

Finance and Tax Committee

Tuesday, February 7, 2012 3:45 p.m. 404 House Office Building

ACTION PACKET

Dean Cannon Speaker Stephen Precourt Chair

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

Summary:

ę,

Finance & Tax Committee

Tuesday February 07, 2012 03:45 pm

HJR 169 Favorable With Committee Substitute	Yeas: 22 Nays: 0
HB 357 Favorable With Committee Substitute	Yeas: 23 Nays: 0
CS/HB 465 Favorable	Yeas: 23 Nays: 0
HB 547 Unfavorable	Yeas: 12 Nays: 12
CS/HB 801 Favorable With Committee Substitute	Yeas: 23 Nays: 0
HB 1015 Favorable	Yeas: 23 Nays: 0
CS/HB 1343 Favorable With Committee Substitute	Yeas: 20 Nays: 2
PCB FTC 12-06 Favorable	Yeas: 22 Nays: 0

Committee meeting was reported out: Tuesday, February 07, 2012 6:32:10PM

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

AMENDED

Attendance:

	Present	Absent	Excused
Stephen Precourt (Chair)	X		
Joseph Abruzzo	×		
Larry Ahern	×		
Ben Albritton	×		
Lori Berman	X		
Douglas Broxson	X		
Matthew Caldwell	x		
Fredrick Costello	X		
Jose Diaz	X		
Reggie Fullwood	X		
James Grant	×		
John Julien	×		
Debbie Mayfield	×		
George Moraitis, Jr.	×		
Scott Randolph	x		
Lake Ray	x		
Michelle Rehwinkel Vasilinda	X		
Hazelle Rogers	X		
Patrick Rooney, Jr.	X		
W. Gregory Steube	X		
Perry Thurston, Jr.	x		
Charles Van Zant	X		
Michael Weinstein	X		
Ritch Workman	X		
Totals:	24	0	0

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

6

HJR 169 : Additional Homestead Tax Exemption for Seniors

X Favorable With Committee Substitute Yea Nay No Vote Absentee Absentee Yea Nay Joseph Abruzzo х Х Larry Ahern Ben Albritton Х Х Lori Berman Douglas Broxson х Matthew Caldwell х Fredrick Costello х Jose Diaz х Х Reggie Fullwood James Grant Х John Julien Х Debbie Mayfield Х George Moraitis, Jr. х Scott Randolph Х Lake Ray Х Michelle Rehwinkel Vasilinda Х Hazelle Rogers Х Patrick Rooney, Jr. Х W. Gregory Steube Х Х Perry Thurston, Jr. Х Charles Van Zant Michael Weinstein X Ritch Workman X Stephen Precourt (Chair) Х

Total	Yeas:	22	Total	Nays: 0

Committee meeting was reported out: Tuesday, February 07, 2012 6:32:10PM

Bill No. HJR 169 (2012)

Amendment No. 1

1

2

3

5

6

7

8

COMMITTEE/SUBCOMMIT	TEE ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	X (Y)N)
FAILED TO ADOPT	$\frac{1}{(Y/N)}$
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Finance & Tax Committee Representative Oliva offered the following:

Amendment (with ballot and title amendments)

Remove lines 56-71 and insert:

and subject to the provisions of general law, to grant an either or both of the following additional homestead tax exemptions not exceeding:

9 <u>(1)</u> An exemption not exceeding fifty thousand dollars to 10 any person who has the legal or equitable title to real estate 11 and maintains thereon the permanent residence of the owner and 12 who has attained age sixty-five and whose household income, as 13 defined by general law, does not exceed twenty thousand dollars: 14 or-

15 (2) An exemption equal to the assessed value of the 16 property to any person who has the legal or equitable title to 17 real estate with a just value less than two hundred and fifty 18 thousand dollars and who has maintained thereon the permanent 19 residence of the owner for not less than twenty-five years and

h0169-line 56.docx

Bill No. HJR 169 (2012)

20	Amendment No. 1 who has attained age sixty-five and whose household income does
21	not exceed the income limitation prescribed in paragraph (1).
22	
23	The general law must allow counties and municipalities to grant
24	this these additional exemptions, within the limits prescribed
25	in this
26	
27	
28	
29	
30	BALLOT AMENDMENT
31	Remove lines 110-117 and insert:
32	equal to the assessed value of homestead property if the
33	property has a just value less than \$250,000 to an owner who has
34	maintained permanent residency on the property for not less than
35	25 years, who has attained age 65, and and who has a low
36	household income as defined by general law.
37	
38	
39	
40	
41	TITLE AMENDMENT
42	Remove lines 6-10 and insert:
43	exemption equal to the assessed value of homestead property if
44	the property has a just value lower than a specified amount, to
45	an owner who has maintained permanent residency on the property
46	for a specified duration, who has attained age 65, and whose
47	household income does not exceed a specified amount.
•	

Page 2 of 2

h0169-line 56.docx

6 ₀

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

Ē.

HB 357 : Homestead Exemptions for Seniors

Х Favorable With Committee Substitute Yea Nay No Vote Absentee Absentee Yea Nay Joseph Abruzzo Х Larry Ahern х Ben Albritton Х Lori Berman Х Douglas Broxson х Matthew Caldwell Х Fredrick Costello Х Jose Diaz х Х Reggie Fullwood Х James Grant John Julien Х Debbie Mayfield Х George Moraitis, Jr. Х Scott Randolph Х Х Lake Ray Michelle Rehwinkel Vasilinda х Hazelle Rogers Х Patrick Rooney, Jr. Х W. Gregory Steube х Perry Thurston, Jr. Х Charles Van Zant Х Michael Weinstein Х Ritch Workman Х Stephen Precourt (Chair) Х **Total Yeas: 23 Total Nays: 0**

.

