



Committee on State Affairs

Wednesday, March 19, 2008

**Morris Hall
8:15 AM – 9:30 AM**

Committee Action

**Marco Rubio
Speaker**

**Andy Gardiner
Chairman**

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Andy Gardiner (Chair)	X		
Frank Attkisson (Chair)	X		
Dorothy Bendross-Mindingall	X		
Chris Dorworth	X		
Hugh Gibson III	X		
Ed Hooper	X		
Charles McBurney	X		
Robert Schenck			X
Ron Schultz	X		
Kelly Skidmore	X		
Geraldine Thompson	X		
Totals:	10	0	1

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

HB 127 : Property Appraisers

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth	X				
Hugh Gibson III	X				
Ed Hooper	X				
Charles McBurney	X				
Robert Schenck			X		
Ron Schultz	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
Andy Gardiner (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

HB 639 : Pub. Rec./Judicial Officials

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth			X		
Hugh Gibson III	X				
Ed Hooper			X		
Charles McBurney	X				
Robert Schenck			X		
Ron Schultz	X				
Kelly Skidmore		X			
Geraldine Thompson	X				
Frank Attkisson (Chair)			X		
Andy Gardiner (Chair)	X				
Total Yeas: 6		Total Nays: 1			

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

HB 683 : Public Construction Works

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth	X				
Hugh Gibson III	X				
Ed Hooper	X				
Charles McBurney	X				
Robert Schenck			X		
Ron Schultz	X				
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)	X				
Andy Gardiner (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

Public Bidding/Construction Contracting

C. Scott Dudley, Sr. Leg. Advocate (Lobbyist) - Information Only

Florida League of Cities
301 South Bronough Street
Tallahassee, Florida 32303
Phone: 850.222.9684

Public Bidding/Construction Contracting

Eric Poole, Gov. Liaison (Lobbyist) - Information Only

Florida Association of Counties
100 Monroe
Tallahassee, Florida
Phone: 850.922.4300

Public Bidding/Construction Contracting

John Johnston (Lobbyist) - Proponent

Florida Airport Council
315 South Calhoun Street
Tallahassee, Florida 32301
Phone: 850.222.0875

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

HB 715 : Local Government Revenue Sources

Temporarily Deferred

Appearances:

Local Government Revenue Sources

Hazelle Rogers, City Commissioner - Opponent

City of Lauderdale Lakes, Broward League & FL League

4300 NW 36th Street

Lauderdale Lakes, Florida 33311

Phone: 954.535.2730

Local Government Revenue Sources

Rebecca O'Hara, Leg. Director (Lobbyist) - Opponent

Florida League of Cities

P.O. Box 1757

Tallahassee, Florida 32302

Local Government Revenue Sources

David Hart, VP Government Relations (Lobbyist) - Proponent

Florida Home Builders Association

201 E. Park Avenue

Tallahassee, Florida 32301

Phone: 850.224.4316

Local Government Revenue Sources

Trey Price, Public Policy Rep. (Lobbyist) - Proponent

Florida Association of Realtors

200 South Monroe Street

Tallahassee, Florida 32301

Phone: 850.224.1400

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

HB 909 : Value Adjustment Boards

Favorable With Amendments

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Chris Dorworth			X		
Hugh Gibson III	X				
Ed Hooper			X		
Charles McBurney	X				
Robert Schenck			X		
Ron Schultz		X			
Kelly Skidmore	X				
Geraldine Thompson	X				
Frank Attkisson (Chair)			X		
Andy Gardiner (Chair)	X				
Total Yeas: 6		Total Nays: 1			

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

HB 1467 : Access to Confidential Records of Children

Temporarily Deferred

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

Workshop

Public meeting exemption for discussions regarding litigation strategies

Not Discussed

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

COMMITTEE MEETING REPORT

Committee on State Affairs

3/19/2008 8:15:00AM

Location: Morris Hall (17 HOB)

Summary:

Committee on State Affairs

Wednesday March 19, 2008 08:15 am

HB 127	Favorable With Amendments	Yeas: 10 Nays: 0
HB 639	Favorable With Amendments	Yeas: 6 Nays: 1
HB 683	Favorable With Amendments	Yeas: 10 Nays: 0
HB 715	Temporarily Deferred	
HB 909	Favorable With Amendments	Yeas: 6 Nays: 1
HB 1467	Temporarily Deferred	

Public meeting exemption for discussions regarding litigation strategies Not Discussed

Committee meeting was reported out: Wednesday, March 19, 2008 11:41:06AM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 127**

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Council/Committee hearing bill: Committee on State Affairs

2 Representative(s) Hooper offered the following:

3

4 **Amendment**

5 Remove line 21 and insert:

6 other than the county in which the property is located. In no
7 event may a property appraiser appraise lands owned individually
8 or jointly by the property appraiser. The

9

10

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. **HB 639**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Committee on State Affairs
 2 Representative(s) Flores offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (d) of subsection (4) of section 119.071, Florida Statutes, is amended to read:

119.071 General exemptions from inspection or copying of public records.--

(4) AGENCY PERSONNEL INFORMATION.--

(d)1.a. The home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement personnel, including correctional and correctional probation officers, personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the home addresses, telephone numbers, social security numbers, photographs, and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

23 places of employment of the spouses and children of such
24 personnel; and the names and locations of schools and day care
25 facilities attended by the children of such personnel are exempt
26 from s. 119.07(1). The home addresses, telephone numbers, and
27 photographs of firefighters certified in compliance with s.
28 633.35; the home addresses, telephone numbers, photographs, and
29 places of employment of the spouses and children of such
30 firefighters; and the names and locations of schools and day
31 care facilities attended by the children of such firefighters
32 are exempt from s. 119.07(1). The home addresses and telephone
33 numbers of justices of the Supreme Court, district court of
34 appeal judges, circuit court judges, and county court judges;
35 the home addresses, telephone numbers, and places of employment
36 of the spouses and children of justices and judges; and the
37 names and locations of schools and day care facilities attended
38 by the children of justices and judges are exempt from s.
39 119.07(1). The home addresses, telephone numbers, social
40 security numbers, and photographs of current or former state
41 attorneys, assistant state attorneys, statewide prosecutors, or
42 assistant statewide prosecutors; the home addresses, telephone
43 numbers, social security numbers, photographs, and places of
44 employment of the spouses and children of current or former
45 state attorneys, assistant state attorneys, statewide
46 prosecutors, or assistant statewide prosecutors; and the names
47 and locations of schools and day care facilities attended by the
48 children of current or former state attorneys, assistant state
49 attorneys, statewide prosecutors, or assistant statewide
50 prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of
51 the State Constitution.

