strange, obscure or funny. This year was no exception, the candidates include:

### A. Bills That Passed.

#### SB 230

This bill is like many, many others in designating certain creatures or materials such as horse conchs, coral rock or Myakka fine sand as the state something or other. There are actually dozens of state some things in case you wondered. SB 230 which did pass and is now a law, designates the Florida Cracker Horse (marshtackie) as the state horse and the loggerhead turtle as the state saltwater reptile. *The effective date of this bill is July 1, 2008, Chapter No. 2008-34.*

#### HB 503

This is the Right to Bear Arms Act. Strenuously lobbied by the NRA, the bill has passed and is now a law. Under HB 503, commercial business owners cannot prohibit employees from having a registered firearm in the glove compartment of their automobile when they come to work so long as the glove compartment is locked. *The effective date of this bill is July 1, 2008 and shall apply to causes of action accruing on or after that date; Chapter No. 2008-7.*

#### HB 1167

This bill gets the trophy for the most strangulated name for an act. It is called the REDUCED CIGARETTE IGNITION PROPENSITY STANDARD AND FIREFIGHTER PROTECTION ACT. The new law essentially authorizes the state Fire Marshall to develop a certification program for cigarettes to ensure that they won't burn a house down. I am not quite sure how that works but we will see. Once the certification program is in place, apparently all cigarette manufacturers have to pass certification tests and seek recertification every three years. *The effective date of this bill is January 1, 2010; Chapter No. 2008-129.*

### B. Bills That Died.

#### HB 119

This bill would have prohibited knowing sexual contact with an animal. Notably there is no exception for veterinarians. When the bills did not pass, some news sources remarked that since the legislation did not pass, it must be legal to have sexual contact with an animal in Florida.

#### SB 182

SB 182 authorizes any non-profit or public healthcare organization to distribute sexual barrier protection devices such as condoms to prisoners in prisons. I have never been able to determine who suggested to Senator Wilson that this is a great mission for some organization to undertake.

### **HB 331**

This bill would have created the Florida Companion Registry. The legislation would put the state in the business of registering companions and maintaining a list. The legislation appeared to be aimed at providing some sort of alternative status to marriage for groups as diverse as alternative lifestyle companions and geezers.

### **HB 335**

The legislation would have prohibited students from exposing below waist underwear in a specified manner while on public school grounds.

### **HB 107**

This bill would have authorized a confederate flag license plate.

### **SB 2162**

This bill would have prohibited smoking in a car with anyone under the age of 18.

### **SB 2692**

This is the Evolution Academic Freedom Act. Apparently, chemical and biological evolution is only a theory and can be subject to scrutiny by any teacher or student while alternative theories of creation are considered. Senator Storms is of that mind.

## 2009 LEGISLATIVE FORECAST

- Affordable Housing Legislation
- Aggregate Mining/Restrictions on Local Government Regulation
- APA/SERC for small businesses
- *Aramark* fix
- Bert Harris Act Property Rights Reforms
- Brownfields Redevelopment/More Funding for VCTC
- Budget Reductions + New Sources of Revenue for Education
- Citizen Planning Bill of Rights
- Coastal Post-Disaster Redevelopment
- CSX Commuter Rail
- DRI/Clarification of 2007 3-Year DRI Extension
- Energy/Implementation of 2008 Bill, Including Legislative Reviews
- Everglades Restoration: How to Fund the US Sugar Deal?
- Expedited Permitting
- Enclaves
- Fair Share Formulas
- Financial Feasibility Deadline Extension
- Florida Hometown Democracy
- Growth Management Reforms
- Impact Fees Restrictions
- Initiative Petitions/Restrictions on Signature Gatherers
- Landfills/Location Restrictions
- Lender Liability Protections
- License Plates (Notwithstanding 3-year Moratorium)
- Limitations on Number of Times Comprehensive Plans May be Amended
- Local Growth Management Referenda Restrictions
- Mobility Fee Study
- Offshore Drilling for Oil and Gas
- Rural Economic Development Incentives
- Seagrass Mitigation and Protection
- Springs Protection Regulations
- Sunset Review/DCA
- Super Majority Vote for Changes to Local Comprehensive Plans
- Transportation Concurrency
- Transportation Privatization
- Truth in Government Requirements
- Uniform Environmental Covenants Act (UECA)
- *Vox Populi* Public Participation Requirements for Local Commissions



## **REFERENCES AND SOURCES**

Links to bills:

<http://www.flsenate.gov>

<http://www.myfloridahouse.gov>

Florida House of Representatives 2008 Legislative Session End of Session Report:

<http://www.myfloridahouse.gov/Sections/Documents/publications.aspx?PublicationType=Session&DocumentType=End%20of%20Session%20Summaries&SessionId=57&Session=2008>

Florida Senate 2008 Regular Session Summary of Legislation Passed:

[http://www.flsenate.gov/cgi-bin/View\\_Page.pl?File=index.html&Directory=Publications/2008/Senate/reports/summaries/&Tab=committees&Submenu=2](http://www.flsenate.gov/cgi-bin/View_Page.pl?File=index.html&Directory=Publications/2008/Senate/reports/summaries/&Tab=committees&Submenu=2)

Link to Governor's 2008 Legislative Actions, including signing letters and veto messages:

[http://www.flgov.com/2008\\_legislative\\_actions](http://www.flgov.com/2008_legislative_actions)

Portions of this article also are taken from materials prepared by the authors and others for the Florida Chamber Environmental Permitting Summer School: *The 2008 Legislative Session: The Worst Session Ever* (July 2008) by Jennifer Fitzwater, Wade Hopping, Larry Sellers and Terry Lewis.