STATE / LOCAL WEEKLY REPORT

April 1- April 5, 2013

*The weekly report comprises a variety of media sources, including news articles, lobbyist reports and information gathered through the OIA.

LEGISLATIVE ISSUES

*The following update contains information provided by Jess McCarty throughout the week

Transportation Concurrency / Road Impact Fees

SB 1716 and HB 321 are companion bills that would prohibit road impact fees and transportation concurrency for new small business development until July 1, 2016 unless specifically authorized by a majority vote of a local government's governing body. New small business development is defined in these bills as nonresidential business development of less than 6,000 square feet. The impact fee exemption can be extended beyond 2016 if certain circumstances are met. In addition, any local government that had a road impact fee in place as of July 1, 2012 would be required to reauthorize the road impact fee under the provisions of this pair of bills.

HB 321 also includes a provision that amends section 125.35 to allow county commissions to negotiate rather than competitively bid commercial development ancillary to a professional sports facility (this language doesn't appear in SB 1716 at this time).

Here's a link to HB 321: http://static.lobbytools.com/bills/2013/pdf/0321C2.pdf. This pair of bills is moving through committees, SB 1716 was heard in the Senate Community Affairs Committee Tuesday and the House companion bill, HB 321 was heard yesterday in House Finance & Tax.

Ocean Outfalls

This week, SB 444 by Senator Diaz de la Portilla passed its last committee and was placed on the Senate's Special Order calendar for Wednesday, April 10th. HB 707 by Representative Manny Diaz, Jr. passed its last committee last week and is on the House calendar on second reading.

Here's a link to SB 444: http://www.flsenate.gov/Session/Bill/2013/444

Here's a link to HB 707: http://www.flsenate.gov/Session/Bill/2013/444

Dolphins Stadium

On Tuesday, the Senate Dolphins bill, SB 306, was heard in the Senate Rules Committee and was recommended favorably on a vote of 15-0, but only after it was substantially changed by amendment.

A 20-page late-file amendment was adopted that significantly changed the way the states' professional sports incentive program would function. The state Department of Economic Opportunity would screen, evaluate and rank each applicant. There would be a total $15 million cap on annual state incentives to all professional sports statewide under the program. State sales tax incentives would be subject to annual adjustment up or down depending on actual sales tax generated after an initial ramp-up period (this may present challenges for the bonding of revenue). An applicant for a "signature event" such as a Super Bowl could apply after May 1, 2013 and approval would not have to wait for the 2014 session of the Legislature, such approval can be provided by the Legislative Budget Commission in the interim. There also would be clawback provisions if state funds are not used for their intended purposes.

Here's a link to the only amendment that was adopted (barcode 923940): http://static.lobbytools.com/bills/2013/pdf/0306C1123940.pdf. This amendment removed a substantial part of the underlying committee substitute (CS/SB 306), but did not revise the referendum language or the local bed tax provisions.

Here's the CS/SB 306, lines 190-319 have been replaced by the amendment above: http://static.lobbytools.com/bills/2013/pdf/0306C1.pdf.

During committee deliberations of SB 306, there was an indication that SB 306 will be re-referred back to the Senate Appropriations Committee from which the bill was recommended favorably on March 14. This additional committee reference will add an additional step before SB 306 reaches the Senate floor (otherwise it would have been ready for the Senate floor after today's committee vote). The additional committee re-reference was added to review the new states' professional sports incentive program for fiscal impact on the state budget.

The House companion bill, HB 165 is scheduled to be heard tomorrow morning in the House Economic Affairs Committee. No amendments have been filed as of yet to HB 165 for tomorrow.

Medicaid

The Florida Association of Counties has provided information additional on the County Medicaid contribution proposals that will surface soon in the Senate and House. FAC's email is included below, here are some key points of the Senate's proposal on County Medicaid contributions specifically as it relates to Miami-Dade County:

1. County contributions are set at $86 per Medicaid enrollee; a reduced rate of $50 per enrollee would apply to the 37 fiscally-constrained counties (please see note below).

2. Total statewide amount for all counties is just under $270 million ($269.6 million).

3. The Agency for Healthcare Administration (AHCA) annually would establish the number of enrollees in each county by March 1 of each year.

4. Counties would be able to pay County Medicaid contributions from any revenue source.

5. Counties would have a 3-month grace period after each AHCA monthly billing to pay, then amounts would be deducted from state revenue sharing payments to that county.

6. Back-end refund request process currently used to dispute claims not from our county would be repealed because Medicaid enrollment would be determined on an annual basis.

7. The Legislature's Revenue Estimating Conference would update growth in Medicaid enrollment by county on an annual basis, and County Medicaid contributions would be adjusted accordingly.

8. Effective date July 1, 2013.

Re: no. 1 above and apart from FAC, we have been advised that the actual statewide per Medicaid enrollee amount is $83, not $86, to reach the $270 million amount the Legislature is looking for from counties. The $3 difference is the larger counties paying for the reduced $50 per Medicaid enrollee amount to be paid by fiscally constrained counties under the Senate proposal.

The House will likely file a budget conforming bill along the lines of the Governor's proposal of using an average of past Medicaid billings, which AHCA admits were not reliable. It's important to note that Miami-Dade County has almost 20% of the statewide total for County Medicaid contributions in the House/Governor's proposal.

In addition to the $86 per Medicaid enrollee amount in the Senate proposal, we may also want to run numbers based on the $83 per Medicaid enrollee amount for Miami-Dade under the Senate proposal, and if that amount turns out to be lower than the House/Governor's proposal, then perhaps our lobbying position might be to oppose Miami-Dade and other large counties paying for the difference in per Medicaid enrollee amounts to provide fiscally constrained counties the reduced rate of $50 per enrollee, that the state should pay for this difference.

*The following was provided by FAC

Based on direction from the FAC Legislative Executive Committee, FAC continues to advocate for improvements to the current Medicaid state-county billing relationship with the House and Senate. FAC continues to talk with both Chambers about the transition to the Diagnosis Related Group (DRG) reimbursement system, the effect on the current cost-share relationship and FAC's position on modifying the billing relationship. We continue to advocate that replacing the current billing process with a formula-based approach should include:

- Reduced base cost that is fairly derived, equitable, and recognizes state cost-savings and other legislative impacts to local revenues.

• Accurate, reliable and current data rather than estimates and projections to determine any county proportionate share.

• Cap on growth to provide budget certainty during the implementation of reforms.

• Flexibility in source of payment for counties.

• Verification and data reconciliation process for process improvement and transparency.

• Study of the effects of Medicaid reforms on state and county costs to inform future decisions on county cost-share.

• Options that allow a county to pay a bill related to services under the DRG reimbursement system.

The Governor introduced a conforming bill as part of his budget package, which we have been informed that the House and Senate are considering. The Senate has also preliminarily looked at a potential alternative approach that would allocate a proportionate share to counties based on Medicaid enrollment. For your information, we have posted materials on proposals related to county Medicaid contributions at the below link:

http://www.fl-counties.com/advocacy/2013-legislative-priorities/medicaid

Information posted includes:

- FAC Position Sheet: County Contributions to Medicaid
- Side-by-Side Analysis: Medicaid Conforming Bills

Wage Theft

On Monday, the Senate Criminal Justice Committee heard SB 1216 re: wage theft by Senator Rob Bradley (R – Orange Park). SB 1216 included a provision preempting local wage theft programs, while partially preserving wage theft ordinances enacted prior to July 1, 2011, but limiting such wage theft ordinances to employers with less than $500,000 in annual sales or business transacted. This language partially preempted the Miami-Dade County wage theft ordinance by allowing our ordinance only to apply to small businesses with less than $500,000 in annual sales/business.

The committee accepted an amendment by Senator Bradley preserving the Miami-Dade wage theft program in its entirety and eliminating any preemption of the Miami-Dade County wage theft program. Senator Bradley indicated that he was doing the amendment at the request of Miami-Dade County Delegation and Miami-Dade County.

Broward County’s existing wage theft program continues to be preempted under SB 1216 and all other cities and counties are preempted from enacting a wage theft ordinance in the future.

Here’s a link to the amendment (to the strike-all amendment) that preserves the Miami-Dade wage theft program: http://static.lobbytools.com/bills/2013/pdf/1216721972.pdf, and here’s the underlying strike-all amendment: http://static.lobbytools.com/bills/2013/pdf/1216420660.pdf.

The Senate Criminal Justice Committee reported SB 1216 favorably as amended on a 5-1 vote. SB 1216 has three more committee stops before reaching the Senate floor. The companion House bill, HB 1125 by Rep. Tom Goodson, has passed one subcommittee and next goes to the House Local & Federal Affairs Committee chaired by Rep. Eddy Gonzalez, who has helped us in holding the bill until the Miami-Dade preemption is removed from the House bill.

SB 1216 - Relating to Wage Theft - 2013

Sponsor(s) by Bradley

Summary

General Wage Theft; Providing circumstances under which an employer commits wage theft; providing that a claim is governed by the Florida Small Claims Rules; requiring the claimant to prove wage theft by a preponderance of the evidence; authorizing the Attorney General to seek injunctive relief against an employer accused of wage theft; authorizing a county, municipality, or political subdivision to establish an administrative process to facilitate the collection of money owed to an employee, etc. Effective Date: Upon becoming a law.

Committees of Reference

» S Criminal Justice
S **Judiciary**
S **Commerce and Tourism**
S **Appropriations**

Actions

Date	Chamber	Action
02/27/13	SENATE	Filed
03/01/13	SENATE	Referred to Criminal Justice; Judiciary; Commerce and Tourism; Appropriations
03/06/13	SENATE	On Committee agenda - Criminal Justice, 03/11/13, 3:30 pm, 37 S
03/11/13	SENATE	Not Considered by Criminal Justice
03/13/13	SENATE	On Committee agenda - Criminal Justice, 03/18/13, 1:00 pm, 37 S
03/18/13	SENATE	Temporarily Postponed by Criminal Justice
03/27/13	SENATE	On Committee agenda - Criminal Justice, 04/01/13, 12:15 pm, 37 S
04/01/13	SENATE	Favorable with CS by Criminal Justice; 5 Yeas, 1 Nay

*Attached please find Rutledge Ecenia's Week 5 Report

LEGISLATIVE NEWS

Panel passes impact fee bill

TALLAHASSEE

Local governments across Florida have been slashing fees charged for new development in recent years to spark economic growth. But state leaders may go a step further and temporarily abolish the fees altogether for small businesses under a bill gaining momentum in the Florida Legislature.

The legislation would suspend road impact fees and so-called “concurrency” charges that developers pay to help cover the cost of new and wider roads, but only for commercial developments smaller than 6,000 square feet. The suspension would last three years.

Supporters cast the bill as a small-business incentive that could encourage infill development in urban areas.

The fee elimination could represent a substantial savings for small businesses. Sarasota County currently charges as little as $741 in road impact fees per 1,000 square feet for a new furniture store and a high of $13,621 per 1,000 square feet for a fast food restaurant. Manatee County charges commercial developments between $627 and $7,800 per 1,000 square feet for road impact fees.

Impact fees are one-time charges for new development, designed to help pay for the expansion of roads, utilities and other government facilities needed because of growth. Cities, counties and schools began using the fees widely in the 1980s to help cope with the costs of a rapidly expanding population.

State officials also passed rules intended to make sure the improvements were made as the growth occurred, a concept known as concurrency.

Some lawmakers worry the legislation would limit the ability of local governments to pay for new roads and other infrastructure.

Bill co-sponsor Rep. Travis Hutson, R-Elkton, said the legislation is designed to help “mom and pop” businesses. Large developments would still be charged fees to help pay for infrastructure.

