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2010 Legislative Bill Summary #4

TO: All Members of the Property Appraisers' Association of Florida, Inc.
FROM: Loren E. Levy
DATE: March 2, 2010

The following is a continuing list of Senate and House bills that have been pre-filed for the 2010 Legislative Session that begins on Tuesday March 2, 2010. This summary contains those bills filed subsequent to the 2010 Legislation Review that was distributed and discussed at the Mid-Winter Conference. Copies of the bills may be obtained from the Legislature's website www.leg.state.fl.us, or by contacting our office.

Ad Valorem Tax Legislation

Senate Bills:

Bill No.: **SB 2040** *Sponsor:* **Detert** (R-Venice)

Title: **Reporting Illegal or Improper Homestead Exemptions**

Summary: There are no statutory references in this bill, but it authorizes any person to report to the local property appraiser a possible homestead exemption violation under certain circumstances; requires the property appraiser to pay a specified maximum reward to the reporting individual after the recovery of any back taxes or penalties; provides for a determination of the recipient of a reward if more than one resident reports a violation.

Effective date: 07/01/10

Status: Filed on 02/16/10; referred to committees on 03/02/10

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Bill No.: **SB 2160** *Sponsor:* **Storms** (R-Brandon)

Title: **Real Property Assessment**

Summary: Requires property appraisers to adjust the assessed value of certain properties affected by defective building materials or construction techniques under certain circumstances (including, but not limited to, contaminated drywall).

Effective date: 07/01/10

Status: Filed on 02/18/10; referred to committees on 03/02/10

Related/ similar bills: HB 965

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Bill No.: **SB 2182**

Sponsor: **Alexander** (R-Lake Wales)

Title: **Agriculture**

Summary: Amends § 193.461, Florida Statutes, to clarify that land that is classified as agricultural retains the classification when offered for sale. The bill provides that “[o]ffering property for sale does not constitute a primary use of land and may not be the basis for denying its agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.” It further states that the amendment “is intended to be remedial and clarifying in nature and applies retroactively to all parcels for which a final court order has not yet been entered as of the effective date of this act.” The bill also amends provisions in chapter 573 relating to the Citrus Research and Development Foundation; etc.

Effective date: Upon becoming law

Status: Filed on 02/18/10; referred to committees on 03/02/10

Related/similar bills: Compare to HB 981, which does not contain the amendment to § 193.461.

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Bill No.: **SB 2450**

Sponsor: **Bennett** (R-Bradenton)

Title: **Assessment of Property for Back Taxes**

Summary: Amends § 193.092, Florida Statutes, to provide that the provisions of that section shall not apply when the owner of a building, structure or other improvement to land that has not been previously assessed complied with all necessary permitting requirements when the improvement was completed, or the owner of real property that has not been previously assessed voluntarily discloses to the property appraiser the existence of such property before January 1 of the year the property is first assessed. Provides that the disclosure must be made on a form provided by the property appraiser.

Effective date: 07/01/10

Status: Filed on 02/25/10

Related/similar bills: Similar to HB 1279

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Bill No.: **SJR 2650**

Sponsor: **Gardiner** (R-Orlando)

Title: **Homestead Property Assessed Value**

Summary: Proposed constitutional amendment to prohibit increases in the assessed value of homestead property if the market value of the property decreases.

Effective date: n/a

Status: Filed on 02/26/10

Related/similar bills: Similar to HJR 27, HJR 39, SJR 718

House Bills:

Bill No.: **HB 965**

Sponsor: **McKeel** (R-Lakeland)

Title: **Real Property Assessment**

Summary: This bill creates § 193.1552, Florida Statutes, to require property appraisers to adjust the assessed value of certain properties affected by defective building materials or techniques under certain circumstances; provides for nominal just value of \$0 under certain circumstances; provides for application to certain properties; provides for non-application to certain property owners; specifies certain remediation or repair as not being change or improvement to property for certain

purposes; prohibits consideration of homestead property as abandoned under certain circumstances; provides for assessment of certain property after completion of remediation or repair; provides application to 2010 and subsequent assessment rolls.