Bill No. HB 357 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMI	TTEE ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	— (X/N)
ADOPTED W/O OBJECTION	
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Finance & Tax Committee Representative Oliva offered the following:

Amendment (with title amendment)

Remove lines 41-66 and insert:

ordinance to allow an either or both of the following additional homestead exemptions of up to:

8 (a) Fifty-thousand dollars \$50,000 for any person who has 9 the legal or equitable title to real estate and maintains 10 thereon the permanent residence of the owner, who has attained 11 age 65, and whose household income does not exceed \$20,000; or-12 (b) The amount of the assessed value of the property for 13 any person who has the legal or equitable title to real estate

14 with a just value less than two hundred and fifty thousand 15 dollars and has maintained thereon the permanent residence of 16 the owner for at least 25 years, who has attained age 65, and 17 whose household income does not exceed the income limitation prescribed in (a) and as calculated in (3).

18

1

2

3 4

5

6

7

Page 1 of 3

h0357-line 41.docx

Bill No. HB 357 (2012)

19	Amendment No. 1 (3) Beginning January 1, 2001, the \$20,000 income
20	limitation shall be adjusted annually, on January 1, by the
21	percentage change in the average cost-of-living index in the
22	period January 1 through December 31 of the immediate prior year
23	compared with the same period for the year prior to that. The
24	index is the average of the monthly consumer-price-index figures
25	for the stated 12-month period, relative to the United States as
26	a whole, issued by the United States Department of Labor.
27	(4) An ordinance granting an additional homestead
28	exemption as authorized by this section must meet the following
29	requirements:
30	(a) It must be adopted under the procedures for adoption
31	of a nonemergency ordinance specified in chapter 125 by a board
32	of county commissioners $_{ au}$ or chapter 166 by a municipal governing
33	authority-, except that the exemption authorized by paragraph
34	(2)(b) must be authorized by a super majority (a majority plus
35	one) vote of the members of the governing body of the county or
36	municipality granting such exemption.
37	
38	
39	
40	
41	
42	TITLE AMENDMENT
43	Remove lines 7-16 and insert:
44	the assessed value of property with a just value lower than a
1	
45 46	specified amount, to an owner who has maintained permanent

Page 2 of 3

h0357-line 41.docx

Bill No. HB 357 (2012)

Amendment No. 1

47 attained age 65, and whose household income does not exceed a 48 specified amount; providing definitions applicable to such 49 additional exemption; providing applicability of requirements 50 relating to the adoption of a local ordinance granting such 51 exemption;

52

е 6

Page 3 of 3

h0357-line 41.docx «

Bill No. HB 357 (2012)

Amendment No. 2

COMMITTEE/SUBCOMMI	TTEE ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	<u> (Y</u> /N)
ADOPTED W/O OBJECTION	\mathbf{I} (\mathbf{Y}_{N})
FAILED TO ADOPT	V (Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Finance & Tax Committee Representative Oliva offered the following:

Amendment (with title amendment)

Remove lines 175-180 and insert:

Section 4. Effective July 1, 2012, the sum of \$93,403 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of State for purposes of publishing, as required under s. 5(d), Art. XI of the State Constitution, the proposed constitutional amendment contained in House Joint Resolution 169, or a similar joint resolution having substantially the same specific intent and purpose.

Section 5. Except as otherwise expressly provided in this act, this act shall take effect upon the approval of House Joint Resolution 169, or a similar joint resolution having substantially the same specific intent and purpose, at the general election to be held in November 2012 or at an earlier special election specifically authorized by law for that purpose, and shall first apply to the 2013 tax roll.

Page 1 of 2

h0357-line 175.docx

2

4

5

6

7

8

9

10

11

12

Bill No. HB 357 (2012)

	Amendment No. 2	
20		
21		
22		
23		
24	TITLE AMENDMENT	
25	Remove line 21 and insert:	
26	in reference thereto; providing an appropriation; providing	a
27	contingent effective	
		•
		·. ·
ł	Page 2 of 2 h0357-line 175.docx	

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

6

CS/HB 465 : District School Board Bonds

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Larry Ahern	Х				
Ben Albritton	Х				
Lori Berman	Х				
Douglas Broxson	Х				
Matthew Caldwell	Х				
Fredrick Costello	Х				
Jose Diaz	Х				
Reggie Fullwood	Х				
James Grant			Х		
John Julien	Х				
Debbie Mayfield	Х				
George Moraitis, Jr.	Х				
Scott Randolph	Х				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	Х				
Hazelle Rogers	Х				
Patrick Rooney, Jr.	X				
W. Gregory Steube	Х				
Perry Thurston, Jr.	Х				
Charles Van Zant	X				
Michael Weinstein	Х				
Ritch Workman	Х				
Stephen Precourt (Chair)	X				
	Total Yeas: 23	Total Nays: (0		

Appearances:

Vern Pickup-Crawford (Lobbyist) - Proponent Palm Beach School Districts 571 Kingsbury Terrace Wellington FL 33419 Phone: 561-644-2439

Iraida Mendez-Cartaya (Lobbyist) - Proponent Miami-Dade County Public Schools 1450 NE 2nd Avenue Room #931 Miami FL 33132 Phone: 305-995-1497

Tom Cerra - Proponent Greater FL Consortium of School Boards 9737 NW 41st Street #359 Doral FL 33178 Phone: 305-513-9995