Supporters of the bill also note that that city and county commissions could opt out of the fee moratorium by a majority vote.

Requiring a vote to opt out of the fee moratorium puts political pressure on local governments, said Sarasota attorney and growth control activist Dan Lobeck.

Lobbyists for Florida cities and counties have strongly opposed the legislation. Their opposition led the sponsors to strip language from the bill Tuesday that would also have applied the fee moratorium to smaller residential developments.

Florida League of Cities lobbyist David Cruz said his group continues to have concerns about the bill.

Lawmakers repealed much of Florida's statewide growth management regulation in 2011. Going a step further and limiting what local governments can do to regulate development infringes on their home rule authority, Cruz said.

Charles Pattison with the environmental group 1,000 Friends of Florida also spoke against the legislation.

If the bill passes — it still has two more committees to clear in both the House and Senate — Sarasota County Commissioner Christine Robinson said Tuesday she likely would support the fee moratorium for small businesses.

Sarasota and Manatee counties have both cut impact fees in an effort to spur development in recent years. Sarasota County commissioners recently extended the fee reduction for two years.

Robinson said temporarily abolishing the road impact fees and concurrency payments altogether for small businesses could help the local economy.

Here's a link to the article: http://politics.heraldtribune.com/2013/04/02/panel-passes-impact-fee-bill/

Policy Note: Texting While Driving, Red-Light Cams

*provided by the Florida Current

Background:

Sen. Nancy Detert, R-Venice, is back with her bid **(**SB 52) to ban texting while driving, and the fight over red-light cameras has resumed with legislation (HB 4011**)** from Rep. Daphne Campbell**,** D-Miami, and Rep. Carlos Trujillo, R-Miami, to repeal statutes allowing local governments to use them at intersections already moving in the House. The texting ban has generally been favored by the Senate but stumbled in the House, with key members averse to "nanny state" laws. The red light camera repeal faces a turbulent road once again, after a narrow 10-8 approval in its first committee stop.

Current Situation:

<u>Update April 3, 2013</u>: The House Economic Affairs Committee approved HB 13 by Rep. Doug Holder**,** R-Sarasota, by a 16-1 vote. It's identical to Sen. Nancy Detert**'s** Senate bill, clearing it for passage by the full House**.** Committee Chairman Jimmy Patronis**,** R-Panama City, voted against the measure, saying it's an example of government in intruding into private lives. The offense, which carries a $30 fine, can only be charged if a motorist is stopped for another offense. The bill allows use of a talk-to-text telephone and texting while stopped at a traffic light. Next stop for HB 13 is the House floor. Detert's SB 52 awaits action in the Judiciary Committee**.**

Update March 13: Detert and Rep. Doug Holder, R-Sarasota, have sponsored bills **(**SB 52 and HB 13**)** to let police ticket people who send text messages while a car is in motion. It would not forbid talking on a cellular phone. Cars stopped at a red light, or pulled over to the road shoulder, would not be covered by the pending bill. Both bills have cleared committees with unanimous votes and appear headed for passage.

Miami-Dade Days in Tallahassee

On Wednesday, April 3 through Thursday, April 4, the state capitol received elected officials from Miami-Dade County and its cities. Over the course of Dade Days, Miami-Dade Board of County Commissioners Honorable Chairwoman Rebeca Sosa met with Governor Rick Scott and members of Miami-Dade County's Dade Delegation to discuss and advocate for Miami-Dade's legislative priorities. Additionally, involved in this effort were Board of County Commissioners Hon. Jose Pepe Diaz, Hon. Sally Heyman, Hon. Dennis Moss and Hon. Juan Carlos Zapata.

This year, Miami-Dade County Days celebrated its 25th anniversary with classic events such as the Tourist Development Council of Miami-Dade County's "World Famous Paella Fest"," Its SO Miami" (formerly known as Mambo Kings), and the Miami-Dade Days Awards Luncheon.

Dade Days participants were grateful to the Governor, Cabinet members and Dade Delegation for their contributions in the event's success.

2013 SESSION DATES

May 3, 2013 60th day – last day of Regular Session

Local News

Miami Springs

Incumbent Miami Springs Mayor Zavier Garcia, a media company owner and the city's first Hispanic mayor, crushed former Councilwoman Jennifer Ator, a civil attorney, with 64 percent of the votes in Tuesday's city election.

"I am humbled once again by the overwhelming vote of confidence that the voters of beautiful Miami Springs have given me," Garcia said Tuesday night.

Garcia promised on the campaign trail to improve public services and help businesses grow.

The city's newest council members include Michael Windrem, a real-estate agent, who won the Group 1 seat, and Jaime Petralanda, an elementary school teacher, who won the Group IV seat.

Miami Springs has a population of about 14,000. Of the city's 8,245 registered voters, 2,018 cast ballots, according to election officials, a turnout of about 25 percent.

Click to read more: http://www.miamiherald.com/2013/04/02/3319985/miami-springs-incumbent-mayor.html

MDX / Pinecrest to Florida City

* Miami Herald

A controversial proposal to build an expressway along U.S. 1 from Pinecrest to Florida City is moving forward despite getting a red light from some South Miami-Dade residents.

The Miami-Dade Expressway Authority is studying whether to widen the South-Dade Busway, keeping the special bus-only lanes, but adding express toll lanes and overpasses to help relieve the commuting nightmare that is U.S. 1 in the county's southern suburbs.

MDX says its proposal could cut commuting times by one-third, and that toll income could help pay for improved transit service. The Expressway Authority has not been using the word "expressway" to describe the proposal, instead calling it an "Express Lanes" study.

Now, South Dade commuters looking to avoid U.S. 1's gridlock can take the busway to Metrorail's southern terminal at Dadeland, then take a train to downtown Miami from there.

But MDX's solution has drawn opposition.

The village of Pinecrest passed a resolution against the plan last year; after the village planning director Stephen Olmsted said he was concerned about the "potential negative or harmful" impacts. The proposed expressway would run directly behind Pinecrest's central business district along U.S. 1.

After a recent meeting with MDX representatives, Pinecrest Mayor Cindy Lerner said she was not keen on the agency's ideas.

"It is critical that we focus on finding more ways to get cars off the road, and their study is not doing that," said Lerner, who is forming a coalition to fund a parallel study that she said would "truly" focus on mitigating traffic.

There may be other complications. When the busway was built in 1997 and expanded several times through 2008, the county committed to using millions in federal funding in support of public transportation. A project involving toll lanes could require the county to return the funds, Lerner said.

For about two years, government engineers and consultants have been evaluating ideas to use the 19-mile two-lane busway along U.S. 1 that only public buses and emergency vehicles are allowed to use. The busway begins at the Dadeland South Metrorail station and ends at 344 Street, also known as West Palm Drive.

“Other possible project features include overpasses at major intersections, transit stations, improved bicycle facilities and improved linkages,” MDX spokeswoman Tere Garcia said.

Residents have told MDX representatives that they fear such a project would hurt property values, isolate small businesses and put an added financial burden on drivers. During a March 20 meeting in Cutler Bay, some residents referred to a conceptual rendering MDX presented in 2011 that looked like an expressway beside U.S. 1.

MDX representatives did not show that graphic at the Cutler Bay or the March 21 Homestead meeting. Instead, the presentation showed four concepts, each showing four lanes with overpasses at every intersection, a 45-mph speed limit and minor differences in length and access points, Garcia said.

Although the study is preliminary, the idea was born at the county’s Metropolitan Planning Organization many years ago, MPO spokeswoman Elizabeth Rockwell said. When the MDX study is completed in 2015, the MPO — which includes the 13 county commissioners and five elected officials from cities — will vote on the project.

García, the anti-toll activist, questioned MDX’s objectivity since they are funded almost entirely by toll revenue. He lives in West Kendall and has attended several MDX public meetings.

An 83 percent population growth projection in South Miami-Dade within the next two decades increased the urgency for the plans. MPO studies in 2006 and 2008 showed there was a need to reduce congestion on U.S. 1.

The Florida Department of Transportation and Miami-Dade Transit are also involved in the MDX study, which government engineers said if implemented could improve travel times on U.S. 1 by 34 percent.

For that reason, not everyone has a problem with MDX’s plans.

"The question is, why hasn't anything been done? Those lanes where the buses go are usually empty, and we are all stuck in traffic," said Esteban Fernandez, a Pinecrest resident who commutes to Brickell. "I don't understand why the solution has to be tolls. But some of us would pay to get out of a traffic jam."

Garcia, the MDX spokeswoman, said details of the tolls remain to be determined.

“We haven’t started the analysis of variable toll rates and no toll rates have been developed yet,” she said. “However, the anticipated magnitude of future transportation deficiencies and the limits to funding for transportation have been considered.”

Click here to read more: http://www.miamiherald.com/2013/03/29/v-print/3313745/mdx-forging-ahead-with-us-1-express.html

SAVE THE DATE:

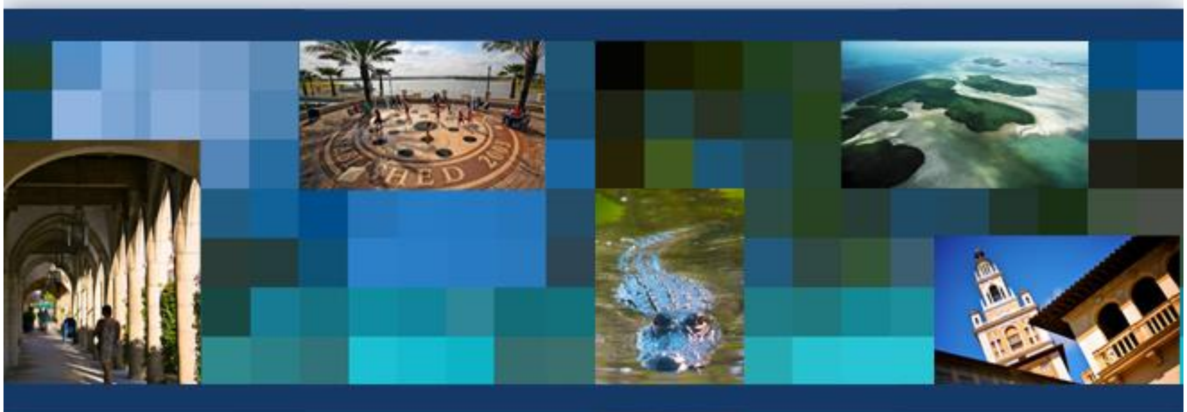
MDCLC Monthly Board of Directors Meeting

When: Thursday, April 11, 2013
Where: 94th Aero Squadron Restaurant located at 1395 NW 57th Avenue, Miami, FL
Time: Reception 6:00 PM / Dinner Board Meeting 7:00PM

Seven Counties / 50 Years

Please see invitation below

seven 50
counties years
SE Florida Prosperity Plan



Join Us for a Seven50 Work Group Workshop

to assess information gathered to date and begin work leading to the creation of the Alternate Scenarios. The event takes place in Broward and will be broadcast at satellite locations.

Wednesday, April 10, 10 a.m. to 3 p.m.