Effective date: Upon becoming law

Status: Filed on 02/08/10; referred to committees on 02/18/10

Related/ similar bills: Similar to SB 2160

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Bill No: **HB 1279** *Sponsor:* **Rivera** (R-Miami)

Title: **Assessment of Property for Back Ad Valorem Taxes**

Summary: Amends § 193.092, Florida Statutes, to provide that the provisions of that section shall not apply when the owner of a building, structure or other improvement to land that has not been previously assessed complied with all necessary permitting requirements when the improvement was completed, or the owner of real property that has not been previously assessed voluntarily discloses to the property appraiser the existence of such property before January 1 of the year the property is first assessed. Provides that the disclosure must be made on a form provided by the property appraiser.

Effective date: 07/01/10

Status: Filed on 02/24/10

Related/ similar bills: Similar to SB 2450

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Bill No: **HJR 1329** *Sponsor:* **Bembry** (D-Madison)

Title: **Inheriting Homestead Property**

Summary: Proposed constitutional amendment to allow the cap on homestead property assessments and the transfer of that cap to a new homestead to inure to a spouse, child, or grandchild of a property owner who inherits the property, if the property becomes the homestead of the inheritor.

Effective date: n/a

Status: Filed on 02/25/10

Related/ similar bills: Compare to SJR 112

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Bill No: **HB 1387** *Sponsor:* **Schultz** (R-Homosassa Springs)

Title: **Ad Valorem Tax Assessments**

Summary: This 18-page bill amends various statutory provisions to provide that participation in an informal conference is not a prerequisite to administrative or judicial review of property assessments; requires a petition before the VAB challenging an ad valorem assessment to contain specified information relating to the property and the petitioner; prohibits a VAB from extending specified deadlines; revises specified evidence exchange criteria; revises parcel petition filing fees; provides an exception to the prohibition against VAB meetings without counsel being present; authorizes rescheduling of VAB hearings; revises VAB hearing procedures; authorizes the DOR to provide special magistrate training online; revises the disclosure of tax impact notice form requirements; provides additional notice requirements for clerks; requires the DOR to compile a report on information received from the clerks and post it on its website and including proceedings of VAB's in specified in-depth reviews.

Effective date: 07/01/10

Status: Filed on 02/26/10

Related/ similar bills: Compare to SB 836

Other Legislation

Senate Bills:

Bill No.: **SB 2074** *Sponsor:* **Peaden** (R-Crestview)

Title: **Agriculture**

Summary: Amends various statutory provisions to prohibit a county from enforcing certain limits on the activity of a bona fide farm operation on agricultural land under certain circumstances; creates the "Agricultural Land Acknowledgement Act;" requires an applicant of certain development permits to sign and submit an acknowledgment of certain contiguous agricultural lands as a condition of the political subdivision issuing the permits; etc.

Effective date: 07/01/10

Status: Filed on 02/16/10; referred to committees on 03/01/10

Related/ similar bills: Compare to HB 1445, SB 2348

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Bill No.: **SB 2078** *Sponsor:* **Bennett**

Title: **Platted Lots/Pilot Program**

Summary: Creates § 163.08, Florida Statutes, to establish a pilot program for the purpose of redeveloping antiquated subdivisions; requires the DCA to administer the pilot program; provides for the determination of density credits or units and for the transfer or sale of such credits or units; etc.

Effective date: 07/01/10

Status: Filed on 02/16/10; referred to committees on 03/01/10

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Bill No.: **SB 2274** *Sponsor:* **Hill** (D-Jacksonville)

Title: **Governmental Retirement Systems**

Summary: Amends provisions in chapter 112, Florida Statutes, to clarify that specified provisions relating to the actuarial soundness of retirement systems apply to all public employee retirement systems; clarifies that the assets of a local retirement system may be invested like other public moneys available for investment by the State Board of Administration.

Effective date: 07/01/10

Status: Filed on 02/23/10

Related/ similar bills: Compare to HB 1353

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Bill No.: **SB 2282** *Sponsor:* **Storms**

Title: **Public Officials/Compensation/Bonuses**

Summary: There are no statutory or constitutional references in this bill, but it provides that the salary of "any elected or appointed public official in this state whose compensation from public funds in the 2009-2010 fiscal year was \$65,000 or more shall be reduced by 5 percent for the 2010-2011 fiscal year," and states that such public officials may not receive a bonus for the 2010-2011 fiscal year. It requires the Legislature to review this issue during the 2011 legislative session.

Effective date: 07/01/10

Status: Filed on 02/23/10

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Bill No.: **SB 2284**

Sponsor: **Negron** (R-Palm City)

Title: **Legislature**

Summary: There are no statutory or constitutional references in this bill, but it states that the 2012 Regular Session of the Legislature shall convene on January 10, 2012.