52 b. The home addresses and telephone numbers of general
53 magistrates, special magistrates, and child support enforcement

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

54 hearing officers; the home addresses, telephone numbers, and
55 places of employment of the spouses and children of general
56 magistrates, special magistrates, and child support enforcement
57 hearing officers; and the names and locations of schools and day
58 care facilities attended by the children of general magistrates,
59 special magistrates, and child support enforcement hearing
60 officers are exempt from s. 119.07(1) and s. 24(a), Art. I of
61 the State Constitution if the general magistrate, special
62 magistrate, or child support hearing officer provides a written
63 statement that the general magistrate, special magistrate, or
64 child support hearing officer has made reasonable efforts to
65 protect such information from being accessible through other
66 means available to the public. This sub-subparagraph is subject
67 to the Open Government Sunset Review Act in accordance with s.
68 119.15 and shall stand repealed on October 2, 2013, unless
69 reviewed and saved from repeal through reenactment by the
70 Legislature.

71 2. The home addresses, telephone numbers, and photographs
72 of current or former human resource, labor relations, or
73 employee relations directors, assistant directors, managers, or
74 assistant managers of any local government agency or water
75 management district whose duties include hiring and firing
76 employees, labor contract negotiation, administration, or other
77 personnel-related duties; the names, home addresses, telephone
78 numbers, and places of employment of the spouses and children of
79 such personnel; and the names and locations of schools and day
80 care facilities attended by the children of such personnel are
81 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
82 Constitution.

83 3. The home addresses, telephone numbers, social security
84 numbers, and photographs of current or former United States

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Amendment No. 1

85 attorneys and assistant United States attorneys; the home
86 addresses, telephone numbers, social security numbers,
87 photographs, and places of employment of the spouses and
88 children of current or former United States attorneys and
89 assistant United States attorneys; and the names and locations
90 of schools and day care facilities attended by the children of
91 current or former United States attorneys and assistant United
92 States attorneys are exempt from s. 119.07(1) and s. 24(a), Art.
93 I of the State Constitution. This subparagraph is subject to the
94 Open Government Sunset Review Act in accordance with s. 119.15
95 and shall stand repealed on October 2, 2009, unless reviewed and
96 saved from repeal through reenactment by the Legislature.

97 4. The home addresses, telephone numbers, social security
98 numbers, and photographs of current or former judges of United
99 States Courts of Appeal, United States district judges, and
100 United States magistrate judges; the home addresses, telephone
101 numbers, social security numbers, photographs, and places of
102 employment of the spouses and children of current or former
103 judges of United States Courts of Appeal, United States district
104 judges, and United States magistrate judges; and the names and
105 locations of schools and day care facilities attended by the
106 children of current or former judges of United States Courts of
107 Appeal, United States district judges, and United States
108 magistrate judges are exempt from s. 119.07(1) and s. 24(a),
109 Art. I of the State Constitution. This subparagraph is subject
110 to the Open Government Sunset Review Act in accordance with s.
111 119.15 and shall stand repealed on October 2, 2009, unless
112 reviewed and saved from repeal through reenactment by the
113 Legislature.

114 5. The home addresses, telephone numbers, and photographs
115 of current or former code enforcement officers; the names, home

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

16 addresses, telephone numbers, and places of employment of the
117 spouses and children of such personnel; and the names and
118 locations of schools and day care facilities attended by the
119 children of such personnel are exempt from s. 119.07(1) and s.
120 24(a), Art. I of the State Constitution.

121 6. The home addresses, telephone numbers, places of
122 employment, and photographs of current or former guardians ad
123 litem, as defined in s. 39.820, and the names, home addresses,
124 telephone numbers, and places of employment of the spouses and
125 children of such persons, are exempt from s. 119.07(1) and s.
126 24(a), Art. I of the State Constitution, if the guardian ad
127 litem provides a written statement that the guardian ad litem
128 has made reasonable efforts to protect such information from
129 being accessible through other means available to the public.
130 This subparagraph is subject to the Open Government Sunset
131 Review Act in accordance with s. 119.15 and shall stand repealed
132 on October 2, 2010, unless reviewed and saved from repeal
133 through reenactment by the Legislature.

134 7. The home addresses, telephone numbers, and photographs
135 of current or former juvenile probation officers, juvenile
136 probation supervisors, detention superintendents, assistant
137 detention superintendents, senior juvenile detention officers,
138 juvenile detention officer supervisors, juvenile detention
139 officers, house parents I and II, house parent supervisors,
140 group treatment leaders, group treatment leader supervisors,
141 rehabilitation therapists, and social services counselors of the
142 Department of Juvenile Justice; the names, home addresses,
143 telephone numbers, and places of employment of spouses and
144 children of such personnel; and the names and locations of
145 schools and day care facilities attended by the children of such
6 personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of

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Amendment No. 1

147 the State Constitution. This subparagraph is subject to the Open
148 Government Sunset Review Act in accordance with s. 119.15 and
149 shall stand repealed on October 2, 2011, unless reviewed and
150 saved from repeal through reenactment by the Legislature.

151 8. An agency that is the custodian of the personal
152 information specified in subparagraph 1., subparagraph 2.,
153 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
154 6., or subparagraph 7. and that is not the employer of the
155 officer, employee, justice, judge, or other person specified in
156 subparagraph 1., subparagraph 2., subparagraph 3., subparagraph
157 4., subparagraph 5., subparagraph 6., or subparagraph 7. shall
158 maintain the exempt status of the personal information only if
159 the officer, employee, justice, judge, other person, or
160 employing agency of the designated employee submits a written
161 request for maintenance of the exemption to the custodial
162 agency.