D4-DO3, District Office
Third Floor, Executive Suite, Conferences Rooms 2 and 3
3400 West Commercial Boulevard
Fort Lauderdale, Florida 33309

Meeting will also be transmitted on VC Bridge #1 in:

Miami D6 – Conference Room A – 1st Floor
1000 NW 111 Avenue
Miami, Florida 33172

D4 – Palm Beach Operations Center - West Conference Room
7900 Forest Hill Boulevard
West Palm Beach, Florida 33413

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M E M O R A N D U M

To: Joe Rasco
Via electronic mail

Copy To: Jess McCarty
Alina Gonzalez

From: Gary Rutledge
Diana Ferguson
Jon Costello

Date: April 5, 2013

RE: **2013 Legislative Report, Week 5**

WATER PROJECTS

Miami-Dade County's water projects were presented in the House Agriculture and Natural Resources Subcommittee on Monday. The Senate has appropriated $48 million for water projects and has released the list of projects it proposes to fund. The County's public works project is on this list and would receive $1.2 million. The House has appropriated $24 million for water projects and has not yet released its list. The Appropriations Bills passed their respective Appropriations Committee this week and will be heard on the floor next week. The Senate General Appropriations Act is SB 1500 and the implementing bill is SB 1502. The House General Appropriations Act is HB 5001 and the implementing bill is HB 5003.

Ocean Outfalls

SB 444 by Senator Diaz de la Portilla passed its last committee this week and was placed on the Senate's Special Order calendar for April 10. HB 707 by Representative Manny Diaz, Jr. passed its last committee last week and is on the House calendar on second reading.

Elections

SB 600 passed the Senate Community Affairs Committee this week. Several amendments filed by Democrats failed in committee. One concern expressed by Democrats is that the Sunday before Election Day should be a mandatory early voting day. The bill currently allows voting on the Sunday before Election Day but does not require it. The companion, HB 7113, has passed the House and is in Senate messages. This bill also allows the Sunday before Election Day but it is not required. The bills also both allow for up to 14 days of early voting and allow more early voting sites.

Legislation of Note that Preempts or Significantly Restricts Local Government

<u>Local Business Tax</u>
We are working with the Florida Association of Counties and other counties to oppose HB 7109 by the House Finance and Tax Subcommittee and Representative Workman which, among other provisions, allows counties to levy the local business tax only in the unincorporated area and collapses the number of categories for the local business tax down to three. This will have the consequence of increasing taxes on small businesses in the unincorporated area significantly, and will adversely affect funding for the Beacon Council, which is also opposing the bill. We had several meetings on this bill and will continue to meet with key legislators to express our opposition to this bill.

There is no Senate bill on the local business tax at this time. The Senate does not have immediate plans to address this issue.

<u>Wage Theft</u>
HB 1125 by Representative Goodson; SB 1216 by Senator Bradley
These bills preempt local wage theft ordinances and provide for a claim under state law for wage theft under certain circumstances. HB 1125 has passed its first committee is in its second committee, Local and Federal Affairs. This bill contains a grandfather clause for ordinances adopted prior to January 1, 2011. However, it provides that those ordinances do not apply to employers with whose annual gross volume of business is more than $500,000. SB 1216 passed its first committee this week after having been not considered or temporarily postponed twice.

This bill contains a grandfather clause for ordinances adopted prior to January 1, 2011, with no restrictions.

Living Wage

HB 655 by Representative Precourt; SB 726 by Senator Simmons

HB 655 preempts local governments from requiring employers to provide certain benefits. It provides specifically that living wage ordinances will sunset in 2016. This bill passed the House this week and is in Senate messages.

SB 726 contains a preemption relating to leave benefits but does not preempt living wage ordinances. The Senate bill initially contained additional provisions in state law that would provide certain leave benefits to employees statewide. However, it has been amended to replace those additional benefits with a study group that would examine the issue and make recommendations to the Legislature. This was done at Senator Latvala's request. The bill will be heard in its final committee next week. The Senate does appear inclined to address the living wage issue and we are working to ensure that the Senate keeps the issue out of its bill.

ENVIRONMENTAL LEGISLATION OF NOTE

Environmental Regulatory Reform

HB 999 by Representative Patronis; SB 1684 by Senator Altman

This bill creates, amends and revises provisions regarding development permit applications, general permits for special events, well permits, exemption from permits and fees and related environmental requirements. HB 999 passed its first committee last week and will be heard in its second committee next week. SB 1684 passed its first committee this week will be heard in the Senate Agriculture Committee next week if the committee receives the bill in time. It was amended in its first committee to limit a provision providing a new "request for additional information" process to registered professionals. This was done in response to concerns from local governments and their associations that the new process would be burdensome if it applied to all permits and could slow the permitting process down. SB 1684 was also amended to remove problematic provisions relating to solid waste and recycling. It is expected that HB 999 will be amended to reflect these changes next week.

Conservation Lands

SB 584 by Senator Hays; HB 901 by Representative Stone

These bills limit a state agency or local government's ability to purchase land for conservation purposes. SB 584 was temporarily postponed this week after a lengthy debate in its first committee, Senate Environmental Preservation and Conservation. HB 901 has not received a hearing.

AGRICULTURAL LEGISLATION OF NOTE

Agricultural Lands

HB 203 by Representative Beshears; SB 1190 by Senator Brandes

These bills prohibit governmental entities from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging an assessment or fee on an activity of a bona fide agricultural farm operation on land classified as agricultural land. The Revenue Estimating Conference expressed concern with the term "assessments" because it was overly broad and gave the bill a significant fiscal impact, so the term was removed from the House bill and will be removed from the Senate bill when it receives another committee hearing. It now applies only to fees, which are more likely to be duplicative in nature than assessments. HB 203 passed its last committee this week and is on the House calendar on second reading. SB 1190 passed its second committee this week and has one committee remaining.

Agritourism

HB 927 by Representative Raschein; SB 1106 by Senator Hays

These bills restrict a local government's ability to regulate agritourism activity on agricultural land. However, amendments were added to both bills this week that clarify the scope of the restriction so that it is not so broad as it was in the bills as filed. HB 927 passed its last committee this week. SB 1106 is on the Senate Special Order calendar for April 10.

A bill to be entitled

An act relating to county reimbursement for Medicaid services; amending s. 409.915 F.S., relating to calculating the county share of resident Medicaid services; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 409.915, Florida Statutes, is amended to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

(1) ~~(9) (a)~~ Beginning July 1, 2013 ~~May 1, 2012~~, ~~and each month thereafter,~~ each county's contribution shall be calculated as follows:

(a) For the 2013-14 Fiscal Year, the counties' total contribution shall be set at a base amount of $278.4 million. Each county's individual contribution shall be equal its relative share of this total, as follows:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

County	Liability (%)	2013-14 Contribution ($Millions)
ALACHUA	1.443%	$ 4.017
BAKER	0.104%	$ 0.289
BAY	0.692%	$ 1.926
BRADFORD	0.193%	$ 0.537
BREVARD	2.533%	$ 7.051
BROWARD	9.005%	$ 25.070
CALHOUN	0.080%	$ 0.223
CHARLOTTE	0.629%	$ 1.752
CITRUS	0.634%	$ 1.765
CLAY	0.660%	$ 1.837
COLLIER	1.057%	$ 2.943
COLUMBIA	0.608%	$ 1.693
DADE	19.034%	$ 52.992
DESOTO	0.205%	$ 0.570
DIXIE	0.121%	$ 0.337
DUVAL	5.349%	$ 14.891
ESCAMBIA	1.634%	$ 4.549
FLAGLER	0.412%	$ 1.148
FRANKLIN	0.106%	$ 0.295
GADSDEN	0.236%	$ 0.657

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

GILCHRIST	0.086%	$ 0.239
GLADES	0.058%	$ 0.160
GULF	0.082%	$ 0.227
HAMILTON	0.063%	$ 0.176
HARDEE	0.129%	$ 0.359
HENDRY	0.186%	$ 0.518
HERNANDO	0.897%	$ 2.498
HIGHLANDS	0.441%	$ 1.226
HILLSBOROUGH	6.584%	$ 18.331
HOLMES	0.108%	$ 0.300
INDIAN RIVER	0.459%	$ 1.278
JACKSON	0.241%	$ 0.672
JEFFERSON	0.068%	$ 0.189
LAFAYETTE	0.017%	$ 0.048
LAKE	1.436%	$ 3.998
LEE	2.716%	$ 7.562
LEON	0.901%	$ 2.509
LEVY	0.267%	$ 0.743
LIBERTY	0.056%	$ 0.157
MADISON	0.071%	$ 0.198
MANATEE	1.568%	$ 4.364

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MARION	1.557%	$ 4.336
MARTIN	0.383%	$ 1.067
MONROE	0.287%	$ 0.798
NASSAU	0.232%	$ 0.647
OKALOOSA	0.591%	$ 1.645
OKEECHOBEE	0.280%	$ 0.780
ORANGE	6.570%	$ 18.292
OSCEOLA	1.641%	$ 4.568
PALM BEACH	6.043%	$ 16.823
PASCO	2.216%	$ 6.168
PINELLAS	6.580%	$ 18.320
POLK	3.422%	$ 9.527
PUTNAM	0.481%	$ 1.338
SAINT JOHNS	0.547%	$ 1.523
SAINT LUCIE	1.215%	$ 3.382
SANTA ROSA	0.419%	$ 1.167
SARASOTA	1.318%	$ 3.669
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<u>UNION</u>	<u>0.083%</u>	<u>$ 0.231</u>
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<u>WAKULLA</u>	<u>0.085%</u>	<u>$ 0.236</u>
<u>WALTON</u>	<u>0.266%</u>	<u>$ 0.739</u>
<u>WASHINGTON</u>	<u>0.127%</u>	<u>$ 0.353</u>
<u>Grand Total</u>	<u>100.00%</u>	<u>$ 278.364</u>

<u>(b) An additional $20 million shall be added to the base amount for the 2013-14 fiscal year. This additional amount shall not factor into any calculations for the counties' total contribution in subsequent years.</u>

<u>(c) In each subsequent fiscal year, the counties' total contribution shall be determined by changing the base amount in paragraph (a) by 75 percent of the rate of growth in the state's share of total Medicaid spending during the most recently completed calendar year over the 2012 calendar year. Each county's relative share in paragraph (a) shall be changed by the ratio of the total state-share of Medicaid spending during the most recently completed calendar year divided by the total state-share of Medicaid spending during the 2012 calendar year. State Medicaid spending, for the purposes of this section, is all Medicaid spending minus federal funds.</u>

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(d) The agency shall provide the Department of Revenue with the required data pursuant to this subsection no later than April 1 of each year. The Department of Revenue shall notify each county of their new shares no later than May 15 of each year.

(e) Each county shall, via electronic transfer, pay its contribution in equal monthly installments ~~the agency shall certify~~ to the Department of Revenue by the 7th day of each month ~~the amount of the monthly statement rendered to each county pursuant to subsection (4)~~. If a county fails to timely remit the payment ~~Beginning with the May 2012 distribution~~, the Department of Revenue shall reduce that ~~each~~ county's monthly distribution first pursuant to s. 218.61 and, if necessary, s. 218.65 by the amount calculated pursuant to this subsection ~~certified by the agency minus any amount required under paragraph (b)~~. The payments or the amounts by which the distributions are reduced shall be transferred to the General Revenue Fund.