Committee meeting was reported out: Tuesday, February 07, 2012 6:32:10PM

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

Ô

HB 547 : Community Redevelopment Agencies

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		x			
Larry Ahern	<u> </u>	Х			
Ben Albritton	Х		,		
Lori Berman		X			
Douglas Broxson	Х				
Matthew Caldwell	Х				
Fredrick Costello		X			
Jose Diaz	Х				
Reggie Fullwood		Х	· . ·		
James Grant	Х				
John Julien		Х			
Debbie Mayfield		Х			
George Moraitis, Jr.	Х				
Scott Randolph		Х			
Lake Ray	X				
Michelle Rehwinkel Vasilinda		Х			
Hazelle Rogers		Х			
Patrick Rooney, Jr.	X				
W. Gregory Steube	X ·				
Perry Thurston, Jr.		Х			
Charles Van Zant		Х			
Michael Weinstein	X				
Ritch Workman	Х				
Stephen Precourt (Chair)	X				
	Total Yeas: 12	Total Nays: 1	2		

Appearances:

Bill Peeples (Lobbyist) - Opponent Florid Redevelopment Associaiton P.O. Box 10930 Tallahassee FL 32302 Phone: 850-566-3029

Rick Ammienato - Opponent City of Homestead CRA 1111 Brickell Bay Drive Miami FL 33131 Phone: 786-449-2383

David Cruz (Lobbyist) - Opponent Florida League of Cities P.O. Box 1757 Tallahassee FL 32302 Phone: 850-701-3676

Committee meeting was reported out: Tuesday, February 07, 2012 6:32:10PM

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

6

HB 547 : Community Redevelopment Agencies (continued)

Appearances: (continued)

Jess McCarty (Lobbyist) - Proponent Miami-Dade County 111 NW 1st street #2810 Miami FL 33128 Phone: 305-979-7110

Bill No. HB 547 (2012)

Amendment No. 1

	COMMITTEE/SUBCOMM	ITTEE ACTION	
	ADOPTED	(Y/N)	
	ADOPTED AS AMENDED	(Y/N)	
	ADOPTED W/O OBJECTION	(Y)N)	Bill Faile
	FAILED TO ADOPT	$I \sim (Y/N)$	10
	WITHDRAWN	(Y/N)	
	OTHER	and the second se	
ļ			

Committee/Subcommittee hearing bill: Finance & Tax Committee Representative Fresen offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Paragraph (c) of subsection (3) of section 163.356, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

163.356 Creation <u>and termination</u> of <u>a</u> community redevelopment agency.-

(3)

1

2

3

4

5

6

7

8

9

10

11

12 (C) The governing body of the county or municipality shall 13 designate a chair and vice chair from among the commissioners. 14 An agency may employ an executive director, technical experts, 15 and such other agents and employees, permanent and temporary, as 16 it requires, and determine their qualifications, duties, and 17 compensation. For such legal service as it requires, an agency 18 may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this 19

Bill No. HB 547 (2012)

Amendment No. 1 20 part shall file with the governing body, on or before March 31 21 of each year, a report of its activities for the preceding 22 fiscal year, which report shall include a complete financial 23 statement setting forth its assets, liabilities, income, and 24 operating expenses as of the end of such fiscal year. At the 25 time of filing the report, the agency shall publish in a 26 newspaper of general circulation in the community a notice to 27 the effect that such report has been filed with the county or 28 municipality and that the report is available for inspection 29 during business hours in the office of the clerk of the city or 30 county commission and in the office of the agency. Agencies 31 operating within a county as defined in s. 125.011(1) are 32 required to submit to annual performance reviews conducted by 33 and at the discretion of the board of county commissioners. 34 (5) (a) In any county as defined in s. 125.011(1) that has 35 created a community redevelopment agency or has delegated the 36 creation of a community redevelopment agency to a municipality 37 pursuant to s. 163.410, the board of county commissioners may 38 terminate the agency operating or located in its boundaries, if 39 the board finds pursuant to a forensic audit conducted under s. 40 163.387(8): 41 The agency has neglected its duties and 1. 42 responsibilities under the approved redevelopment plan or under 43 any interlocal agreement between the governing body of the 44 county or any taxing authority and the agency under this part; 45 or 46 The agency has engaged in financial misconduct. 2.

h0547-strike.docx

ģ.

Bill No. HB 547 (2012)

•	47]	Amendment No. 1 (b)1. After a public hearing on the proposed
	48	termination of an agency under this subsection, the board of
6	49	county commissioners may effectuate the termination of the
	50	agency by adopting a resolution that approves termination of the
	51	agency pursuant to a termination plan consistent with the
	.52	provisions of subparagraph 3.
	53	2. The board of county commissioners must notify the
	54	agency of the proposed termination and the grounds for
	55	termination in writing at least 30 days before the public
	56	hearing on the termination of the agency. After the agency has
`	57	been given notice pursuant to this subparagraph, the agency may
	58	not issue bonds, incur further indebtedness, or enter into any
	59	contract, unless approved by the board. The agency must respond
í.	60	to the notice of proposed termination and the grounds for
Υ.	61	termination in writing at least 5 days before the public
	62	hearing.
	63	3. A termination plan approved by the board of county
	64	commissioners:
	65	a. Shall, if the agency has outstanding debt, including
	66	debt that pledges increment revenues as a source of repayment,
	67	require repayment of the debt, or make provision for the
	68	repayment, on or before it is due and may require taxing
	69	authorities to continue making required contributions until the
	70	repayment is paid;
	71	b. May require the governing body of the county to assume
	72	the powers of the agency and act as the board of commissioners
	73	for the agency for purposes of overseeing the continued payment