163 Section 2. The Legislature finds that it is a public
164 necessity that the home addresses and telephone numbers of
165 general magistrates, special magistrates, and child support
166 enforcement hearing officers be made exempt from public records
167 requirements. The Legislature also finds that it is a public
168 necessity that the home addresses, telephone numbers, and places
169 of employment of the spouses and children of general
170 magistrates, special magistrates, and child support enforcement
171 hearing officers be made exempt from public records
172 requirements. The Legislature also finds that it is a public
173 necessity that the names and locations of schools and day care
174 facilities attended by the children of general magistrates,
175 special magistrates, and child support enforcement hearing
176 officers be made exempt from public records requirements. The
177 Legislature finds that these exemptions shall be subject to the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

78 general magistrate, special magistrate, or child support hearing
179 officer providing a written statement that the general
180 magistrate, special magistrate, or child support enforcement
181 hearing officer has made reasonable efforts to protect such
182 information from being accessible through other means available
183 to the public. Release of such identification and location
184 information might place such officials and their family members
185 in danger of physical and emotional harm from disgruntled
186 criminal defendants or litigants. Therefore, the harm that might
187 result from the release of the information outweighs any public
188 benefit that could be derived from disclosure of the
189 information.

190 Section 3. This act shall take effect July 1, 2008.

191
192 -----
193 **T I T L E A M E N D M E N T**

194 Remove the entire title and insert:

195 An act relating to public records; amending s. 119.071, F.S.;
196 creating exemptions from public records requirements for the
197 home addresses and telephone numbers of general magistrates,
198 special magistrates, and child support enforcement hearing
199 officers, the home addresses, telephone numbers, and places of
200 employment of the spouses and children of general magistrates,
201 special magistrates, and child support enforcement hearing
202 officers, and the names and locations of schools and day care
203 facilities attended by the children of general magistrates,
204 special magistrates, and child support enforcement hearing
205 officers; requiring reasonable efforts by the magistrates and
206 hearing officers to prevent access through other means;
207 providing for legislative review and repeal of the exemptions;

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

208 providing a statement of public necessity; providing an
209 effective date.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0683

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Committee on State Affairs
 2 Representative Weatherford offered the following:

3

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (1) of section 255.20, Florida

7 Statutes, is amended to read:

8 255.20 Local bids and contracts for public construction
9 works; specification of state-produced lumber.--

10 (1) A county, municipality, special district as defined in
 11 chapter 189, or other political subdivision of the state seeking
 12 to construct, ~~or~~ improve, repair, or perform maintenance on a
 13 public building, structure, or other public construction works
 14 must competitively award to an appropriately licensed contractor
 15 each project that is estimated in accordance with generally
 16 accepted cost-accounting principles to have total construction
 17 project costs of more than \$200,000. For electrical work, local
 18 government must competitively award to an appropriately licensed
 19 contractor each project that is estimated in accordance with
 20 generally accepted cost-accounting principles to have a cost of
 21 more than \$50,000. As used in this section, the term
 22 "competitively award" means to award contracts based on the

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 submission of sealed bids, proposals submitted in response to a
24 request for proposal, proposals submitted in response to a
25 request for qualifications, or proposals submitted for
26 competitive negotiation. This subsection expressly allows
27 contracts for construction management services, design/build
28 contracts, continuation contracts based on unit prices, and any
29 other contract arrangement with a private sector contractor
30 permitted by any applicable municipal or county ordinance, by
31 district resolution, or by state law. For purposes of this
32 section, construction costs include the cost of all labor,
33 except inmate labor, and include the cost of equipment and
34 materials to be used in the construction of the project. Subject
35 to the provisions of subsection (3), the county, municipality,
36 special district, or other political subdivision may establish,
37 by municipal or county ordinance or special district resolution,
38 procedures for conducting the bidding process.

39 (a) Notwithstanding any other law to the contrary, a
40 county, municipality, special district as defined in chapter
41 189, or other political subdivision of the state seeking to
42 construct or improve bridges, roads, streets, highways, or
43 railroads, and services incidental thereto, at costs in excess
44 of \$250,000 may require that persons interested in performing
45 work under contract first be certified or qualified to perform
46 such work. Any contractor may be considered ineligible to bid by
47 the governmental entity if the contractor is behind on
48 completing an approved progress schedule for the governmental
49 entity by 10 percent or more at the time of advertisement of the
50 work. Any contractor prequalified and considered eligible by the
51 Department of Transportation to bid to perform the type of work
52 described under the contract shall be presumed to be qualified
53 to perform the work described. The governmental entity may

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

54 provide an appeal process to overcome that presumption with de
55 novo review based on the record below to the circuit court.

56 (b) With respect to contractors not prequalified with the
57 Department of Transportation, the governmental entity shall
58 publish prequalification criteria and procedures prior to
59 advertisement or notice of solicitation. Such publications shall
60 include notice of a public hearing for comment on such criteria
61 and procedures prior to adoption. The procedures shall provide
62 for an appeal process within the authority for objections to the
63 prequalification process with de novo review based on the record
64 below to the circuit court within 30 days.

65 (c) The provisions of this subsection do not apply:

66 1. When the project is undertaken to replace, reconstruct,
67 or repair an existing public building, structure, or other
68 public construction works ~~facility~~ damaged or destroyed by a
69 sudden unexpected turn of events, such as an act of God, riot,
70 fire, flood, accident, or other urgent circumstances, and such
71 damage or destruction creates:

72 a. An immediate danger to the public health or safety;
73 b. Other loss to public or private property which requires
74 emergency government action; or

75 c. An interruption of an essential governmental service.

76 2. When, after notice by publication in accordance with
77 the applicable ordinance or resolution, the governmental entity
78 does not receive any responsive bids or proposals ~~responses~~.

79 3. To construction, remodeling, repair, or improvement to
80 a public electric or gas utility system when such work on the
81 public utility system is performed by personnel of the system.