~~(b) As an assurance to holders of bonds issued before the effective date of this act to which distributions made pursuant to s. 218.61 are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which~~

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~~result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to paragraph (a) does not reduce the amount of distribution to a county below the amount necessary for the timely payment of principal and interest when due on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds. If a reduction to a county's monthly distribution must be decreased in order to comply with this paragraph, the Department of Revenue must notify the agency of the amount of the decrease and the agency must send a bill for payment of such amount to the affected county.~~

~~Each county shall participate in the following items of care and service:~~

~~(a) For both health maintenance members and fee-for-service beneficiaries, payments for inpatient hospitalization in excess of 10 days, but not in excess of 45 days, with the exception of pregnant women and children whose income is in excess of the~~

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~~federal poverty level and who do not participate in the Medicaid medically needy program, and for adult lung transplant services.~~

~~(b) For both health maintenance members and fee-for-service beneficiaries, payments for nursing home or intermediate facilities care in excess of $170 per month, with the exception of skilled nursing care for children under age 21.~~

~~(2) A county's participation must be 35 percent of the total cost, or the applicable discounted cost paid by the state for Medicaid recipients enrolled in health maintenance organizations or prepaid health plans, of providing the items listed in subsection (1), except that the payments for items listed in paragraph (1)(b) may not exceed $55 per month per person.~~

~~(3) Each county shall set aside sufficient funds to pay for items of care and service provided to the county's eligible recipients for which county contributions are required, regardless of where in the state the care or service is rendered.~~

~~(4) Each county shall contribute its pro rata share of the total county participation based upon statements rendered by the agency. The agency shall render such statements monthly based on each county's eligible recipients. For purposes of this section, each county's eligible recipients shall be determined by the~~

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~~recipient's address information contained in the federally approved Medicaid eligibility system within the Department of Children and Family Services. A county may use the process developed under subsection (10) to request a refund if it determines that the statement rendered by the agency contains errors~~.

(2) ~~(5)~~ In any county in which a special taxing district or authority is located which will benefit from the medical assistance programs covered by this section, the board of county commissioners may divide the county's financial responsibility for this purpose proportionately, and each such district or authority must furnish its share to the board of county commissioners in time for the board to comply with subsection (1) ~~(3)~~. Any appeal of the proration made by the board of county commissioners must be made to the Department of Financial Services, which shall then set the proportionate share of each party.

~~(6) Counties are exempt from contributing toward the cost of new exemptions on inpatient ceilings for statutory teaching hospitals, specialty hospitals, and community hospital education program hospitals that came into effect July 1, 2000, and for special Medicaid payments that came into effect on or after July~~

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(3) ~~(7)~~(a) By August 1, 2012, the agency shall certify to each county the amount of such county's billings from November 1, 2001, through April 30, 2012, which remain unpaid. A county may contest the amount certified by filing a petition under the applicable provisions of chapter 120 on or before September 1, 2012. This procedure is the exclusive method to challenge the amount certified. In order to successfully challenge the amount certified, a county must show, by a preponderance of the evidence, that a recipient was not an eligible recipient of that county or that the amount certified was otherwise in error.

(b) By September 15, 2012, the agency shall certify to the Department of Revenue:

1. For each county that files a petition on or before September 1, 2012, the amount certified under paragraph (a); and

2. For each county that does not file a petition on or before September 1, 2012, an amount equal to 85 percent of the amount certified under paragraph (a).

(c) The filing of a petition under paragraph (a) shall not stay or stop the Department of Revenue from reducing distributions in accordance with paragraph (b) and subsection (4) ~~(8)~~. If a county that files a petition under paragraph(a) is able to demonstrate that the amount certified should be reduced, the agency shall notify the Department of Revenue of the amount of the reduction. The Department of Revenue shall adjust all future monthly distribution reductions under subsection (4) ~~(8)~~ in a manner that results in the remaining total distribution reduction being applied in equal monthly amounts.

(4) ~~(8)~~(a) Beginning with the October 2012 distribution, the Department of Revenue shall reduce each county's distributions pursuant to s. 218.26 by one thirty-sixth of the amount certified by the agency under subsection (3) ~~(7)~~ for that county, minus any amount required under paragraph (b). Beginning with the October 2013 distribution, the Department of Revenue shall reduce each county's distributions pursuant to s. 218.26 by one forty-eighth of two-thirds of the amount certified by the agency under subsection (3) ~~(7)~~ for that county, minus any amount required under paragraph (b). However, the amount of the reduction may not exceed 50 percent of each county's distribution. If, after 60 months, the reductions for any county do not equal the total amount initially certified by the agency, the Department of Revenue shall continue to reduce such county's distribution by up to 50 percent until the total amount

certified is reached. The amounts by which the distributions are reduced shall be transferred to the General Revenue Fund.

(b) As an assurance to holders of bonds issued before the effective date of this act to which distributions made pursuant to s. 218.26 are pledged, or bonds issued to refund such bonds which mature no later than the bonds they refunded and which result in a reduction of debt service payable in each fiscal year, the amount available for distribution to a county shall remain as provided by law and continue to be subject to any lien or claim on behalf of the bondholders. The Department of Revenue must ensure, based on information provided by an affected county, that any reduction in amounts distributed pursuant to paragraph (a) does not reduce the amount of distribution to a county below the amount necessary for the timely payment of principal and interest when due on the bonds and the amount necessary to comply with any covenant under the bond resolution or other documents relating to the issuance of the bonds. If a reduction to a county's monthly distribution must be decreased in order to comply with this paragraph, the Department of Revenue must notify the agency of the amount of the decrease and the agency must send a bill for payment of such amount to the affected county.

(5) ~~(10)~~ For the time period of May 2012 through May 2013, the agency, in consultation with the Department of Revenue and the Florida Association of Counties, shall develop a process for refund requests which:

(a) Allows counties to submit to the agency written requests for refunds of any amounts by which the distributions were reduced as provided in subsection (9), s. 409.915, 2012 Florida Statutes, and which set forth the reasons for the refund requests.

(b) Requires the agency to make a determination as to whether a refund request is appropriate and should be approved, in which case the agency shall certify the amount of the refund to the department.

(c) Requires the department to issue the refund for the certified amount to the county from the General Revenue Fund. The Department of Revenue may issue the refund in the form of a credit against reductions to be applied to subsequent monthly distributions.

(6) ~~(11)~~ Beginning in the 2013-2014 fiscal year and each year thereafter through the 2020-2021 fiscal year, the Chief Financial Officer shall transfer from the General Revenue Fund to the Lawton Chiles Endowment Fund an amount equal to the

amounts transferred to the General Revenue Fund in the previous fiscal year pursuant to subsections (1~~8~~) and (4~~9~~), reduced by the amount of refunds paid pursuant to subsection (5~~10~~), which are in excess of the official estimate for medical hospital fees for such previous fiscal year adopted by the Revenue Estimating Conference on January 12, 2012, as reflected in the conference's workpapers. By July 20 of each year, the Office of Economic and Demographic Research shall certify the amount to be transferred to the Chief Financial Officer. Such transfers must be made before July 31 of each year until the total transfers for all years equal $350 million. In the event that such transfers do not total $350 million by July 1, 2021, the Legislature shall provide for the transfer of amounts necessary to total $350 million. The Office of Economic and Demographic Research shall publish the official estimates reflected in the conference's workpapers on its website.

(7) (~~12~~) The Department of Revenue and the agency may adopt rules to administer this section.

(8) Prior to the 2018 session, the Revenue Estimating Conference shall prepare a report for the Governor, the President of the Senate, and the Speaker of the House of Representatives, which examines the growth rate calculated in

<u>paragraph (1)(a) and the counties' shares and their adjustments in paragraph (1)(c). The report shall be developed by the conference in consultation with the Florida Association of Counties.</u>

Section 2. This act shall take effect June 1, 2013.

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Senator Javier D. Souto

Miami-Dade County Commissioner, District 10

Cordially invites you to the

2013 Miami International Agriculture, Horse & Cattle Show
6th Anniversary
Opening Day VIP Reception

Friday, April 12, 2013 at 6:00 p.m.

Ronald Reagan Equestrian Center at Tropical Park
7900 SW 40 Street, Miami, Florida
(Bird Road Exit at Palmetto Expressway)

Please RSVP to 305-375-4835 no later than April 11, 2013.

A bill to be entitled

An act relating to county reimbursement for Medicaid services; amending s. 409.915 F.S., relating to calculating the county share of resident Medicaid services; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 409.915, Florida Statutes, is amended to read:

409.915 County contributions to Medicaid.—Although the state is responsible for the full portion of the state share of the matching funds required for the Medicaid program, in order to acquire a certain portion of these funds, the state shall charge the counties for certain items of care and service as provided in this section.

(1) ~~(9) (a)~~ Beginning July 1, 2013 ~~May 1, 2012~~, ~~and each month thereafter,~~ each county's contribution shall be calculated as follows:

(a) For the 2013-14 Fiscal Year, the counties' total contribution shall be set at a base amount of $278.4 million. Each county's individual contribution shall be equal its relative share of this total, as follows:

County	Liability (%)	2013-14 Contribution ($Millions)
ALACHUA	1.443%	$ 4.017
BAKER	0.104%	$ 0.289
BAY	0.692%	$ 1.926
BRADFORD	0.193%	$ 0.537
BREVARD	2.533%	$ 7.051
BROWARD	9.005%	$ 25.070
CALHOUN	0.080%	$ 0.223
CHARLOTTE	0.629%	$ 1.752
CITRUS	0.634%	$ 1.765
CLAY	0.660%	$ 1.837
COLLIER	1.057%	$ 2.943
COLUMBIA	0.608%	$ 1.693
DADE	19.034%	$ 52.992
DESOTO	0.205%	$ 0.570
DIXIE	0.121%	$ 0.337
DUVAL	5.349%	$ 14.891
ESCAMBIA	1.634%	$ 4.549
FLAGLER	0.412%	$ 1.148
FRANKLIN	0.106%	$ 0.295
GADSDEN	0.236%	$ 0.657

GILCHRIST	0.086%	$ 0.239
GLADES	0.058%	$ 0.160
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WALTON	0.266%	$ 0.739
WASHINGTON	0.127%	$ 0.353
Grand Total	100.00%	$ 278.364

(b) An additional $20 million shall be added to the base amount for the 2013-14 fiscal year. This additional amount shall not factor into any calculations for the counties' total contribution in subsequent years.

(c) In each subsequent fiscal year, the counties' total contribution shall be determined by changing the base amount in paragraph (a) by 75 percent of the rate of growth in the state's share of total Medicaid spending during the most recently completed calendar year over the 2012 calendar year. Each county's relative share in paragraph (a) shall be changed by the ratio of the total state-share of Medicaid spending during the most recently completed calendar year divided by the total state-share of Medicaid spending during the 2012 calendar year. State Medicaid spending, for the purposes of this section, is all Medicaid spending minus federal funds.

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(d) The agency shall provide the Department of Revenue with the required data pursuant to this subsection no later than April 1 of each year. The Department of Revenue shall notify each county of their new shares no later than May 15 of each year.

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RUTLEDGE ECENIA
PROFESSIONAL ASSOCIATION
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HAROLD F.X. PURNELL
OF COUNSEL

GOVERNMENTAL CONSULTANT
JONATHAN M. COSTELLO

M E M O R A N D U M

To: Joe Rasco
Via electronic mail

Copy To: Jess McCarty
Alina Gonzalez

From: Gary Rutledge
Diana Ferguson
Jon Costello

Date: April 5, 2013

RE: **2013 Legislative Report, Week 5**

WATER PROJECTS

Miami-Dade County's water projects were presented in the House Agriculture and Natural Resources Subcommittee on Monday. The Senate has appropriated $48 million for water projects and has released the list of projects it proposes to fund. The County's public works project is on this list and would receive $1.2 million. The House has appropriated $24 million for water projects and has not yet released its list. The Appropriations Bills passed their respective Appropriations Committee this week and will be heard on the floor next week. The Senate General Appropriations Act is SB 1500 and the implementing bill is SB 1502. The House General Appropriations Act is HB 5001 and the implementing bill is HB 5003.

OCEAN OUTFALLS

SB 444 by Senator Diaz de la Portilla passed its last committee this week and was placed on the Senate's Special Order calendar for April 10. HB 707 by Representative Manny Diaz, Jr. passed its last committee last week and is on the House calendar on second reading.