Bill No. HB 547 (2012)

Amendment No. 1 74 of outstanding debt or the completion of projects begun before 75 the date of the notice of termination; c. Shall provide an effective date of termination of the 76 77 agency, which shall be a date after payment or provision for 78 payment of all outstanding debt of the agency; and 79 d. Shall provide that after termination of the agency the 80 obligation of a taxing authority to contribute to the trust fund 81 pursuant to s. 163.387 is automatically terminated by operation 82 of law and any funds remaining in the trust fund shall be 83 disbursed to the taxing authorities in proportion to the amounts 84 contributed by such taxing authorities. 85 Notwithstanding any provision of law to the contrary, (C) 86 consent to termination under this subsection is not required 87 from the agency, from the governing body of a municipality 88 within which the agency operates or which was delegated the 89 authority to create the agency, from the taxing authorities that 90 contribute to the redevelopment trust fund of the agency, or 91 from any other person or entity. 92 Section 2. Subsection (10) of section 163.362, Florida 93 Statutes, is amended, to read: 163.362 Contents of community redevelopment plan.-Every 94 95 community redevelopment plan shall: 96 Provide a time certain for completing all (10)97 redevelopment financed by increment revenues. Such time certain 98 shall occur no later than 30 years after the fiscal year in 99 which the plan is approved, adopted, or amended pursuant to s. 100 163.361(1). However, for any agency created after July 1, 2002, 101 the time certain for completing all redevelopment financed by

Page 4 of 9

Bill No. HB 547 (2012)

Amendment No. 1

102 increment revenues must occur within 40 years after the fiscal 103 year in which the plan is approved or adopted. In any county as 104 defined in s. 125.011(1), any redevelopment plan that is 105 approved or amended on or after July 1, 2012, must also provide 106 a specific date by which each redevelopment activity that is a 107 part of a redevelopment project proposed to be funded by the 108 increment fund is scheduled to be completed.

Section 3. Subsections (6) and (8) of section 163.387, Florida Statutes, are amended to read:

111

163.387 Redevelopment trust fund.-

(6) (a) Moneys in the redevelopment trust fund may be expended from time to time for undertakings of a community redevelopment agency as described in the community redevelopment plan for the following purposes, including, but not limited to:

.16 <u>1.(a)</u> Administrative and overhead expenses necessary or 117 incidental to the implementation of a community redevelopment 118 plan adopted by the agency.

119 <u>2.(b)</u> Expenses of redevelopment planning, surveys, and 120 financial analysis, including the reimbursement of the governing 121 body or the community redevelopment agency for such expenses 122 incurred before the redevelopment plan was approved and adopted.

123 <u>3.(c)</u> The acquisition of real property in the 124 redevelopment area.

125 $\underline{4.(d)}$ The clearance and preparation of any redevelopment 126 area for redevelopment and relocation of site occupants within 127 or outside the community redevelopment area as provided in s. 128 163.370.

Bill No. HB 547 (2012)

Amendment No. 1

129 5.(c) The repayment of principal and interest or any 130 redemption premium for loans, advances, bonds, bond anticipation 131 notes, and any other form of indebtedness. ٨ 132 6.(f) All expenses incidental to or connected with the 133 issuance, sale, redemption, retirement, or purchase of bonds, 134 bond anticipation notes, or other form of indebtedness, 135 including funding of any reserve, redemption, or other fund or 136 account provided for in the ordinance or resolution authorizing 137 such bonds, notes, or other form of indebtedness. 138 7.(g) The development of affordable housing within the 139 community redevelopment area. 140 8.(h) The development of community policing innovations. 141 (b) For the purpose of the expenditure of moneys in . 142 redevelopment trust funds in counties as defined in s. 143 125.011(1), the following apply in addition to any requirement imposed by interlocal agreement: 144 145 1. An agency operating in the county must submit an annual 146 budget indicating any proposed expenditures of increment 147 revenues attributable to the county share of revenues by August 148 15 of each year. 149 2. The board of county commissioners may, within 90 days 150 of receipt approve the budget by resolution or reject the budget 151 and return it to the agency. If the board of county 152 commissioners does not act within 90 days, the budget shall be 153 deemed approved. The agency may then revise the budget within 30 154 days and resubmit it to the board of county commissioners, which 155 would then have 90 days to act on it.

Page 6 of 9

Bill No. HB 547 (2012)

Amendment No. 1

Amendment No. 1 3. Increment revenues contributed by the county may not be
expended for redevelopment activities without the approval of
the board of county commissioners, unless such expenditures are
to pay existing debts and contractual obligations of the agency.
4. Existing debts or contractual obligations, as described
in paragraph 3., include only such debt incurred pursuant to s.
163.385 and moneys owed from contracts entered into before the
date of a notice of termination as authorized by s. 163.356(5).
Existing debts or contractual obligations may not include
salaries of at-will employees whose duties are directly
associated with the provision of administrative or other
services and who are employed by an agency or a municipality
that provides administrative or other services to an agency.
Existing debts or contractual obligations may not include
contracts that are terminable at will.
5. The agency may not seek permission to issue bonds,
incur further indebtedness, or enter into contracts until the
governing body of the county has approved the agency's annual
budget.
(c) Notwithstanding any provision in this section, in a
county as defined in s. 125.011(1), if the agency's issuance of
debt has been approved pursuant to s. 163.385, the agency's
payment of debt service for debt secured by increment revenues
does not require the approval of the board of county
commissioners as a part of the annual agency budgetary approval
process.
(8) Each community redevelopment agency shall provide for
an external audit of the trust fund each fiscal year a report of