Effective date: 07/01/10

Status: Filed on 02/23/10

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Bill No.: **SJR 2420**

Sponsor: **Haridopolos** (R-Melbourne)

Title: **State & Local Gov't Revenues/New Taxes/Fees**

Summary: Proposed constitutional amendment to limit state and local government revenues and require voter approval of new taxes and fees.

Effective date: n/a

Status: Filed on 02/25/10

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Bill No.: **SB 2466**

Sponsor: **Gaetz** (R-Fort Walton Beach)

Title: **Public Officers**

Summary: There are no statutory references in this bill, but it prohibits severance pay for non-elected public officers except under specified circumstances; prohibits certain limitations on discussing an employment dispute or settlement.

Effective date: 07/01/10

Status: Filed on 02/25/10

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Bill No.: **SB 2468**

Sponsor: **Lawson** (D-Tallahassee)

Title: **Florida Retirement System/Credible Service Years**

Summary: Redefines the term "average final compensation" to reduce the number of years of credible service used to calculate such compensation; conforms a provision relating to the calculation of the monthly normal retirement benefit.

Effective date: 07/01/10

Status: Filed on 02/25/10

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Bill No.: **SB 2492**

Sponsor: **Fasano** (R-New Port Richey)

Title: **Public Officers & Employees/Code of Ethics**

Summary: Redefines the terms "business entity," "candidate," and "gift" as they relate to the code of ethics for public officers and employees; provides standards of conduct for such officers and employees of state agencies with regard to improper influence in the performance of official duties; prohibits a public official from appointing, employing or promoting a relative for a position in an agency in which the official is a member of the collegial body; etc.

Effective date: 07/01/10

Status: Filed on 02/26/10

Related/similar bills: Linked to SB 2494; Identical to HB 1421; Compare to HB 1423, SB 2630

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Bill No.: **SJR 2496** *Sponsor:* **Baker** (R-Eustis)

Title: **Personal Income Tax**

Summary: Proposed constitutional amendment to change the vote required to amend the Florida Constitution to authorize or impose a personal income tax to 75 percent of the electors voting in the election.

Effective date: n/a

Status: Filed on 02/26/10

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Bill No.: **SB 2524** *Sponsor:* **Deutch** (D-Delray Beach)

Title: **Impact Fees**

Summary: Amends § 163.31801, Florida Statutes, to authorize counties, municipalities, and special districts to exempt certain affordable housing from the payment of impact fees under certain circumstances.

Effective date: 07/01/10

Status: Filed on 02/26/10

House Bills:

Bill No.: **HB 1201** *Sponsor:* **Robaina** (R-Miami)

Title: **Legislature**

Summary: This bill is designated the “Truth in Government Act” and requires persons who address legislative committees to take an oath or affirmation of truthfulness; provides exceptions; provides penalties; requires a member of the committee to administer the oath or affirmation; authorizes use of signed appearance from in lieu of oral oath or affirmation; provides penalties for making a false statement after signing form.

Effective date: 07/01/10

Status: Filed on 02/22/10

Related/ similar bills: Similar to SB 2252

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Bill No.: **HB 1231** *Sponsor:* **O’Toole** (R-Lady Lake), **Mayfield** (R-Vero Beach)

Title: **State Employee Benefits**

Summary: This bill provides for separate benefit plans and different levels of state contributions for employees exempt from career service; provides an exception for State University System employees; subjects premium levels necessary for full funding of state group health insurance program to specified requirements.

Effective date: 07/01/10

Status: Filed on 02/23/10

Related/ similar bills: Identical to SB 2498

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Bill No.: **HJR 1265** *Sponsor:* **Gonzalez** (R-Hialeah Gardens)

Title: **Election of Superintendent of Schools**

Summary: Proposed constitutional amendment to require that district school superintendent be elected by voters in school districts having population of 300,000 or more, thereby precluding in

such districts the option of school board or law approved by electors to provide for appointment of superintendent.

Effective date: n/a

Status: Filed on 02/24/10

Related/ similar bills: Identical to SJR 2178

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Bill No: **HB 1267** *Sponsor:* **Rehwinkel Vasilinda** (D-Tallahassee)

Title: **Renewable Energy**

Summary: This bill requires electric utilities to collect monthly systems charges from residential, commercial and industrial customers and provides for the deposit of the collected funds into the “Sustainable and Renewable Energy Policy Trust Fund;” etc.