ELECTIONS

SB 600 passed the Senate Community Affairs Committee this week. Several amendments filed by Democrats failed in committee. One concern expressed by Democrats is that the Sunday before Election Day should be a mandatory early voting day. The bill currently allows voting on the Sunday before Election Day but does not require it. The companion, HB 7113, has passed the House and is in Senate messages. This bill also allows the Sunday before Election Day but it is not required. The bills also both allow for up to 14 days of early voting and allow more early voting sites.

LEGISLATION OF NOTE THAT PREEMPTS OR SIGNIFICANTLY RESTRICTS LOCAL GOVERNMENT

<u>Local Business Tax</u>
We are working with the Florida Association of Counties and other counties to oppose HB 7109 by the House Finance and Tax Subcommittee and Representative Workman which, among other provisions, allows counties to levy the local business tax only in the unincorporated area and collapses the number of categories for the local business tax down to three. This will have the consequence of increasing taxes on small businesses in the unincorporated area significantly, and will adversely affect funding for the Beacon Council, which is also opposing the bill. We had several meetings on this bill and will continue to meet with key legislators to express our opposition to this bill.

There is no Senate bill on the local business tax at this time. The Senate does not have immediate plans to address this issue.

<u>Wage Theft</u>
HB 1125 by Representative Goodson; SB 1216 by Senator Bradley
These bills preempt local wage theft ordinances and provide for a claim under state law for wage theft under certain circumstances. HB 1125 has passed its first committee is in its second committee, Local and Federal Affairs. This bill contains a grandfather clause for ordinances adopted prior to January 1, 2011. However, it provides that those ordinances do not apply to employers with whose annual gross volume of business is more than $500,000. SB 1216 passed its first committee this week after having been not considered or temporarily postponed twice.

This bill contains a grandfather clause for ordinances adopted prior to January 1, 2011, with no restrictions.

Living Wage

HB 655 by Representative Precourt; SB 726 by Senator Simmons

HB 655 preempts local governments from requiring employers to provide certain benefits. It provides specifically that living wage ordinances will sunset in 2016. This bill passed the House this week and is in Senate messages.

SB 726 contains a preemption relating to leave benefits but does not preempt living wage ordinances. The Senate bill initially contained additional provisions in state law that would provide certain leave benefits to employees statewide. However, it has been amended to replace those additional benefits with a study group that would examine the issue and make recommendations to the Legislature. This was done at Senator Latvala's request. The bill will be heard in its final committee next week. The Senate does appear inclined to address the living wage issue and we are working to ensure that the Senate keeps the issue out of its bill.

ENVIRONMENTAL LEGISLATION OF NOTE

Environmental Regulatory Reform

HB 999 by Representative Patronis; SB 1684 by Senator Altman

This bill creates, amends and revises provisions regarding development permit applications, general permits for special events, well permits, exemption from permits and fees and related environmental requirements. HB 999 passed its first committee last week and will be heard in its second committee next week. SB 1684 passed its first committee this week will be heard in the Senate Agriculture Committee next week if the committee receives the bill in time. It was amended in its first committee to limit a provision providing a new "request for additional information" process to registered professionals. This was done in response to concerns from local governments and their associations that the new process would be burdensome if it applied to all permits and could slow the permitting process down. SB 1684 was also amended to remove problematic provisions relating to solid waste and recycling. It is expected that HB 999 will be amended to reflect these changes next week.

Conservation Lands

SB 584 by Senator Hays; HB 901 by Representative Stone

These bills limit a state agency or local government's ability to purchase land for conservation purposes. SB 584 was temporarily postponed this week after a lengthy debate in its first committee, Senate Environmental Preservation and Conservation. HB 901 has not received a hearing.

AGRICULTURAL LEGISLATION OF NOTE

Agricultural Lands

HB 203 by Representative Beshears; SB 1190 by Senator Brandes

These bills prohibit governmental entities from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging an assessment or fee on an activity of a bona fide agricultural farm operation on land classified as agricultural land. The Revenue Estimating Conference expressed concern with the term “assessments” because it was overly broad and gave the bill a significant fiscal impact, so the term was removed from the House bill and will be removed from the Senate bill when it receives another committee hearing. It now applies only to fees, which are more likely to be duplicative in nature than assessments. HB 203 passed its last committee this week and is on the House calendar on second reading. SB 1190 passed its second committee this week and has one committee remaining.

Agritourism

HB 927 by Representative Raschein; SB 1106 by Senator Hays

These bills restrict a local government’s ability to regulate agritourism activity on agricultural land. However, amendments were added to both bills this week that clarify the scope of the restriction so that it is not so broad as it was in the bills as filed. HB 927 passed its last committee this week. SB 1106 is on the Senate Special Order calendar for April 10.

Senator Javier D. Souto

Miami-Dade County Commissioner, District 10

Cordially invites you to the

2013 Miami International Agriculture, Horse & Cattle Show 6th Anniversary Opening Day VIP Reception

Friday, April 12, 2013 at 6:00 p.m.

Ronald Reagan Equestrian Center at Tropical Park

7900 SW 40 Street, Miami, Florida

(Bird Road Exit at Palmetto Expressway)

Please RSVP to 305-375-4835 no later than April 11, 2013.

STATE / LOCAL WEEKLY REPORT

April 8- April 12, 2013

*The weekly report comprises a variety of media sources, including news articles, lobbyist reports and information gathered through the OIA.

LEGISLATIVE ISSUES

*The following update contains information provided by Jess McCarty throughout the week

Medicaid

The Senate this afternoon released its proposal on County Medicaid Contributions as a proposed committee bill, SB 7156, by the Senate Health Policy Committee. The Committee will hear SB 7156 on Tuesday afternoon.

As anticipated, SB 7156 identifies $269.6 million as the statewide county Medicaid contribution for state fiscal year 2013-14, with the amount subject to adjustment each year thereafter. County Medicaid contributions will change each year based on the percentage change in state Medicaid expenditures, which is defined in SB 7156 to be all expenditures used as matching funds for the federal Medicaid program. Increases could be significant depending on whether some form of the Affordable Care Act is implemented in Florida.

Counties will be advised of their annual Medicaid contributions by June 1 of each year, and will be required to pay the monthly amount by the 5th of each month with no limitations on the source for payments. Revenue sharing will be deducted for any amount a county doesn't pay by the 5th. SB 7156 also provides that the amount of each county's contributions for state fiscal year 2013-14 will be provided by the Agency for Healthcare Administration (AHCA) and the Department of Revenue by June 20, 2013.

Here's a link to the text of SB 7156: http://static.lobbytools.com/bills/2013/pdf/7156.pdf.

SB 7156 does not include a lower rate for the 37 fiscally-constrained counties, but this may be the subject of a future amendment. As such, there does not appear to be a cost shift from large counties to fiscally-constrained counties in the bill as currently worded. Current language in the bill should place the per Medicaid enrollee amount at around $83-86 per month per enrollee based on estimates I've seen.

The House has not yet released its proposal for county Medicaid contributions, but we anticipate that it will have the same total amount of $269.6 million, but will use a percentage formula for each county, with Miami-Dade's share being just under 20 percent.

SB 7156 - Relating to County Medicaid Contributions - 2013

Sponsor(s)

by Health Policy

Summary

PCB County Medicaid Contributions; Specifying the initial contribution and revising the method for calculating county contributions; providing timetables for calculating contributions and for payment of contributions; deleting provisions specifying the care and services that counties must participate in, obsolete bond provisions, and a process for refund requests; specifying the method for calculating each county's contribution for the 2013-2014 fiscal year, etc. Effective Date: July 1, 2013

Committees of Reference

» S Health Policy

Actions

Date	Chamber	Action
04/11/13	SENATE	Filed
	SENATE	On Committee agenda - Health Policy, 04/16/13, 1:30 pm, 412 K

Local Business Preference

HB 1017 by Rep. Erik Fresen applied solely to state contracting when it was first filed, but was amended in committee on Tuesday with new language that may affect or even negate our Miami-Dade local preference program. Yesterday's strike-all amendment to CS/HB 1017 amends chapters 255, 283 and 287 to provide a preference for "local businesses" in the award of competitively bid contracts and applies to cities and counties. The definition of "local business" is a business within the State of Florida, either a principal place of business in Florida or at least 60 percent of employees in Florida.

The bill now provides that when a business that is not a Florida business is the lowest responsive bidder, and a Florida business is no more than 10 percent above the lowest bid, then the Florida business and the low bidder must be given an opportunity to submit a best and final bid equal to or lower than the amount of the lowest bid.

There is no language expressly preempting local preference programs, but the bill may nonetheless impact or even negate our Miami-Dade local preference program.

Here's a link to the strike-all amendment to CS/HB 1017, which is the current form of the bill: http://static.lobbytools.com/bills/2013/pdf/1017C1167411.pdf

Wage Theft

The House Local and Federal Affairs Committee heard the House wage theft preemption bill, HB 1125 by Rep. Tom Goodson (R – Titusville), early today. The committee accepted an amendment offered by the bill's sponsor to fully exempt Miami-Dade and Broward Counties from the preemption. Here's a link to the amendment: http://static.lobbytools.com/bills/2013/pdf/1125C1366207.pdf, and the underlying bill: http://static.lobbytools.com/bills/2013/pdf/1125C1.pdf. Committee Chairman Eddy Gonzalez held the bill until the sponsor agreed to fully exempt Miami-Dade County. HB 1125 was recommended favorably by a 3-vote margin, with some Republicans joining Democrats in voting against the bill.

There is still a technical fix to the language that we need to do in both the House and Senate bills (the amendment language needs to apply to both subsections (a) and (b), not just (b)), but the exemption amendment went on the bill today and we'll have an opportunity to fix that issue when the bill is heard in the next committee.

The House bill next goes to Judiciary Committee and then the House floor. The Senate companion bill, SB 1216 fully exempted Miami-Dade County from the wage theft preemption (but not Broward County) last week in committee (see email below). SB 1216 next goes to the Senate Judiciary Committee and then Appropriations before the Senate floor.

LEGISLATIVE NEWS

*Source: Florida Current

House offers a bare-bones alternative to Medicaid expansion

The Florida House Thursday released a low-cost alternative plan to **Medicaid** expansion. **Gov. Rick Scott** quickly criticized it for not taking advantage of federal dollars available to enroll an estimated 1 million uninsured residents in a health care plan.

The House plan would provide 115,000 Floridians with insurance coverage and cost the state $237 million. It would expand a health insurance program pushed by former House Speaker **Marco Rubio**. That plan -- known as **Florida Health Choices** -- currently insures no one.

The proposal would give participants up to $2,000 a year to purchase insurance and require a $25 monthly premium payment. Scott said because it does not qualify for federal funding it amounts to double taxation of the people of Florida. A Senate proposal would draw down about $55 billion in federal subsidies over a 10-year period.

"The House plan will cost Florida taxpayers on top of what they are already taxed under the President's new healthcare law. This would be a double hit to state taxpayers," Scott said in a prepared statement. "The Senate's plan will provide healthcare services to thousands of uninsured Floridians while the program is 100 percent federally funded. As it stands today, the Senate plan is in line with what I said I would support."

Sen. Joe Negron, R-Stuart, proposed a plan to use federal money to provide people with money to purchase private insurance. A second Senate plan, proposed by **Sen. Aaron Bean**, R-Fernandina Beach is similar to the House plan and also makes use of Florida Health Choices. The Bean proposal covers fewer people than either Negron's proposal or the House version: About 60,000 people would be enrolled.