Page 7 of 9

Bill No. HB 547 (2012)

	Amendment No. 1
184	such audit to be prepared by an independent certified public
185	accountant or firm. Such report shall describe the amount and
186	source of deposits into, and the amount and purpose of
187	withdrawals from, the trust fund during such fiscal year and the
188	amount of principle and interest paid during such year on any
189	indebtedness to which increment revenues are pledged and the
190	remaining amount of such indebtedness. The agency shall provide
191	by registered mail a copy of the report to each taxing
192	authority. If the external audit finds evidence of financial
193	misconduct related to expenditure of tax increment revenues
194	attributable to funds derived from the county taxes, then the
195	board of county commissioners may require a forensic audit.
196	Section 4. This act shall take effect July 1, 2012.
197	
198	
199	
200	TITLE AMENDMENT
201	Remove lines 7-21 and insert:
202	commissioners of certain counties pursuant to a
203	forensic audit; providing public hearing and notice
204	and termination plan requirements; providing that
205	consent from certain entities is not required for such
206	termination; amending s. 163.362, F.S.; providing
207	additional redevelopment plan requirements for certain
208	counties; amending s. 163.387, F.S.; providing
209	requirements for the expenditure of moneys from
210	redevelopment trust funds in certain counties in
211	addition to any requirements imposed by interlocal

Bill No. HB 547 (2012)

Amendment No. 1

agreements; providing protocal for the approval of agency budgets by resolution; exempting payment of debt service in such counties from certain approval; providing for an annual external audit of the agency trust fund; provides that a forensic audit may be required under certain circumstances; providing an effective date.

220

212

213

214

215

6,

h0547-strike.docx

Page 9 of 9

Bill No. HB 547 (2012)

Amendment No. 2

ł

1

2 3

4

5

ې ه

COMMITTEE/SUBCOMM	ITTEE ACTION			
ADOPTED	(Y/N)			
ADOPTED AS AMENDED	(Y/N)	0.20	0	*
ADOPTED W/O OBJECTION		Dil	Tcul	led
FAILED TO ADOPT	Y/N)			
WITHDRAWN	(Y/N)			
OTHER ·				
No. 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 19	*****			
Committee/Subcommittee	hearing bill:	Finance	& Tax	Committee

Representative Diaz offered the following:

Amendment to Amendment (666965) by Representative Fresen (with title amendment)

6 Remove lines 183-195 of the amendment and insert: 7 an audit of the trust fund each fiscal year and a report of such audit to be prepared by an independent certified public 8 9 accountant or firm. For those community redevelopment agencies 10 operating within a county as defined in section 125.011(1), the 11 audit shall be an external audit. Such report shall describe the amount and source of deposits into, and the amount and purpose 12 13 of withdrawals from, the trust fund during such fiscal year and 14 the amount of principle and interest paid during such year on 15 any indebtedness to which increment revenues are pledged and the remaining amount of such indebtedness. The agency shall provide 16 17 by registered mail a copy of the report to each taxing 18 authority. If an external audit finds evidence of financial misconduct related to expenditure of tax increment revenues 19

297425 - h0547strikeamend-.docx Published On: 2/7/2012 1:41:36 PM Page 1 of 2

Bill No. HB 547 (2012)

Amendment No. 2 20 attributable to funds derived from the county taxes, then the board of county commissioners in a county as defined in section 21 125.011(1) may require and provide for a forensic audit. 22 23 24 TITLE AMENDMENT Remove lines 215-216 of the amendment and insert: 25 26 providing that an external audit of an agency trust fund may be 27 required under certain circumstances; provides that a forensic audit may be 28 29 297425 - h0547strikeamend-.docx Published On: 2/7/2012 1:41:36 PM Page 2 of 2

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

Ş

CS/HB 801 : Emergency Telecommunications Service

AMENDED

X Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X			100	
Larry Ahern	X	·			
Ben Albritton	X				
Lori Berman	Х				
Douglas Broxson	Х				
Matthew Caldwell	Х				
Fredrick Costello	Х				
Jose Diaz	Х	· · · · · · · · ·			
Reggie Fullwood	Х				
James Grant	X				
John Julien	X				
Debbie Mayfield	Х				
George Moraitis, Jr.	Х				
Scott Randolph	Х				
Lake Ray	X				
Michelle Rehwinkel Vasilinda			Х		
Hazelle Rogers	Х				
Patrick Rooney, Jr.	Х				
W. Gregory Steube	Х				
Perry Thurston, Jr.	Х				
Charles Van Zant	X				
Michael Weinstein	Х				
Ritch Workman	Х				
Stephen Precourt (Chair)	X				
	Total Yeas: 23	Total Nays:	0		

Appearances:

Jim Smith - Waive In Support CenturyLink 315 S. Calhoun Street Tallahassee FL 32301 Phone: 599-1779

Woody Simmons (Lobbyist) - Waive In Support Verizon 106 East College Avenue Tallahassee FL 32301 Phone: 850-222-6304

Charles Dudley (Lobbyist) - Proponent Florida Cable Telecom Assoc. 108 South Monroe Street, #200 Tallahassee FL 32301 Phone: 681-0024

Committee meeting was reported out: Tuesday, February 07, 2012 6:32:10PM

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

6

CS/HB 801 : Emergency Telecommunications Service (continued)

Appearances: (continued)

Brain Musselwhite (Lobbyist) - Waive In Support Comcast 300 West Pensacola Street Tallahassee FL 32301