Effective date: 07/01/10

Status: Filed on 02/24/10

Related/ similar bills: Linked to HB 1269; Identical to SB 2404; Compare to HB 371, SB 1086, SB 1988, SB 2406

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Bill No: **HB 1307** *Sponsor:* **Schenck** (R-Spring Hill)

Title: **State Financial Matters**

Summary: This bill amends various statutory provisions to provide for excess account balances in the Public Employee Optional Retirement Program when an employee transfers to a defined benefit program; provides for the use of such excess balance; requires the SBA to develop procedures to resolve complaints; clarifies the state board’s rule authority with respect to the program; revises contribution rates for employers participating in the Florida Retirement System; etc.

Effective date: 07/01/10

Status: Filed on 02/25/10

Related/ similar bills: Similar to SB 1078; Compare to HB 413, SB 660

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Bill No: **HB 1319** *Sponsor:* **Grady** (R-Naples)

Title: **Governmental Retirement Systems**

Summary: This 53-page bill amends various statutory provisions to designate the act as the “Public Employees Retirement Preservation Act;” requires certain public employees to contribute an additional specified percentage of their gross income for certain purposes; provides requirements for certain retirement system or plan actuarial reports and experience studies; etc.

Effective date: 07/01/10

Status: Filed on 02/25/10

Related/ similar bills: Compare to HB 1543, SB 1902

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Bill No: **HB 1343** *Sponsor:* **Van Zant** (R-Palatka)

Title: **Public-Private Partnership Infrastructure Projects**

Summary: This bill creates § 287.09475, Florida Statutes, to provide for state agencies and local governments to receive or solicit proposals to enter into public works infrastructure project agreements with a private entity, or consortium of private entities, to build, operate or finance public works infrastructure projects; etc.

Effective date: 07/01/10

Status: Filed on 02/25/10

Related/ similar bills: Identical to SB 2444

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Bill No: **HB 1353** *Sponsor:* **Gibson** (D-Jacksonville)

Title: **Protection of Public Employee Retirement Benefits Act**

Summary: This bill revises legislative intent, application, scope of limitations and conditions on the investment of assets of any covered local retirement system or plan.

Effective date: Upon becoming a law

Status: Filed on 02/25/10

Related/ similar bills: Compare to SB 2274

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Bill No: **HB 1357** *Sponsor:* **Steinberg** (D-Miami Beach)

Title: **Public Procurement**

Summary: This bill provides that a public servant who fails to advertise, publicly announce, or electronically post a solicitation for commodities or contractual services when required and under certain circumstances commits a second degree felony.

Effective date: 07/01/10

Status: Filed on 02/25/10

Related/ similar bills: Identical to SB 1554

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Bill No: **HB 1407** *Sponsor:* **Hays** (R-Umatilla)

Title: **Water Management District Governing Boards**

Summary: This bill amends various statutory provisions and establishes a water management district governing board nominating commission; provides for appointment, terms and duties of commission members; provides that commission members are state officers for purposes of financial disclosure requirements; etc.

Effective date: 07/01/10

Status: Filed on 02/26/10

Related/ similar bills: Identical to SB 2604

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Bill No: **HB 1421** *Sponsor:* **Heller** (D-St. Petersburg)

Title: **Code of Ethics for Public Officers and Employees**

Summary: This 51-page bill amends or creates various statutory provisions to revise provisions of the code of ethics relating to standards of conduct, conflicts of interests, filing public disclosure forms, report of gifts, and civil penalties; establishes criteria for qualified blind trusts for certain public officials; etc.

Effective date: 07/01/10

Status: Filed on 02/26/10

Related/ similar bills: Linked to HB 1423; Identical to SB 2492; Compare to SB 2494, SB 2630

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Bill No: **HB 1423** *Sponsor:* **Heller**

Title: **Public Records & Meetings/Commission on Ethics**

Summary: This bill has no statutory references but provides an exemption from public records requirement for determination by Commission on Ethics regarding information or written referral of alleged violation of part III of chapter 112, Florida Statutes; etc.