Although the House plan covers a fraction of the estimated million people who would be eligible under the Negron plan and does not draw down billions of federal dollars, it is enough of an offer for Democrats to end their opposition to the House budget proposal. Tuesday night the **Democratic Caucus** decided to vote against the budget to protest the House's refusal to develop an alternative to Medicaid expansion.

House Democratic Leader Perry Thurston, D-Plantation, said Thursday he told his members they can vote their conscience on the budget now that the House has a plan.

"I am not enthralled by the proposal, I recognize that it is at least a minimal attempt toward achieving a legislative compromise," Thurston said.

The House plan gives lawmakers three options after rejecting a traditional expansion of Medicaid to reduce the number of Floridians without health insurance. The House proposal will be introduced at a Monday committee meeting.

Lawmakers have until May 3 to agree to a plan. If a proposal agreeable to the House, Senate and governor cannot be found, in the words of **Senate President Don Gaetz**, "then we turn the lights off in the stadium and we go home and nothing gets done."

Internet Cafes

*Source: Florida Current

Background:

During the past few years, through an unclear facet of state law, hundreds of little "internet cafés" have sprung up across Florida. They offer computer access that can be used for a variety of purposes, but mostly for online gambling. **Senate Rules Committee Chairman John Thrasher**, R-St. Augustine, proposed a moratorium on permitting new locations while the **Senate Gaming Committee** works on the overall issue of casinos and gambling regulation. Then in mid-March 57 people associated with **Allied Veterans of the World** were arrested on racketeering and money-laundering charges, and Lt. Gov. Jennifer Carroll's resigned on the heels of FDLE questions about her links to Allied Veterans. She was not charged with any misdeeds, but those events started the Legislature's sudden stampede to stamp out the Internet cafés.

Current situation:

UPDATE April 10, 2013: Gov. Rick Scott signed HB 155 on April 10 to immediately outlaw Internet sweepstakes cafés, six days after it received Senate approval. He didn't linger over what he termed "the right thing" for the Legislature to do, saying,"We look forward to turning our focus back on jobs and education in this session." The **Department of Agriculture and Consumer Services**, which registered the storefront casinos under the old law, said that local officials would be enforcing the new ban. The new law, though, could mean another legal headache for Scott. More than 100 arcade operators met with Bruce Rogow, a well-known constitutional lawyer in Florida, hours after the bill was signed into law. "I think that there is probably no choice but to file a lawsuit," Rogow told *The Associated Press*.

Update April 4, 2013: The Senate passed **HB 155** by a vote of 36-4, with Senate Democrats from Palm Beach County voting against the measure to outlaw Internet sweepstakes cafés. The bill now heads to **Gov. Rick Scott**'s desk. A spokeswoman for Scott stated he will sign the bill.

Update April 2: After nearly two hours of discussion in which elderly patrons of "adult arcades" pleaded with lawmakers to not close their preferred form of entertainment, the **Senate Rules Committee** passed **SB 1030** to eliminate Internet sweepstakes cafés. **Sen. John Thrasher**, R-St. Augustine, said he doesn't think the bill will infringe on the operations of restaurants such as Chuck E. Cheese's and Dave & Buster's that offer small prizes for video games. He added, though, that he doesn't want to leave open a loophole for Internet sweepstakes café operators to reopen their stores to offer slot-like video games. The bill now goes to the Senate floor and is scheduled to be discussed Thursday, but may be rolled over to third reading for a vote that day, Thrasher said.

Housing

The Associated Press

ORLANDO -- Federal officials are launching an audit into a $1 billion mortgage assistance program in Florida.

U.S. Sen. Bill Nelson said Thursday that the audit would focus on the **Hardest Hit Fund**.

Nelson said in a letter to the **U.S. Treasury Department** that he was concerned about mismanagement in the program.

Nelson says among the problems he is worried about is the fact that Florida has distributed less than 16 percent of the $1 billion the federal government made available to distressed homeowners.

The fund was meant to help out homeowners facing foreclosure.

Florida currently has the nation's highest foreclosure rate.

Internet Sales Tax

Policy Note: Internet Sales Tax

Background:

Retailers have complained for years about investing more in physical stores, employees and local taxes while still being saddled with a sales tax on merchandise that online merchants don't have to pay. Other states have made deals with **Amazon** to collect the tax as the behemoth online firm sets up A warehouse in a state and chases same-day delivery. Florida has yet to do so, however, and lawmakers in favor of bills to collect the tax want to offset it with other tax cuts.

The **Senate Commerce and Tourism Committee** has already inserted Scott's manufacturing tax cuts into its version of the Internet sales tax bill (**SB 316**). Also included in the bill are cuts to the communication services tax, which has the backing of **Senate President Don Gaetz**, who thinks a reduction in the tax on cable and telephone bills is the best way to return the Internet sales tax to taxpayers. The House, however, has been less enthusiastic about Internet sales tax bills than the Senate.

Current Situation:

Update April 11, 2013: SB 316 passed out of the **Senate Appropriations Subcommittee on Finance and Tax**, leaving two more committee stops in that chamber. The bill was amended to remove the manufacturing tax break, which has been inserted into another bill, but retains cuts in the communications services tax and the back-to-school tax holiday.

Update April 1, 2013: Sen. Nancy Detert, R-Venice, sponsor of **SB 316**, said the manufacturing tax cut will be stripped from her bill next week but the back-to-school sales tax holiday will be added to the online sales tax bill to help make the measure "revenue neutral."

Ocean Outfalls

Background:

During the 2008 session, **SB 1302** was passed with the intent of protecting the state's coastal waters and coral reefs by reducing the amount of wastewater pumped through ocean outfalls. Under that law, utilities that use ocean outfalls are required to have a system in place by the end of 2025 to reuse at least 60 percent of the treated wastewater that was being piped into the ocean.

In 2010, legislation passed allowing utilities to send wastewater to other facilities that do not use ocean outfalls.

Currently, there are six wastewater utilities located in Palm Beach, Broward and Miami-Dade counties that discharge to the ocean. These sewage treatment plants discharge more than 300 million gallons of treated wastewater per day. Another plant serves Boynton Beach and Delray Beach, but it stopped operating in 2009 except for emergencies and during rainy periods.

HB 707 and **SB 444**, new bills for 2013, would help ease the pressure on utilities to meet the 60 percent reuse rate by opening the door to a more generalized reuse plan. Instead of making them reuse their ocean outfall water, utilities could meet the 60 percent goal among all the wastewater they handle rather than just from the discharge to the ocean.

Utilities would also be allowed to contract with outside companies to handle their wastewater in order to meet the requirement. The bill also requires a report by the **Florida Department of Environmental Protection** and the **South Florida Water Management District** in 2015 to issue a report on whether the requirement for reusing the treated wastewater requires adjustment.

On another issue related to utilities, a study committee in February recommended a law change that would allow the **Public Service Commission** to fine private water utilities that provide poor water quality.

In recent years, investor-owned water and wastewater utilities have been a source of complaints to the PSC and Legislature. In 2012, the Legislature passed **HB 1389**, establishing the **Study Committee on Investor-Owned Water & Wastewater Utility Systems** to make recommendations and issue a report this year.

To reduce rate case expenses, the committee recommended limiting consultant and attorney fees in staff-assisted rate cases. The panel also recommended eliminating recovery of rate case expenses from more than one case at time.

SB 1386 by **Sen. Alan Hays**, R-Umatilla, was filed Feb. 28 and addressed recommendations made by the study committee.

Current Situation:

<u>Update April 10, 2013</u>: SB 444 dealing with ocean outfalls received a second reading without questions and was placed on the Senate calendar for final adoption. **HB 707** is on the House special order calendar for April 11.

SB 1386 dealing with investor-owned water and wastewater utilities has not been heard in any of its four committee stops and appears dead for the legislative session. There is no House bill companion.

<u>Update April 3, 2013:</u> SB 444 passed its final committee stop, the **Senate Committee on Appropriations,** with a vote of 16-0. The bill passed all three committee stops without opposition.

Miami-Dade Mayor Visits Tallahasee

On Wednesday evening, Miami-Dade County Mayor Carlos Gimenez arrived in Tallahassee to meet with legislators regarding the Dolphins Stadium deal that had been negotiated and adopted by the Miami-Dade Board of County Commissioners earlier that day. On Thursday, Mayor Gimenez met with numerous Senators and House members of the Dade Delegation, as well as, House Speaker William Weatherford.

2013 SESSION DATES

May 3, 2013 60th day – last day of Regular Session

Local News

Miami Beach

*Source: Miami Herald

With a referendum likely on the horizon regarding the Miami Dolphins' bid for public dollars to renovate its stadium, Miami Beach Commissioner Ed Tobin saw an opportunity.

His plan: to add a local ballot question to the referendum, one that would effectively shut out the city's current mayor from upcoming elections.

Time is of the essence here: The Dolphins vote is slated to take place May 14.

But the county's election department got in the way, rebuffing the Beach's request to add the local initiative to the county-wide ballot.

That has led Beach Commissioner Jonah Wolfson to blast the stadium referendum as Dolphins owner Stephen Ross' "own private ballot."

"It's disgusting," Wolfson said.

The spiral of events began Monday, when Tobin called for a special City Commission meeting. He wanted to ask commissioners to add a local ballot question to the referendum. The question: whether to change the city's charter to enact stricter term limits for elected officials.

The question is clearly aimed at current Mayor Matti Herrera Bower, who is term-limited out of her post, but is widely rumored to be considering a run for City Commission. The city's current charter allows her to do that, because it only limits consecutive mayoral or commission terms — it doesn't set an ultimate term-limit for either position, as long as a commission stint doesn't last for more than eight years, or mayoral stint doesn't last more than six. Otherwise, an elected official could, in theory, jump from one post to another without getting shut out of office.

Bower did not immediately return a call for comment.

"There seems to be what seems to be a loophole ... which allows you to start all over again," Tobin said. "I believe that term limits are good to get fresh blood in."

But the county came back with some bad news.

"We are not authorizing municipalities to add questions on this ballot should the election move forward. There is a lot of uncertainty in terms of timing and preparation making it difficult to approve. Thank you," wrote Christina White, the deputy supervisor of elections for Miami-Dade County.

In a city already vehemently against the Dolphins' proposal — the commission passed resolutions against it twice — that news didn't sit well with Commissioner Wolfson.

“If we’re going to have an election, we should have access to that ballot,” he reasoned.

Wolfson has a theory: A local ballot question could drive more Beach voters to the polls.

“And that could be bad for the Dolphins,” he said. “There’s a history of our electorate being against this. I think they know that.”

Tobin, though, has another plan to advance the term-limit issue.

In an email to city officials, Tobin asked that the item be placed on the city’s next commission meeting agenda for approval, if he doesn’t get a special meeting approved.

As for the county’s rejection to put the item on the same ballot as the Dolphins issue: “I believe the county cannot prohibit Miami Beach from calling for a special election on the same day as the Dolphin item. If we schedule our referendum on that day we would save the taxpayers’ money,” Tobin wrote in an email to city officials.

Read more here: http://www.miamiherald.com/2013/04/10/v-print/3336174/miami-beach-leaders-propose-city.html#storylink=cpy

Coral Gables

*Source: Miami Herald

After a combative election season, pomp and civility returned to Coral Gables City Hall Friday morning for the official swearing-in of two new commissioners, Pat Keon and Vince Lago, who were elected to fill Group 3 and 2 seats, respectively, and Mayor Jim Cason, who was re-elected overwhelmingly for a second term.