82 4. To construction, remodeling, repair, or improvement by
83 a utility commission whose major contracts are to construct and
84 operate a public electric utility system.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

85 ~~5. When the project is undertaken as repair or maintenance~~
86 ~~of an existing public facility.~~

87 ~~5.6.~~ When the project is undertaken exclusively as part of
88 a public educational program.

89 ~~6.7.~~ When the funding source of the project will be
90 diminished or lost because the time required to competitively
91 award the project after the funds become available exceeds the
92 time within which the funding source must be spent, so long as
93 the governmental entity undertaking the project did not
94 materially contribute to a delay in funding or competitively
95 awarding the project.

96 ~~7.8.~~ When the local government has competitively awarded a
97 project to a private sector contractor and the contractor has
98 abandoned the project before completion or the local government
99 has terminated the contract.

100 ~~8.9.~~ When the local government, after receiving
101 competitive bids or proposals, decides to perform the project
102 using its own services, employees, and equipment in compliance
103 with the procedure in this subparagraph. If the local government
104 receives bids or proposals that are otherwise responsive but are
105 all at least 10 percent greater than the local government's
106 estimated cost of the project, then the governing board of the
107 local government, after public notice, must conduct ~~conducts~~ a
108 public meeting under s. 286.011 and decide ~~finds~~ by a majority
109 vote ~~of the governing board that it is in the public's best~~
110 ~~interest~~ to perform the project using its own services,
111 employees, and equipment. The public notice must be published at
112 least 14 days prior to the date of the public meeting at which
113 the governing board takes final action to apply this
114 subparagraph. The notice must identify the project, the
115 estimated cost of the project, and specify that the purpose for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

116 the public meeting is to consider whether ~~it is in the public's~~
117 ~~best interest~~ to perform the project using the local
118 government's own services, employees, and equipment. A local
119 government's determination ~~In deciding whether it is in the~~
120 ~~public's best interest for local government to perform a project~~
121 ~~using its own services, employees, and equipment~~ must be
122 supported by the following factual findings, which shall be
123 subject to challenge under subsection (4):

124 a. The local government's estimated cost of the project,
125 as that project was specified in the bid documents, reasonably
126 represented the fair market cost of performing the project using
127 private sector contractors; and

128 b. The local government can perform the project using its
129 own services, employees, and equipment at a cost equal to or
130 less than its estimated cost of the project, using generally
131 accepted accounting principles that fully account for all
132 employee compensation and benefits, equipment, and material
133 costs and any other associated costs and expenses, ~~the governing~~
134 ~~board may consider the cost of the project, whether the project~~
135 ~~requires an increase in the number of government employees, an~~
136 ~~increase in capital expenditures for public facilities,~~
137 ~~equipment or other capital assets, the impact on local economic~~
138 ~~development, the impact on small and minority business owners,~~
139 ~~the impact on state and local tax revenues, whether the private~~
140 ~~sector contractors provide health insurance and other benefits~~
141 ~~equivalent to those provided by the local government, and any~~
142 ~~other factor relevant to what is in the public's best interest.~~

143 9.10. When the governing board of the local government
144 determines upon consideration of specific substantive criteria
145 and administrative procedures that it is in the best interest of
146 the local government to award the project to an appropriately

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Amendment No. (for drafter's use only)

147 licensed private sector contractor according to procedures
148 established by and expressly set forth in a charter, ordinance,
149 or resolution of the local government adopted prior to July 1,
150 1994. The criteria and procedures must be set out in the
151 charter, ordinance, or resolution and must be applied uniformly
152 by the local government to avoid award of any project in an
153 arbitrary or capricious manner. This exception shall apply when
154 all of the following occur:

155 a. When the governing board of the local government, after
156 public notice, conducts a public meeting under s. 286.011 and
157 finds by a two-thirds vote of the governing board that it is in
158 the public's best interest to award the project according to the
159 criteria and procedures established by charter, ordinance, or
160 resolution. The public notice must be published at least 14 days
161 prior to the date of the public meeting at which the governing
162 board takes final action to apply this subparagraph. The notice
163 must identify the project, the estimated cost of the project,
164 and specify that the purpose for the public meeting is to
165 consider whether it is in the public's best interest to award
166 the project using the criteria and procedures permitted by the
167 preexisting ordinance.

168 b. In the event the project is to be awarded by any method
169 other than a competitive selection process, the governing board
170 must find evidence that:

171 (I) There is one appropriately licensed contractor who is
172 uniquely qualified to undertake the project because that
173 contractor is currently under contract to perform work that is
174 affiliated with the project; or

175 (II) The time to competitively award the project will
176 jeopardize the funding for the project, or will materially

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177 increase the cost of the project or will create an undue
178 hardship on the public health, safety, or welfare.

179 c. In the event the project is to be awarded by any method
180 other than a competitive selection process, the published notice
181 must clearly specify the ordinance or resolution by which the
182 private sector contractor will be selected and the criteria to
183 be considered.

184 d. In the event the project is to be awarded by a method
185 other than a competitive selection process, the architect or
186 engineer of record has provided a written recommendation that
187 the project be awarded to the private sector contractor without
188 competitive selection; and the consideration by, and the
189 justification of, the government body are documented, in
190 writing, in the project file and are presented to the governing
191 board prior to the approval required in this paragraph.

192 ~~10.11.~~ To projects subject to chapter 336.

193 (d)1. If the project is to be awarded based on price, the
194 contract must be awarded to the lowest qualified and responsive
195 bidder in accordance with the applicable county or municipal
196 ordinance or district resolution and in accordance with the
197 applicable contract documents. The county, municipality, or
198 special district may reserve the right to reject all bids and to
199 rebid the project or elect not to proceed with the project. This
200 subsection is not intended to restrict the rights of any local
201 government to reject the low bid of a nonqualified or
202 nonresponsive bidder and to award the contract to any other
203 qualified and responsive bidder in accordance with the standards
204 and procedures of any applicable county or municipal ordinance
205 or any resolution of a special district.

206 2. If the project uses a request for proposal or a request
97 for qualifications, the request must be publicly advertised and

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208 the contract must be awarded in accordance with the applicable
209 local ordinances.