Richard Pinsky - Proponent FL 911 Emergency Dispatchers 106 E. College Avenue Tallahassee FL 32301

Bill No. CS/HB 801 (2012)

Amendment No. 1

COMMITTEE/SUBC	OMMITTEE ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTI	
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Committee/Subcommittee hearing bill: Finance & Tax Committee
 Representative Steube offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert: Section 1. Subsection (12) of section 365.171, Florida Statutes, is amended to read:

365.171. Emergency communications number E911 state plan.-

(12)

3

4

5

6

7

8

9

(12) CONFIDENTIALITY OF RECORDS.-

10 (a) Any record, recording, or information, or portions 11 thereof, obtained by a public agency or a public safety agency 12 for the purpose of providing services in an emergency and which 13 reveals the name, address, telephone number, or personal 14 information about, or information which may identify any person 15 requesting emergency service or reporting an emergency by 16 accessing an emergency communications E911 system is 17 confidential and exempt from the provisions of s. 119.07(1) and 18 s. 24(a), Art. I of the State Constitution, except that such 19 record or information may be disclosed to a public safety

Bill No. CS/HB 801 (2012)

Amendment No. 1 20 agency. The exemption applies only to the name, address, 21 telephone number or personal information about, or information 22 which may identify any person requesting emergency services or 23 reporting an emergency while such information is in the custody 24 of the public agency or public safety agency providing emergency 25 services. A telecommunications company or commercial mobile 26 radio service provider shall not be liable for damages to any 27 person resulting from or in connection with such telephone 28 company's or commercial mobile radio service provider's 29 provision of any lawful assistance to any investigative or law 30 enforcement officer of the State of Florida or political 31 subdivisions thereof, of the United States, or of any other 32 state or political subdivision thereof, in connection with any 33 lawful investigation or other law enforcement activity by such 34 law enforcement officer unless the telecommunications company or 35 commercial mobile radio service provider acted in a wanton and 36 willful manner.

37 (b) Notwithstanding paragraph (a), a 911 public safety 38 telecommunicator, as defined in s. 401.465, may contact any 39 private person or entity that owns an automated external 40 defibrillator who has notified the local emergency medical 41 services medical director or public safety answering point of 42 such ownership if a confirmed coronary emergency call is taking 43 place and the location of the coronary emergency is within a 44 reasonable distance from the location of the defibrillator, and 45 may provide the location of the coronary emergency to that 46 person or entity.

Page 2 of 10

40497

Bill No. CS/HB 801 (2012)

Amendment No. 1

Section 2. Paragraphs (a) and (b) of subsection (5), paragraphs (a) and (e) of subsection (8), and subsection (11) of section 365.172, Florida Statutes, are amended to read:

365.172 Emergency communications number -"E911."-

(5)

47

48

49

50

51

) THE E911 BOARD.-

52 The E911 Board is established to administer, with (a) 53 oversight by the office, the fee imposed under subsection (8), 54 including receiving revenues derived from the fee; distributing 55 portions of the revenues to wireless providers, counties, and 56 the office; accounting for receipts, distributions, and income 57 derived by the funds maintained in the fund; and providing 58 annual reports to the Governor and the Legislature for 59 submission by the office on amounts collected and expended, the 60 purposes for which expenditures have been made, and the status 51 of E911 service in this state. In order to advise and assist the 62 office in implementing carrying out the purposes of this 63 section, the board, which has shall have the power of a body 64 corporate, has the powers enumerated in subsection (6).

65 The board shall consist of eleven nine members, one of (b) 66 whom must be the system director designated under s. 365.171(5), 67 or his or her designee, who shall serve as the chair of the 68 board. The remaining ten eight members of the board shall be 69 appointed by the Governor and must be composed of five four 70 county 911 coordinators, consisting of a representative from a 71 rural county, a representative from a medium county, a 72 representative from a large county, and two an at-large 73 representatives representative recommended by the Florida 74 Association of Counties in consultation with the county 911

Bill No. CS/HB 801 (2012)

(.

	Amendment No. 1
75	coordinators; three two local exchange carrier member
76	representatives members, one of whom which must be a
77	representative of the local exchange carrier having the greatest
78	number of access lines in the state and one of whom must be a
79	representative of a certificated competitive local exchange
80	telecommunications company; and two member representatives
81	members from the wireless telecommunications industry, with
82	recommended by the Florida Telecommunications Industry
83	Association in consultation with the wireless telecommunications
84	industry. In recommending members from the wireless
85	telecommunications industry, consideration must be given to
86	wireless providers that who are not affiliated with local
87	exchange carriers. Not more than one member may be appointed to
88	represent any single provider on the board.
89	(8) E911 FEE
90	(a) Each voice communications services provider shall
91	collect the fee described in this subsection. Each provider, as
92	part of its monthly billing process, shall bill the fee as
93	follows. The fee shall not be assessed on any pay telephone in
94	the state.
95	1. Each voice communications service provider other than a
96	wireless provider local exchange carrier shall bill the fee to <u>a</u>
97	subscriber based on the number of access lines having access to
98	the E911 system, the local exchange subscribers on a service-
99	identifier basis, up to a maximum of 25 access lines per account
100	bill rendered.
101	2. Each voice communications service provider other than a
102	wireless provider shall bill the fee to a subscriber on a basis
,	

Page 4 of 10

40497

é

Bill No. CS/HB 801 (2012)

Amendment No. 1

103 of five service-identified access lines for each digital 104 transmission link, including primary rate interface service or 105 equivalent Digital-Signal-1-level service, which can be 106 channelized and split into 23 or 24 voice-or-data-grade channels 107 for communications, up to a maximum of 25 access lines per 108 account bill rendered.