After thanking residents, city staff, including Manager Pat Salerno, Attorney Craig Leen and Clerk Walter Foeman, Cason offered his vision for his new two-year term:

“We will work to improve the city’s finances and make them rock solid, work to reduce the millage rate for the third consecutive year and work to increase our reserves. We will search for efficiencies in government, get the senior center built, work on pensions…and do everything we can to keep Coral Gables one of the safest cities in the world and finish the 16 Neighborhood Renaissance programs,” he said.

Lago, who faced two challengers, thanked his family, most of whom were in attendance, and joked that he looked forward to being Cason’s right-hand man. “I am just to your right,” he said, laughing, as he noted his position on the dais.

Keon, who defeated four candidates, said she looked forward to working on the city’s finances, neighborhood schools, setting performance standards and measures for the city’s departments “and a host of other things, like parks and public safety and … quality of life,” she said. “I’m so proud to be a long-term resident of this city and proud and honored to serve with my fellow commissioners, our city manager and clerk and dedicated team of professionals. With this group of people we will make it even better."

The commissioners have four-year terms; the mayor has a two-year term.

Residents, commissioners, recent Group 3 candidates P.J. Mitchell and Tony Newell and the newly elected gathered for wraps, meatballs, salad, cakes and cookies on the patio after the swearing-in.

Former commissioners Maria Anderson and Ralph Cabrera, who ran unsuccessfully against Cason, were not in attendance. Each had served 12 years and were term-limited.

Read more here: http://www.miamiherald.com/2013/04/12/v-print/3340606/coral-gables-officially-inducts.html#storylink=cpy

SAVE THE DATE:

MDCLC Monthly Board of Directors Meeting

When: Thursday, May 2, 2013
Where: TBA
Time: Reception 6:00 PM / Dinner Board Meeting 7:00PM

STATE / LOCAL WEEKLY REPORT

April 15- April 19, 2013

*The weekly report comprises a variety of media sources, including news articles, lobbyist reports and information gathered through the OIA.

LEGISLATIVE ISSUES

*The following update contains information provided by Jess McCarty throughout the week

Dolphins Bill

On Thursday, the Senate Dolphins bill, SB 306, passed out of its final committee, Senate Appropriations Committee, and is now ready for the Senate floor. Three amendments went on the bill:

1. Conforms referendum language to what already appears in the House companion bill: http://static.lobbytools.com/bills/2013/pdf/0306C2877868.pdf

2. Removes language subjecting distributions to adjustment to facilitate the ability to bond revenue: http://static.lobbytools.com/bills/2013/pdf/0306C2970436.pdf

3. Revises the proposed program for state funding of professional sports franchise facilities by reducing the total annual funding from $15 million to $13 million, creating tiers of sales tax incentive based on total project costs and excluding sales tax revenues generated from ancillary businesses outside the ticketed area for purposes of the program: http://static.lobbytools.com/bills/2013/pdf/0306C2277498.pdf

Here's a link to the underlying bill: http://static.lobbytools.com/bills/2013/pdf/0306C2.pdf. SB 306 continues to eliminate an incentive for international banking to pay for the $13 million cost of the professional sports franchise facilities program, which draws some opposition. SB 306 next goes to the Senate floor.

The House companion bill, HB 165 still needs to be heard in the House Appropriations Committee before reaching the House floor. HB 165 and SB 306 take different approaches, HB 165 relates specifically to the renovation of a professional sports facility that meets certain criteria, while SB 306 creates a statewide competitive program for professional sports facility funding generally.

Ocean Outfalls

On Wednesday, the House took up HB 707 by Rep. Manny Diaz (R – Hialeah) re: Ocean Outfalls and substituted the Senate companion bill, SB 444 by Senator Miguel Diaz de la Portilla which was waiting in messages. SB 444 had passed the full Senate on April 11 by a vote of 40-0. The House then passed SB 444 by a vote of 117-0. SB 444 has now cleared the Legislature and goes to the Governor.

SB 444 allows up to 5 percent of annual treated flows to continue to be discharged through ocean outfalls during peak flow events saving an estimated $820 million in infrastructure costs to Miami-Dade County ratepayers. This change in law avoids infrastructure costs that would have been otherwise required under legislation passed in 2008. The Ocean Outfalls issue was a critical priority in the County's 2013 state legislative package as approved by the Board.

Texting While Driving / Red Light Cameras

The full Senate passed SB 52 by Senator Nancy Detert (R – Venice) re: texting while driving on Tuesday by a vote of 36-0. SB 52 is now in messages to the House where the House companion bill, HB 13 by Reps. Doug Holder (R- Sarasota) and Ray Pilon (R- Sarasota) is waiting on the House 2nd reading floor calendar. It is anticipated that the House will take up and pass SB 52 in the remaining 2 ½ weeks remaining in the session. Based on BCC Resolution No. R-723-12 which urged the Legislature to ban texting while driving, we have supported SB 52 and HB 13 as these bills have moved through committees, along with a large group of advocates.

SB 52 prohibits driving while typing on a handheld wireless communication device or sending or reading data on the device. There are exceptions for emergency workers, reporting emergencies or suspicious activities and receiving various types of navigation information, emergency traffic data and radio broadcasts. There is also an exception for receiving communications that can be conducted without manually typing the message or without reading the message. The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of $30 plus court costs. A second violation committed within 5 years after the first is a moving violation that is punishable by a $60 fine plus court costs. Here's a link to the version of SB 52 that the Senate passed on Tuesday: http://static.lobbytools.com/bills/2013/pdf/0052C3.pdf.

HB 7125 is the Dept. of Highway Safety & Motor Vehicles package and it was heard in the House Economic Affairs Committee Tuesday afternoon. Rep. Frank Artiles (R – Miami) ran an amendment that would prohibit the use of red light cameras to enforce right turns on red. On a close voice vote, the committee adopted the Artiles amendment. Here's a link to the Artiles amendment: http://static.lobbytools.com/bills/2013/pdf/7125C1103103.pdf.

HB 7125 next goes to the House floor. The Senate companion bill is SB 1458 by Sen. Jeff Brandes (R – St. Petersburg). SB 1458 was heard out of Senate Appropriations Committee on Thursday and is scheduled to be heard on the Senate floor. SB 1458 has been placed on Special Order Calendar for Thursday, April 25th.

Medicaid Contributions

On Monday, the Senate Health Policy Committee has released its staff analysis of SB 7156 re: County Medicaid Contributions, which includes county-by-county fiscal estimates. The Health Policy Committee heard SB 7156 on Tuesday afternoon. Here's a link to the staff analysis and it's also attached (see page 7): http://static.lobbytools.com/bills/2013/pdf/AS71561404.pdf.

The Senate analysis indicates that Miami-Dade County has 611,997 Medicaid enrollees as of March 1, 2013, which accounts for 18.4 percent of total Medicaid enrollees statewide, and estimates that Miami-Dade's annual contribution would be $49.7 million out of a statewide total of $269.6 million. I'm told the numbers are based on an amount of $83 per month per Medicaid enrollee.

The Florida Association of Counties did a separate county-by-county analysis of SB 7156. FAC's analysis attributes 18.7 percent of total Medicaid enrollees to Miami-Dade County for a total FY 2013-14 cost of $50.4 million. FAC also estimates that Miami-Dade's FY 2012-13 Medicaid cost under the current billing system is $47.4 million (see attached and below).

Orange County is shopping an alternate approach in which county Medicaid contributions for nursing home services would move to a formula-based approach, while individual county Medicaid hospital billings would continue to be reviewed on an individual basis. Orange asserts that Medicaid claims for nursing home stays make up 80 percent of claims, but that these claims make up less than 10 percent of county Medicaid billings, while Medicaid billings for hospital services make up about 20 percent of claims but 80 percent of overall costs. A copy of the Orange County approach of bifurcating Medicaid nursing home claims from Medicaid hospital claims and individually reviewing only hospital claims is attached.

Please click on the link below to view the data associated with SPB 7156 (relating to County Medicaid Contributions).

SPB 7156: FAC Fiscal Analysis

To view other documents related to this bill visit our website at http://www.fl-counties.com/advocacy/2013-legislative-priorities/medicaid.

**Attached please find the legislative report provided by Rutledge Ecenia*

LEGISLATIVE NEWS

Budget Conference

*Source: Florida Current

House Speaker Will Weatherford, R-Wesley Chapel, and Senate President Don Gaetz, R-Niceville, exchanged pleasantries in front of members of Appropriations Conference Committees and a lobby corps that packed the meeting room Thursday. The meeting was the first in a series of powwows between the two chambers as they hash out a $74 billion-plus budget for the 2013-2014 fiscal year.

Weatherford noted budget allocations were agreed to earlier in the process than in the past four years, and gave a nod to the turbulent budget talks of the past two years -- one of which resulted in the crash landing at session's end in 2011.

"I think we can do this in a way that is unlike what we've done in recent history where we don't have to wait until the last minute," Weatherford said. "We can finish the budget on time and we can show the people of Florida that we can be adults and we can do this the right way and be proud of the end result."

The two chambers have agreed to allocations, or total funding for individual portions of the budget:

Education	$14.1 billion
Health Care	$7.79 billion
Justice	$3.51 billion
Transportation & Economic Development	$152.8 million
Agriculture & Natural Resources/General Government	$301.9 million
Government Operations/General Government	$276 million
Administered Funds -- Statewide Issues (includes education FCO)	$846 million
Total General Revenue Fund Allocations	$26.99 billion

Despite the agreement on total budget numbers, there are significant differences in the makeup of each chambers' budget.

Perhaps the largest sticking point is the expansion of **Medicaid** under the federal **Affordable Care Act**. Neither chamber wants to expand Medicaid -- as the decision to expand the health care program for low-income and elderly residents under the federal law is left up to the states -- but the Senate prefers to accept federal money for premium assistance for private health care plans while the House prefers a plan to reject federal funds but use state money to expand health coverage.

Both chambers pay for one of **Gov. Rick Scott**'s top priorities, a $2,500 raise for teachers, but the House goes further than the $480 million needed to fund the raises, setting aside $676 million for larger pay increases. Scott's other priority, the elimination of the sales tax on machinery and equipment for manufacturers, is not included in either chambers' budget but is still alive as separate bills in the House and Senate - HB 391 and SB 518, respectively.

Substantive policy issues will also be addressed in conference. The House and the Senate have different approaches on how best to consolidate state agency information technology functions, the size of raises or bonuses for state workers, whether to impose more requirements and qualifications for taxpayer incentives for businesses.

Elections News

Agriculture Commissioner Seeks Re-election

Source: Ledger

Florida Agriculture Commissioner Adam Putnam of Bartow opened a campaign account Tuesday to seek re-election in 2014 to a second four-year term.

Putnam made no official announcement of his filing.

A former state legislator and once the third-ranking Republican in the U.S. House of Representatives, Putnam often has been mentioned as a possible contender for the GOP nomination for governor if Gov. Rick Scott should choose not to run for re-election in 2014 or if Scott's approval rating is very low. Putnam also is rumored as a possibility in the 2018 governor's race.

Putnam was first elected to the Florida House in 1996 after graduating from college only 11 months before. In 2000, he was elected to the U.S. House, and he rose quickly through the ranks of the Republican-controlled House.

After Democrats won control of the lower chamber of Congress in 2008 and the state agriculture commissioner's job opened in 2010, Putnam ran for the post and won handily.

He reorganized the Department of Agriculture and has begun work to revamp and strengthen the Consumer Affairs Division, which falls within the department.

The school lunch program was brought under the Department of Agriculture and Consumer Affairs, and Putnam developed a plan to use more fresh produce from Florida growers in school lunches.

His push to protect minors from identity theft is rushing through the Legislature.