Effective date: 07/01/10, only if HB 1421 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law

Status: Filed on 02/26/10

Related/ similar bills: Linked to HB 1421; Identical to SB 2494; Compare to HB 551, SB 1054, SB 2170, SB 2492

Bill No: **HB 1451** *Sponsor:* **Rivera**

Title: **Study of School District Costs**

Summary: Requires the Department of Education to contract with an out-of-state postsecondary educational institutional to conduct a study to analyze Florida's district cost differential amenities index and to develop a cost-of-education index; requires a report and submission of a report to the Governor and Legislature.

Effective date: 07/01/10

Status: Filed on 02/26/10

Related/ similar bills: Identical to SB 2686

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Bill No: **HB 1511** *Sponsor:* **Workman** (R-Melbourne)

Title: **Effective Public Notices by Governmental Entities**

Summary: This 36-page bill amends various statutory provisions to authorize local governments to use their publicly accessible websites for legally required notices and advertisements; etc.

Effective date: 10/01/10

Status: Filed on 03/01/10

Related/ similar bills: Compare to HB 1381, SB 376

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Bill No.: **HB 1523** *Sponsor:* **Grady**

Title: **Homeowner Relief**

Summary: This 55-page bill creates the “Homeowner Relief & Housing Recovery Act,” and provides general provisions for non-judicial foreclosures; provides criteria for notice and knowledge; provides for transactions creating security interest; provides for time of foreclosure; etc.

Effective date: 07/01/10

Status: Filed on 03/01/10

Related/ similar bills: Similar to SB 2270

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Bill No.: **HB 1543** *Sponsor:* **Zapata** (R-Miami)

Title: **Public Retirement Plans**

Summary: Amends numerous statutory provisions to provide requirements for retirement systems or plan actuarial reports; limits benefits payable to certain members of the retirement system; requires a board of trustees of the retirement system or plan to provide an account report of its expenses; revises the definitions of the terms “member,” “special risk member,” “normal retirement date,” and “phased retirement program” for purposes of the FRS to reduce the system to two classes; revises calculations used for upgrading special risk member’s contributions for past service; repeals the “Elected Officers’ Class & Senior Management Service Class;” limits factoring of overtime into pension benefits; etc.

Effective date: 07/01/10

Status: Filed on 03/01/10

Related/ similar bills: Compare to HB 49, HB 1319, SB 198, SB 1902

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Bill No.: **HB 1565** *Sponsor:* **Dorworth** (R-Heathrow)

Title: **Rulemaking**

Summary: Amends § 120.54, Florida Statutes, to require each agency, before adopting, amending, or repealing a rule, to determine whether the rule would adversely affect small businesses or increase regulatory costs of small businesses; requires independent economic analysis under certain circumstances; requires validation by EDR; requires ratification of the rule by the Legislature when the agency cannot prove that the rule creates new jobs or lowers the unemployment rate in the state; provides that act does not apply to specified rules.

Effective date: 07/01/10

Status: Filed on 03/02/10

Related/ similar bills: Identical to SB 1844; Similar to HB 1537

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Bill No.: **HB 1579** *Sponsor:* **Brandenburg** (D-Lake Worth)

Title: **Florida Retirement System**

Summary: Amends §§ 121.111 and 121.052, Florida Statutes, to authorize additional persons to purchase credit for prior military wartime service; revises payroll contributions for membership classes of FRS; provides declaration of important state interest.

Effective date: 07/01/10

Status: Filed on 03/02/10

Related/ similar bills: Identical to SB 810

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Bill No.: **HB 1601**

Sponsor: **Lopez-Cantera** (R-Miami)

Title: **Electric Utilities**

Summary: Creates § 366.082, Florida Statutes, to require electric utilities to annually report to the Public Service Commission the name, title, and salary of each executive officer receiving a salary above a specified amount; defines the term “executive officer;” requires the report to include information for any persons who were replaced during the year of the report.

Effective date: 07/01/10

Status: Filed on 03/02/10

Related/ similar bills: Identical to SB 2570

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Bill No.: **HB 7021**

Sponsor: **Gov’tl Affairs Policy Committee & Holder** (R-Sarasota)

Title: **Government-Sponsored Health Insurance**

Summary: This bill amends various statutory provisions and repeals Florida Employee Long-Term Care Plan Act and provisions relating to health insurance for retirees under the Florida Retirement System, etc.

Effective date: 07/01/10

Status: Filed on 02/05/10; referred to committees on 02/09/10; on Economic Development & Community Affairs Committee agenda for 03/03/10 at 10:45 a.m.