210 3. If the project is subject to competitive negotiations,
211 the contract must be awarded in accordance with s. 287.055.

212 (e) If a construction project greater than \$200,000, or
213 \$50,000 for electrical work, is started after October 1, 1999,
214 and is to be performed by a local government using its own
215 employees in a county or municipality that issues registered
216 contractor licenses and the project would require a licensed
217 contractor under chapter 489 if performed by a private sector
218 contractor, the local government must use a person appropriately
219 registered or certified under chapter 489 to supervise the work.

220 (f) If a construction project greater than \$200,000, or
221 \$50,000 for electrical work, is started after October 1, 1999,
222 and is to be performed by a local government using its own
223 employees in a county that does not issue registered contractor
224 licenses and the project would require a licensed contractor
225 under chapter 489 if performed by a private sector contractor,
226 the local government must use a person appropriately registered
227 or certified under chapter 489 or a person appropriately
228 licensed under chapter 471 to supervise the work.

229 (g) Projects performed by a local government using its own
230 services and employees must be inspected in the same manner as
231 inspections required for work performed by private sector
232 contractors.

233 (h) A construction project provided for in this subsection
234 may not be divided into more than one project for the purpose of
235 evading this subsection.

236 (i) This subsection does not preempt the requirements of
237 any small-business or disadvantaged-business enterprise program
238 or any local-preference ordinance.

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239 (j) Notwithstanding any other law to the contrary, any
240 provision contained in any public construction contract with a
241 county, municipality, special district as defined in chapter
242 189, or other political subdivision of the state which purports
243 to limit, waive, release, or extinguish the rights of a
244 contractor to recover costs or damages for delay in performing
245 such contract, either on its behalf or on behalf of its
246 subcontractors, if and to the extent the delay is caused by acts
247 or omissions of the county, municipality, special district, or
248 political subdivision, its agents or employees, or other
249 entities with which it is in privity and due to causes within
250 its control, shall be void and unenforceable as against public
251 policy. The decisions of a county, municipality, special
252 district, or other political subdivision concerning additional
253 compensation or time to which a contractor is entitled in
254 connection with any public construction contract shall be
255 subject to de novo review in a state court of appropriate
256 jurisdiction. This paragraph shall not be construed to void any
257 provision in such construction contract that provides for
258 reasonable liquidated damages in case of a delay to the
259 completion of the project for which the contractor is
260 responsible or that provides for reasonable liquidated damages
261 to fairly compensate the contractor for its indirect costs and
262 overhead expenses associated with a delay.

263 (k) A local government owning or operating a public
264 airport, as defined in s. 330.27, is not required to comply with
265 this section when performing repairs or maintenance on the
266 airport's buildings, structures, or public construction works
267 using the local government's own services, employees, and
268 equipment, regardless of the total construction cost. A public
269 construction contract with such a local government for any

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270 construction, improvement, repair, or maintenance work performed
271 on a public airport is not subject to paragraph (j).

272 Section 2. Section 336.41, Florida Statutes, is amended to
273 read:

274 336.41 Counties and municipalities; employing labor and
275 providing road equipment; accounting; when competitive bidding
276 required.--

277 ~~(1) The commissioners may employ labor and provide~~
278 ~~equipment as may be necessary, except as provided in subsection~~
279 ~~(3), for constructing and opening of new roads or bridges and~~
280 ~~repair and maintenance of any existing roads and bridges.~~

281 (1)(2) It shall be the duty of all persons to whom the
282 governing body of a county or municipality delivers
283 ~~commissioners deliver~~ equipment and construction materials
284 ~~supplies~~ for road and bridge purposes to make a strict
285 accounting of the same to the governing body ~~commissioners~~.

286 (2) (a)(3) The governing body of a county or municipality
287 shall competitively award to a private sector contractor all
288 construction, and reconstruction, or repair of roads and
289 bridges, including resurfacing, full scale mineral seal coating,
290 and major bridge and bridge system repairs, ~~to be performed~~
291 ~~utilizing the proceeds of the 80-percent portion of the surplus~~
292 ~~of the constitutional gas tax shall be let to contract to the~~
293 ~~lowest responsible bidder by competitive bid~~

294 (b) Notwithstanding paragraph (a), the county or
295 municipality may use its own forces, ~~except for:~~

296 1.(a) Construction and maintenance in emergency
297 situations, ~~and~~

298 2.(b) In addition to emergency work, Construction, and
299 reconstruction, or repair of roads and bridges, including
300 resurfacing, full scale mineral seal coating, and major bridge

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291 and bridge system repairs, provided:, ~~having a total cumulative~~
302 ~~annual value not to exceed 5 percent of its 80 percent portion~~
303 ~~of the constitutional gas tax or \$400,000, whichever is greater,~~
304 ~~and~~

305 a. No single project shall exceed \$250,000 in value
306 exclusive of materials purchased in accordance with sub-
307 subparagraph c.

308 b. No single project or combination of adjacent projects
309 shall exceed 1 mile in length.

310 c. All materials for these projects must be purchased or
311 furnished from a commercial source with the exception of
312 government-owned local material pits for sand, shell, gravel,
313 and rock existing prior to January 1, 2008.

314 3. ~~(e)~~ Construction of sidewalks, curbing, accessibility
315 ramps, or appurtenances incidental to roads and bridges if each
316 project is estimated in accordance with generally accepted cost-
317 accounting principles to have total construction project costs
318 of less than \$400,000 or as adjusted by the percentage change in
319 the Construction Cost Index from January 1, 2008,

320
321 ~~for which the county may utilize its own forces.~~

322 (c) However, if, after proper advertising, no bids are
323 received by a county or municipality for a specific project, the
324 county or municipality may use its own forces to construct the
325 project, notwithstanding the limitation of this subsection.

326 (d) As used in this section, the term "competitively
327 award" means to award a contract based on the submission of
328 sealed bids, proposals submitted in response to a request for
329 qualifications, or proposals submitted for competitive
330 negotiations. This subsection expressly allows contracts for
31 construction management services, design-build contracts,

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332 continuation contracts based on unit prices, and any other
333 contract arrangement with a private sector contractor permitted
334 by any applicable municipal or county ordinance, by district
335 resolution, or by state law.