<u>3.2.</u> Except in the case of prepaid wireless service, each wireless provider shall bill the fee to a subscriber on a perservice-identifier basis for service identifiers whose primary place of use is within this state. Before July 1, 2013, the fee shall not be assessed on or collected from a provider with respect to an end user's service if that end user's service is a prepaid calling arrangement that is subject to s. 212.05(1)(e).

a. <u>An No E911</u> fee shall <u>not</u> be collected from the sale of prepaid wireless service before prior to July 1, 2013.

118

b. For purposes of this section, the term:

(I) "Prepaid wireless service" means the right to access
telecommunications services, which that must be paid for in
advance and is sold in predetermined units or dollars enabling
the originator to make calls such that the number of units or
dollars declines with use in a known amount.

(II) "Prepaid wireless service providers" includes those
persons who sell prepaid wireless service regardless of its
form, either as a retailer or reseller.

127 <u>4.3.</u> The All voice communications services providers not 128 addressed under subparagraphs 1., 2., and <u>3.</u> 2. shall bill the 129 fee on a per-service-identifier basis for service identifiers

Bill No. CS/HB 801 (2012)

Amendment No. 1

132

130 whose primary place of use is within the state up to a maximum 131 of 25 service identifiers for each account bill rendered.

133 The provider may list the fee as a separate entry on each bill, 134 in which case the fee must be identified as a fee for E911 135 services. A provider shall remit the fee to the board only if 136 the fee is paid by the subscriber. If a provider receives a 137 partial payment for a monthly bill from a subscriber, the amount 138 received shall first be applied to the payment due the provider 139 for providing voice communications service.

140 (e) Effective September 1, 2007, voice communications 141 services providers billing the fee to subscribers shall deliver 142 revenues from the fee to the board within 60 days after the end 143 of the month in which the fee was billed, together with a 144 monthly report of the number of service identifiers in each 145 county. Each wireless provider and other applicable provider 146 identified in subparagraph (a)4. (a)3. shall report the number 147 of service identifiers for subscribers whose place of primary 148 use is in each county. All provider subscriber information 149 provided to the board is subject to s. 365.174. If a provider 150 chooses to remit any fee amounts to the board before they are 151 paid by the subscribers, a provider may apply to the board for a 152 refund of, or may take a credit for, any such fees remitted to 153 the board which are not collected by the provider within 6 154 months following the month in which the fees are charged off for 155 federal income tax purposes as bad debt.

(11) INDEMNIFICATION AND LIMITATION OF LIABILITY. <u>A</u> local
 government may governments are authorized to undertake to

Page 6 of 10

Bill No. CS/HB 801 (2012)

Amendment No. 1 158 indemnify local exchange carriers against liability in 159 accordance with the published schedules lawfully filed tariffs .160 of the company. Notwithstanding an indemnification agreement, a 161 local exchange carrier, voice communications services provider, 162 or other service provider that provides 911 or E911 service on a retail or wholesale basis is not liable for damages resulting 163 164 from or in connection with 911 or E911 service, or for 165 identification of the telephone number, or address, or name 166 associated with any person accessing 911 or E911 service, unless 167 the carrier or the voice communications services provider acted 168 with malicious purpose or in a manner exhibiting wanton and 169 willful disregard of the rights, safety, or property of a person 170 when providing such services. A carrier or voice communications 171 services provider is not liable for damages to any person 12 resulting from or in connection with the carrier's or provider's 173 provision of any lawful assistance to any investigative or law 174 enforcement officer of the United States, this state, or a 175 political subdivision thereof, or of any other state or political subdivision thereof, in connection with any lawful 176 177 investigation or other law enforcement activity by such law 178 enforcement officer. For purposes of this subsection, the term 179 "911 or E911 service" means a telecommunications service, voice 180 or nonvoice communications service, or other wireline or 181 wireless service, including, but not limited to, a service using Internet protocol, which provides, in whole or in part, any of 182 183 the following functions: providing members of the public with 184 the ability to reach an answering point by using the digits 9-1-185 1; directing 911 calls to answering points by selective routing;

Page 7 of 10

Bill No. CS/HB 801 (2012)

G

Amendment No. 1

	186	Amendment No. 1 providing for automatic number identification and automatic
	187	location-identification features; or providing wireless E911
્ર	188	services as defined in the order.
ŝ	189	Section 3. Paragraph (b) of subsection (2) of section
	190	401.2915, Florida Statutes, is amended to read:
	191	401.2915 Automated external defibrillatorsIt is the
	192	intent of the Legislature that an automated external
	193	defibrillator may be used by any person for the purpose of
	194	saving the life of another person in cardiac arrest. In order to
	195	achieve that goal, the Legislature intends to encourage training
	196	in lifesaving first aid and set standards for and encourage the
	197	use of automated external defibrillators.
	198	(2) In order to promote public health and safety:
	199	(b) Any person or entity in possession of an automated
	200	external defibrillator is encouraged to notify the local
	201	emergency medical services medical director or the local public
	202	safety answering point, as defined in s. 365.172(3), of the
	203	location of the automated external defibrillator.
	204	Section 4. Paragraph (e) of subsection (1) and subsection
	205	(3) of section 427.706, Florida Statutes, are amended to read:
	206	427.706 Advisory committee
	207	(1) The commission shall appoint an advisory committee to
	208	assist the commission with the implementation of the provisions
	209	of this part. The committee shall be composed of no more than 10
	210	persons and shall include, to the extent practicable, the
	211	following:
	212	(e) Two representatives of telecommunications companies $_{\tau}$
	213	one representing a local exchange telecommunications company and