336 (e) For purposes for this section, the value of a project
337 includes the cost of all labor, except inmate labor, labor
338 burden, and equipment, including ownership, fuel, and
339 maintenance costs to be used in the construction and
340 reconstruction of the project.

341 (f) Nothing in this section shall prevent the county or
342 municipality from performing routine maintenance as authorized
343 by law and defined in s. 334.03, including the grading and
344 shaping of dirt roads.

345 (g) Notwithstanding any law to the contrary, a county,
346 municipality, or special district shall not own or operate an
347 asphalt plant or a portable or stationary concrete batch plant
348 with an independent mixer.

349 (3)-(4)(a) For contracts in excess of \$250,000, any county
350 or municipality may require that persons interested in
351 performing work under the contract first be certified or
352 qualified to do the work. Any contractor prequalified and
353 considered eligible to bid by the department to perform the type
354 of work described under the contract shall be presumed to be
355 qualified to perform the work so described. Any contractor may
356 be considered ineligible to bid by the county or municipality if
357 the contractor is behind an approved progress schedule by 10
358 percent or more on another project for that county or
359 municipality at the time of the advertisement of the work. The
360 county or municipality may provide an appeal process to overcome
361 such consideration with de novo review based on the record below
362 to the circuit court.

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363 (b) The county or municipality, as appropriate, shall
364 publish prequalification criteria and procedures prior to
365 advertisement or notice of solicitation. Such publications shall
366 include notice of a public hearing for comment on such criteria
367 and procedures prior to adoption. The procedures shall provide
368 for an appeal process within the county or municipality for
369 objections to the prequalification process with de novo review
370 based on the record below to the circuit court.

371 (c) The county or municipality, as appropriate, shall also
372 publish for comment, prior to adoption, the selection criteria
373 and procedures to be used by the county or municipality if such
374 procedures would allow selection of other than the lowest
375 responsible bidder. The selection criteria shall include an
376 appeal process within the county or municipality with de novo
377 review based on the record below to the circuit court.

378 Section 3. Subsection (1) of section 336.44, Florida
379 Statutes, is amended, and subsection (6) is added to that
380 section, to read:

381 336.44 Counties; contracts for construction of roads;
382 procedure; contractor's bond.--

383 (1) The commissioners shall let the work on roads out on
384 contract, in accordance with s. 336.41 (2) ~~(3)~~.

385 (6) Notwithstanding any other law to the contrary, any
386 provision contained in any public construction contract with a
387 county, municipality, special district as defined in chapter
388 189, or other political subdivision of the state that purports
389 to limit, waive, release, or extinguish the rights of a
390 contractor to recover costs or damages for delay in performing
391 such contract, either on its behalf or on behalf of its
392 subcontractors, if and to the extent the delay is caused by acts
393 or omissions of the county, municipality, special district, or

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394 political subdivision, its agents or employees, or other
395 entities with which it is in privity and due to causes within
396 its control, shall be void and unenforceable as against public
397 policy. The decisions of a county, municipality, special
398 district, or other political subdivision concerning additional
399 compensation or time to which a contractor is entitled in
400 connection with any public construction contract shall be
401 subject to de novo review in a state court of appropriate
402 jurisdiction. This subsection shall not be construed to void any
403 provision in such construction contract that provides for
404 reasonable liquidated damages in case of a delay to the
405 completion of the project for which the contractor is
406 responsible or that provides for reasonable liquidated damages
407 to fairly compensate the contractor for its indirect costs and
408 overhead expenses associated with a delay.

409 Section 4. This act shall take effect July 1, 2008.

411 -----
412 **T I T L E A M E N D M E N T**

413 Remove the entire title and insert:

414 A bill to be entitled

415 An act relating to public construction works; amending s.
416 255.20, F.S.; revising requirements for a county,
417 municipality, special district, or other political
418 subdivision of the state to competitively award contracts
419 for certain construction projects; revising exceptions to
420 those requirements; revising provisions relating to an
421 exemption for projects performed by a local government
422 using its own services, employees, and equipment;
423 providing that certain construction contract terms
424 purporting to limit recovery of certain costs or damages

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425 by contractor are void; providing that certain decisions
426 by the local governmental entity concerning additional
427 compensation or time to which a contractor is entitled are
428 subject to de novo review in state court; providing an
429 exception; exempting a local government owning or
430 operating a public airport from specified requirements
431 when performing certain tasks relating to the airport's
432 buildings, structures, or public construction works;
433 amending s. 336.41, F.S.; revising provisions authorizing
434 a county to employ labor and provide equipment for road
435 and bridge projects; removing authorization for a county
436 to use its own resources for constructing and opening new
437 roads and bridges; revising requirements for certain
438 county road and bridge projects to be let to contract;
439 providing exceptions; defining the term "competitively
440 award" for specified purposes; specifying costs that are
441 included in determining the value of a project for certain
442 purposes; revising provisions allowing a county or
443 municipality to perform routine maintenance; prohibiting a
444 county, municipality, or special district from owning or
445 operating an asphalt plant or a portable or stationary
446 concrete batch plant with an independent mixer;
447 authorizing a municipality to require that persons
448 interested in performing work under the contract first be
449 certified or qualified to do the work when the contract
450 amount exceeds a certain threshold; providing for
451 qualification of a contractor by the Department of
452 Transportation; providing that a contractor may be
453 considered ineligible to bid by the municipality if the
454 contractor is behind an approved progress schedule by more
455 than a certain amount on another project for that

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456 municipality at the time of the advertisement of the work
457 requiring prequalification; authorizing an appeal process;
458 requiring prequalification criteria and procedures to be
459 published prior to advertisement or notice of
460 solicitation; requiring notice of a public hearing for
461 comment on such criteria and procedures prior to adoption;
462 requiring the procedures to provide for an appeal process
463 for objections to the prequalification process; requiring
464 the municipality to publish for comment, prior to
465 adoption, the selection criteria and procedures to be used
466 if such procedures would allow selection of other than the
467 lowest responsible bidder; requiring the selection
468 criteria to include an appeal process; amending s. 336.44,
469 F.S.; conforming a cross-reference; providing that certain
470 construction contract terms purporting to limit recovery
471 of certain costs or damages by contractors are void;
472 providing that certain decisions by the local governmental
473 entity concerning additional compensation or time to which
474 a contractor is entitled are subject to de novo review in
475 state court; providing an exception; providing an
476 effective date.

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Amendment No. 1

Bill No. HB 909

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Committee on State Affairs
 2 Representative(s) Nehr offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Subsection (5) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.--

(5) (a) The department shall by rule prescribe uniform procedures for hearings before the value adjustment board which include requiring:

1.(a) Procedures for the exchange of information and evidence by the property appraiser and the petitioner consistent with s. 194.032; and

2.(b) That the value adjustment board hold an organizational meeting for the purpose of making these procedures available to petitioners.

(b) The department shall develop a uniform policies and procedures manual to be used by value adjustment boards, special magistrates, and taxpayers in proceedings before value adjustment boards. The manual shall be made available, at a

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22 minimum, on the department's website and on the existing
23 websites of the clerks of circuit courts.

24 Section 2. Section 194.015, Florida Statutes, is amended
25 to read:

26 194.015 Value adjustment board.--

27 (1) There is hereby created a value adjustment board for
28 each county, which shall consist of five members.

29 (2) (a) 1. Three members shall be appointed by of the
30 governing body of the county, as follows:

31 a. One member must own a homestead property within the
32 county.

33 b. One member must own a business that occupies commercial
34 space located within the county.

35 c. An appointee may not be a member or an employee of any
36 taxing authority.

37 2. ~~as elected from the membership of the board of said~~
38 ~~governing body, One of such appointees whom shall be elected~~
39 ~~chairperson.~~

40 (b) ~~and~~ Two members shall be appointed by of the school
41 board, as follows:

42 1. One member must own a business that occupies commercial
43 space located within the school district.

44 2. One member must be eligible to receive one or more of
45 the exemptions under s. 6(c), (f), or (g), Art. VII of the State
46 Constitution, regardless of whether the taxpayer's local
47 government grants the additional local homestead exemptions.

48 3. An appointee may not be a member or an employee of any
49 taxing authority ~~as elected from the membership of the school~~
50 ~~board. The members of the board may be temporarily replaced by~~
51 ~~other members of the respective boards on appointment by their~~
52 ~~respective chairpersons.~~

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53 (3) Any three members shall constitute a quorum of the
54 board, ~~except that each quorum must include at least one member~~
55 ~~of said governing board and at least one member of the school~~
56 ~~board,~~ and no meeting of the board shall take place unless a
57 quorum is present.

58 (4) Members of the board may receive such per diem
59 compensation as is allowed by law for state employees if both
60 bodies elect to allow such compensation.

61 (5) The clerk of the governing body of the county shall be
62 the clerk of the value adjustment board.

63 (6) (a) The office of the county attorney may be counsel to
64 the board unless the county attorney represents the property
65 appraiser, in which instance the board shall appoint private
66 counsel who has practiced law for over 5 years and who shall
67 receive such compensation as may be established by the board.

68 (b) Meetings ~~No meeting~~ of the board may not shall take
69 place unless counsel to the board is present. However, counsel
70 for the property appraiser shall not be required when the county
71 attorney represents only the board at the board hearings, even
72 though the county attorney may represent the property appraiser
73 in other matters or at a different time.

74 (7) Two-fifths of the expenses of the board shall be borne
75 by the district school board and three-fifths by the district
76 county commission.

77 Section 3. Subsection (2) of section 194.034, Florida
78 Statutes, is amended to read:

79 194.034 Hearing procedures; rules.--

80 (2) In each case, except when a complaint is withdrawn by
81 the petitioner or is acknowledged as correct by the property
82 appraiser, the value adjustment board shall render a written
83 decision. All such decisions shall be issued within 20 calendar

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84 days of the last day the board is in session under s. 194.032.
85 The decision of the board shall contain findings of fact and
86 conclusions of law and shall include reasons for upholding or
87 overturning the determination of the property appraiser. If the
88 determination of the property appraiser is overturned, the board
89 shall order the refunding of the filing fee required by s.
90 194.013. When a special magistrate has been appointed, the
91 recommendations of the special magistrate shall be considered by
92 the board. The clerk, upon issuance of the decisions, shall, on
93 a form provided by the Department of Revenue, notify by first-
94 class mail each taxpayer, the property appraiser, and the
95 department of the decision of the board.

96 Section 4. Section 194.035, Florida Statutes, is amended
97 to read:

98 194.035 Special magistrates; property evaluators.--

99 (1) Each value adjustment ~~In counties having a population~~
100 ~~of more than 75,000,~~ the board shall appoint special magistrates
101 for the purpose of taking testimony and making recommendations
102 to the board, which recommendations the board may act upon
103 without further hearing. These special magistrates may not be
104 elected or appointed officials or employees of the county but
105 shall be selected from a list of those qualified individuals who
106 are willing to serve as special magistrates. Employees and
107 elected or appointed officials of a taxing jurisdiction or of
108 the state may not serve as special magistrates. The clerk of the
109 board shall annually notify such individuals or their
110 professional associations to make known to them that
111 opportunities to serve as special magistrates exist. The
112 Department of Revenue shall provide a list of qualified special
113 magistrates to any county with a population of 75,000 or less.
114 Subject to appropriation, the department shall reimburse