Bill No. CS/HB 801 (2012)

		Amendment No. 1
	214	one representing an interexchange telecommunications company,
	215	recommended by the Florida Telephone Association.
6	216	(3) Members of the committee shall not be compensated for
	217	their services but are shall be entitled to receive
	218	reimbursement for per diem and travel expenses as provided in s.
	219	112.061. The commission shall use funds from the Florida Public
	220	Service Regulatory Trust Fund to cover the costs incurred by
	221	members of the advisory committee.
	222	Section 5. This act shall take effect July 1, 2012.
	223	
	224	
	225	
	226	TITLE AMENDMENT
, c	227	Remove the entire title and insert:
٩.	_28	A bill to be entitled
	229	An act relating to emergency 911 service; amending s.
	230	365.171, F.S.; providing an exception to certain
	231	confidentiality provisions for a 911 public safety
	232	telecommunicator when a confirmed coronary emergency
	233	call is taking place; amending s. 365.172, F.S.;
	234	increasing the membership of the E911 Board and
	235	revising the qualifications required for the members;
	236	requiring that a voice communications service
	237	provider, other than a wireless service provider,
	238	impose a fee based on the number of access lines to
	239	the E911 system and on the basis of certain access
	240	lines for each digital transmission link, up to a
	241	specified number of access lines per account bill
	•	

Bill No. CS/HB 801 (2012)

Amendment No. 1

242	rendered; revising the criteria that a local
243	government may use in order to indemnify a local
244	carrier; expanding the types of providers that may be
245	indemnified and that are not liable for certain
246	damages; revising cross-references; defining the term
247	"911 or E911 service"; amending s. 401.2915, F.S.;
248	providing for a person or entity in possession of an
249	automated external defibrillator to notify the local
250	public safety answering point regarding the location
251	of the defibrillator; amending s. 427.706, F.S.;
252	removing the requirement that the Florida Telephone
253	Association recommend certain representatives to an
254	advisory committee to the Public Service Commission;
255	providing an effective date.

Page 10 of 10

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

Ģ

HB 1015 : Tourist Development Tax

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	Х				
Larry Ahern	Х				
Ben Albritton	Х				
Lori Berman	Х				
Douglas Broxson	Х				
Matthew Caldwell	X				
Fredrick Costello	X				
Jose Diaz	Х			· · ·	
Reggie Fullwood	Х				
James Grant	Х				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph	Х				
Lake Ray	Х				
Michelle Rehwinkel Vasilinda			X		·
Hazelle Rogers	X				
Patrick Rooney, Jr.	Х				
W. Gregory Steube	X				
Perry Thurston, Jr.	X				
Charles Van Zant	X				
Michael Weinstein	X				
Ritch Workman	Х				
Stephen Precourt (Chair)	X				
	Total Yeas: 23	Total Nays: 0	}		

AMENDED

Committee meeting was reported out: Tuesday, February 07, 2012 6:32:10PM

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

¢.

CS/HB 1343 : Discretionary Sales Surtaxes

X	X		Yea	Nay
x	Х			
••				
		x		
X				
X				
X				
	Х			
X				
X				
Х				
Х				
X				
X				
X				
X				
X				
X				
X				
X				
		x		
Х				
Х				
X				
X				
	X X X X X X X X X X X X X X X X X X X	X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X	X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X	X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X X

Appearances:

Iraida Mendez-Cartaya (Lobbyist) - Proponent Miami-Dade County Public Schools 1450 NE 2nd Avenue Room #931 Miami FL 33132 Phone: 305-995-1497

Bill No. CS/HB 1343 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMI	TTEE ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	(Y)N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	100-00-00-00-00-00-00-00-00-00-00-00-00-

Committee/Subcommittee hearing bill: Finance & Tax Committee Representative Fresen offered the following:

Amendment

Remove lines 69-72 and insert:

6 school board shall covenant, for as long as the surtax is in 7 effect, to decrease the discretionary capital outlay millage 8 levied pursuant to s. 1011.71(2) by an amount each fiscal year 9 that would have otherwise raised revenues greater than or equal to the surtax revenue expected to be received in that fiscal 10 year. The school board shall adjust the millage reduction each 11 12 fiscal year to assure that the provisions of this paragraph are 13 met.

14

1 2

3

4

5

h1343-line 69.docx

Finance & Tax Committee

2/7/2012 3:45:00PM

Location: 404 HOB

Ģ

AMENDED

PCB FTC 12-06 : Property Tax Exemption for Deployed Servicemembers

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	Х				
Larry Ahern	Х				
Ben Albritton	Х				
Lori Berman	Х				
Douglas Broxson	Х				
Matthew Caldwell	Х				
Fredrick Costello	Х				
Jose Diaz	Х				
Reggie Fullwood	Х				
James Grant	Х				
John Julien	X				
Debbie Mayfield	Х				
George Moraitis, Jr.	X				
Scott Randolph	Х				
Lake Ray	Х				
Michelle Rehwinkel Vasilinda	Х				
Hazelle Rogers	Х				
Patrick Rooney, Jr.	Х				
W. Gregory Steube	Х				
Perry Thurston, Jr.			Х		
Charles Van Zant			х		
Michael Weinstein	Х				
Ritch Workman	Х				
Stephen Precourt (Chair)	X				
	Total Yeas: 22	Total Nays: 0)		

Committee meeting was reported out: Tuesday, February 07, 2012 6:32:10PM