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15 counties with a population of 75,000 or less for payments made
116 to special magistrates appointed for the purpose of taking
117 testimony and making recommendations to the value adjustment
118 board pursuant to this section. The department shall establish a
119 reasonable range for payments per case to special magistrates
120 based on such payments in other counties. Requests for
121 reimbursement of payments outside this range shall be justified
122 by the county. If the total of all requests for reimbursement in
123 any year exceeds the amount available pursuant to this section,
124 payments to all counties shall be prorated accordingly. A
125 special magistrate appointed to hear issues of exemptions and
126 classifications shall be a member of The Florida Bar with no
127 less than 5 years' experience in the area of ad valorem
128 taxation. A special magistrate appointed to hear issues
129 regarding the valuation of real estate shall be a state
130 certified real estate appraiser with not less than 5 years'
131 experience in real property valuation. A special magistrate
132 appointed to hear issues regarding the valuation of tangible
133 personal property shall be a designated member of a nationally
134 recognized appraiser's organization with not less than 5 years'
135 experience in tangible personal property valuation. A special
136 magistrate need not be a resident of the county in which he or
137 she serves. A special magistrate may not represent a person
138 before the board in any tax year during which he or she has
139 served that board as a special magistrate. Prior to appointing a
140 special magistrate, a value adjustment board shall verify the
141 special magistrate's qualifications. The value adjustment board
142 shall ensure that the selection of special magistrates is based
143 solely upon the experience and qualifications of the special
144 magistrate and is not influenced by the property appraiser. The
15 ~~board shall appoint special magistrates from the list so~~

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146 ~~compiled prior to convening of the board.~~ It shall be the duty
147 of the special magistrate to accurately and completely preserve
148 all testimony and in making recommendations to the value
149 adjustment board, the special magistrate shall include proposed
150 findings of fact, conclusions of law, and reasons for upholding
151 or overturning the determination of the property appraiser. The
152 expense of hearings before magistrates and any compensation of
153 special magistrates shall be borne three-fifths by the board of
154 county commissioners and two-fifths by the school board.

155 (2) The value adjustment board of each county may employ
156 qualified property appraisers or evaluators to appear before the
157 value adjustment board at that meeting of the board which is
158 held for the purpose of hearing complaints. Such property
159 appraisers or evaluators shall present testimony as to the just
160 value of any property the value of which is contested before the
161 board and shall submit to examination by the board, the
162 taxpayer, and the property appraiser.

163 (3) The department shall provide and conduct training for
164 special magistrates at least once each year in at least five
165 locations throughout the state. The training shall include
166 emphasis on the department's standard measures of value
167 including the guidelines for real and tangible personal
168 property. Persons completing the training will only be required
169 to have 3 years' experience in the area they wish to serve as a
170 special magistrate. The training shall be open to the public.

171 Section 5. Subsection (1) of section 194.037, Florida
172 Statutes, is amended to read:

173 194.037 Disclosure of tax impact.--

174 (1) After hearing all petitions, complaints, appeals, and
175 disputes, the clerk shall make public notice of the findings and
176 results of the board in at least a quarter-page size

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77 advertisement of a standard size or tabloid size newspaper, and
178 the headline shall be in a type no smaller than 18 point. The
179 advertisement shall not be placed in that portion of the
180 newspaper where legal notices and classified advertisements
181 appear. The advertisement shall be published in a newspaper of
182 general paid circulation in the county. The newspaper selected
183 shall be one of general interest and readership in the
184 community, and not one of limited subject matter, pursuant to
185 chapter 50. The headline shall read: TAX IMPACT OF VALUE
186 ADJUSTMENT BOARD. The public notice shall list the members of
187 the value adjustment board and the taxing authorities to which
188 they are elected. The form shall show, in columnar form, for
189 each of the property classes listed under subsection (2), the
190 following information, with appropriate column totals:

191 (a) In the first column, the number of parcels for which
192 the board granted exemptions that had been denied or that had
193 not been acted upon by the property appraiser.

194 (b) In the second column, the number of parcels for which
195 petitions were filed concerning a property tax exemption.

196 (c) In the third column, the number of parcels for which
197 the board considered the petition and reduced the assessment
198 from that made by the property appraiser on the initial
199 assessment roll.

200 (d) In the fourth column, the number of parcels for which
201 petitions were filed but which were not considered by the board
202 because the petitions were withdrawn or settled prior to the
203 board's consideration.

204 (e) ~~(d)~~ In the fifth ~~fourth~~ column, the number of parcels
205 for which petitions were filed requesting a change in assessed
206 value, including requested changes in assessment classification.

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207 (f) ~~(e)~~ In the sixth ~~fifth~~ column, the net change in
208 taxable value from the assessor's initial roll which results
209 from board decisions.

210 (g) ~~(f)~~ In the seventh ~~sixth~~ column, the net shift in taxes
211 to parcels not granted relief by the board. The shift shall be
212 computed as the amount shown in column 5 multiplied by the
213 applicable millage rates adopted by the taxing authorities in
214 hearings held pursuant to s. 200.065(2)(d) or adopted by vote of
215 the electors pursuant to s. 9(b) or s. 12, Art. VII of the State
216 Constitution, but without adjustment as authorized pursuant to
217 s. 200.065(6). If for any taxing authority the hearing has not
218 been completed at the time the notice required herein is
219 prepared, the millage rate used shall be that adopted in the
220 hearing held pursuant to s. 200.065(2)(c).

221 Section 6. This act shall take effect July 1, 2008.

222
223 -----
224 **T I T L E A M E N D M E N T**

225 Remove the entire title and insert:

226 An act relating to value adjustment boards; amending s.
227 194.011, F.S.; requiring the Department of Revenue to
228 develop a uniform policies and procedures manual for use
229 in proceedings before value adjustment boards; specifying
230 availability requirements for the manual; amending s.
231 194.015, F.S.; revising the membership of value adjustment
232 boards, appointment criteria, and quorum requirements;
233 amending s. 194.034, F.S.; requiring value adjustment
234 boards to order refund of certain filing fees if a
235 determination of a property appraiser is overturned;
236 amending s. 194.035, F.S.; applying to all counties a
237 requirement that value adjustment boards appoint special

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38 magistrates for certain purposes; requiring value
239 adjustment boards to verify the qualifications of special
240 magistrates prior to appointment and requiring special
241 magistrates to preserve testimony and make recommendations
242 concerning certain information; providing selection
243 criteria; requiring the department to provide training for
244 special magistrates; providing training requirements;
245 amending s. 194.037, F.S.; revising required information
246 in the disclosure of tax impact form to include certain
247 additional information; providing an effective date.