The other candidate in the agriculture commissioner race is Democrat Thaddeus Hamilton of Sunrise.

2013 SESSION DATES

May 3, 2013   60th day – last day of Regular Session

Local News

Bay Harbor Islands

*Source: Miami Herald

Bay Harbor Islands voters went to the polls Tuesday to elect two members to the Town Council. In the three-way at-large race, the two top finishers were incumbent Stephanie Bruder and former Miami Beach Police Lt. Kelly Reid, who was elected to her first term.

David F. Anderson placed third.

The election in the town of 6,000 residents drew a turnout of just over 24 percent.

Town council memebrs are elected to four-year terms.

One issue in the election was the "transfer of developing rights," or TDRs. TDRs essentially allow landowners to sell their right to build tall buildings on their property. The result is less development on the seller's land but potentially a bigger building on theland of the TDR's buyer.

Read more here: http://www.miamiherald.com/2013/04/17/v-print/3349038/two-elected-to-bay-harbor-islands.html#storylink=cpy

Miami Beach

*Source: Miami Herald

Along with a new city manager, Miami Beach has several new department heads.

The officials were confirmed at Wednesday's regular commission meeting.

Miami Beach had been without leaders for many of its departments for some time. Jimmy Morales, who was recently hired as city manager, saw that as an opportunity to "bring in a new team" and "shake up the organization a bit, and move forward."

The new hires are:

• Eric T. Carpenter, Director of Public Works: Carpenter comes from the City of Doral, where he served as an award-winning director of Public Works. He is a registered professional engineer and has more than 10 years of public- and private-sector experience.

• Mariano V. Fernandez, Director of Building and Building Official: Fernandez has worked for 35 years in both the public and private sectors, most recently serving as building director/official for the City of Miami. He also is a professional engineer.

The Beach's building department has been scandal-plagued for years. In 2008, two building department employees were arrested for taking bribes, including a Rolex watch, from a developer. The then-director of the department resigned after the city manager said he had lost confidence in him.

More recently, city commissioners ousted Cynthia Curry shortly after she was appointed building director. It turned out she had admitted only weeks earlier to knowingly and repeatedly double-billing Miami-Dade County for work at Miami International Airport.

The city previously had two people doing the job that Fernandez will now do. That's because Stephen Scott, who served as the department director, didn't have the required license to be the building official. Scott will now be deputy director of the department. The previous building official was retired and only came back to help the city until a permeant official was hired.

Morales, the new city manager, said Fernandez “runs a clean shop,” and “his reputation for customer service is awesome.”

• Keith R. Kleiman, director of the Office of Budget and Performance Improvement: Kleiman comes from the city of Coral Gables and also worked at North Miami. He has worked in the public sector for 33 years.

• Sylvia Crespo-Tabak, Director of Human Resources: Before landing her permanent new role, Crespo-Tabak was tapped in September 2012 to help Miami Beach prepare for union contract negotiations. She also directed and supervised the Labor Relations and Employee Relations divisions, and heard grievances.

Crespo-Tabak has 20 years of experience in her field. She has worked for Miami-Dade County and Jackson Memorial Hospital.

Read more here: http://www.miamiherald.com/2013/04/18/v-print/3351842/new-miami-beach-city-manager-hires.html#storylink=cpy

SAVE THE DATE:

MDCLC Monthly Board of Directors Meeting

When: Thursday, May 2, 2013
Where: TBA
Time: Reception 6:00 PM / Dinner Board Meeting 7:00PM

County Medicaid Billing
Hybrid Approach

Background

Since 1991, the state has charged for certain Medicaid services provided to county residents. Counties are required to reimburse the state for 35 percent of the cost of hospital stays of 11 to 45 days, except for pregnant women and children, and $55 a month for each nursing home Medicaid patient.

Following a massive backlog review of 1.6 million claims in 2012, only $160 million of the $368 million billed to counties statewide were deemed accurate – an error rate of more than 50 percent.

Currently, the Florida Legislature is reviewing changes to the Medicaid billing process for counties. Since 2012, several new variables have added to the discussion and uncertainty, including transitioning to a DRG (diagnosis-related group) reimbursement system, potential alternatives to Medicaid expansion under the Affordable Care Act, and a statewide managed care system.

Current FAC Position

County Medicaid Billing Should Include:

- Reduced base that is fairly derived, equitable, and recognizes state cost-savings and other legislative impacts to local revenues.
- Accurate, reliable and current data rather than estimates and projections to determine any county proportionate share.
- Cap on growth to provide budget certainty during the implementation of reforms.
- Flexibility in source of payment for counties.
- Verification and data reconciliation process for process improvement and transparency.
- Study of the effects of Medicaid reforms on state and county costs to inform future decisions or changes to county cost-share.
- Options that allow a county to pay a bill related to services under the DRG reimbursement system.

Reality

When discussing the current “formula-based” approach developed by FAC with House, Senate, Governor’s Office, and AHCA staff in recent weeks, Orange County heard consistent feedback from all parties:

- An opt out provision for counties that wish to remain in a billing system is not viable. A single approach – used by all counties – is the only method of interest.
- There is no flexibility for negotiating a lower base amount.
- There is no appetite for a growth cap in any form.
- Reducing administrative burdens associated with the current billing and dispute process is the primary reason why the streamline (i.e. formula-based) approach is being pursued by House staff, Senate staff, and the Governor’s office.
- Proposed Medicaid expansion in the state is still unclear.

Accountability

Remaining in direct billing system is critically important to Orange County. Absent the ability to review bills and dispute erroneous claims, accountability is removed from the process – a process with a history of flaws. During the backlog review in 2012, Orange County was billed $24 million. After a thorough staff review, the county paid $1.3 million.

Additionally, a system that is not based on billing is highly vulnerable to arbitrary changes in future years.

Alternative Proposal

Dramatically reducing the administrative time associated with reviewing bills, while maintaining integrity and accountability in the county billing process is possible. The following approach: 1) reduces administrative burdens for counties and the state, 2) offers an accountable system based on actual data, and 3) provides budget predictability for all parties.

Nursing home bills account for a majority of the bills reviewed by the state and the counties, yet they represent a small fraction of overall payments.

> Last year, 81 percent of the claims received by Orange County and reviewed by Orange County were nursing home claims. However, the cost of those claims accounted for only eight percent of what the county paid. This figure is consistent with statewide data provided by AHCA.

A formula-based approach confined to nursing home claims would substantially reduce the time and cost associated with reviewing Medicaid billing. Counties would be assessed based on the number of Medicaid patients in a nursing home, at $55 each month. AHCA currently collects this data on a county-by-county basis.

Remaining Medicaid bills for hospital services – which represent roughly 20 percent of the claims currently reviewed by counties and an estimated 80 percent of the overall cost – would continue under the proposed county billing system outlined in the *DRG Conversion Implementation Plan* completed by Navigant for AHCA.

7.15.2 County Billing Rate - Recommendation

We recommend the portion of payment defined as the responsibility of the county be calculated on a claim-by-claim basis. The county's portion can be calculated by dividing the number of days for which the county is responsible (any days after day 10, capped at day 45 for adults) by the total covered days on the claim and multiplying that percentage times the claim DRG payment (payment including outliers and excluding supplemental add-on payments from IGT funds), and multiplying this result by 35%. The IGT portion of total claim payment is excluded because counties are not responsible for funding those payments (or in some cases already provided the funds for those payments).

[County Billing Rate: Navigant Report, page 70]

HYBRID APPROACH

Medicaid Nursing Home Claims
Derived by Formula

Medicaid Nursing Home Patients in County		Flat Amount Per County		Months Per Year		
[Base Amount]	X	$55.00	X	12	=	TOTAL PAYMENT

Hospital Billing
Claim-by-Claim

Number of Days County Responsible		Total Covered Days on Claim		Claim DRG Payment*				
	÷		X		X	35 %	=	PAYMENT

* Payment including outliers and excluding supplemental add-on payments from IGT funds

County	Est. FY 2013 Medicaid Cost	% Enrollees	269,600,000 FY 2014 Medicaid Cost	FY 2013 vs. FY 2014	% Change
ALACHUA	3,212,661.04	1.06%	2,850,004.07	(362,656.97)	(11.29%)
BAKER	290,743.26	0.16%	438,998.59	148,255.33	50.99%
BAY	1,526,493.86	0.99%	2,667,347.04	1,140,853.18	74.74%
BRADFORD	451,040.94	0.17%	463,448.08	12,407.14	2.75%
BREVARD	6,213,101.80	2.30%	6,195,551.43	(17,550.37)	(0.28%)
BROWARD	23,198,708.04	8.39%	22,607,629.32	(591,078.72)	(2.55%)
CALHOUN	210,427.76	0.09%	252,812.78	42,385.02	20.14%
CHARLOTTE	1,454,100.64	0.61%	1,631,478.40	177,377.76	12.20%
CITRUS	1,667,575.80	0.68%	1,837,492.67	169,916.87	10.19%
CLAY	1,595,450.82	0.74%	1,989,230.75	393,779.93	24.68%
COLLIER	2,917,747.98	1.28%	3,440,656.72	522,908.74	17.92%
COLUMBIA	1,401,587.20	0.46%	1,238,690.19	(162,897.01)	(11.62%)
DADE	47,397,007.10	18.71%	50,441,988.49	3,044,981.39	6.42%
DESOTO	421,072.44	0.24%	636,779.01	215,706.57	51.23%
DIXIE	246,379.06	0.12%	321,876.29	75,497.23	30.64%
DUVAL	13,416,797.56	5.15%	13,886,218.63	469,421.07	3.50%
ESCAMBIA	4,059,059.72	1.81%	4,873,010.40	813,950.68	20.05%
FLAGLER	998,891.34	0.43%	1,148,201.87	149,310.53	14.95%
FRANKLIN	227,920.58	0.07%	184,001.32	(43,919.26)	(19.27%)
GADSDEN	600,399.42	0.37%	998,900.34	398,500.92	66.37%
GILCHRIST	195,807.66	0.10%	264,911.50	69,103.84	35.29%
GLADES	138,303.72	0.04%	98,974.23	(39,329.49)	(28.44%)
GULF	190,892.06	0.08%	209,627.08	18,735.02	9.81%
HAMILTON	187,429.10	0.11%	285,832.19	98,403.09	52.50%
HARDEE	275,973.06	0.22%	602,751.37	326,778.31	118.41%
HENDRY	410,723.26	0.35%	931,769.26	521,046.00	126.86%
HERNANDO	2,167,459.88	0.95%	2,548,964.46	381,504.58	17.60%
HIGHLANDS	1,176,389.96	0.57%	1,526,118.74	349,728.78	29.73%
HILLSBOROUGH	17,480,001.94	7.38%	19,900,205.28	2,420,203.34	13.85%
HOLMES	254,364.08	0.16%	425,891.65	171,527.57	67.43%
INDIAN RIVER	999,001.82	0.59%	1,587,368.50	588,366.68	58.90%
JACKSON	549,397.66	0.32%	872,535.96	323,138.30	58.82%
JEFFERSON	207,895.82	0.08%	222,313.93	14,418.11	6.94%
LAFAYETTE	35,386.72	0.04%	98,134.04	62,747.32	177.32%
LAKE	3,834,321.52	1.47%	3,964,598.39	130,276.87	3.40%
LEE	6,314,144.84	3.02%	8,149,242.19	1,835,097.35	29.06%
LEON	2,336,045.90	1.08%	2,904,532.31	568,486.41	24.34%
LEVY	643,499.18	0.26%	706,346.63	62,847.45	9.77%
LIBERTY	126,332.08	0.05%	130,733.36	4,401.28	3.48%
MADISON	215,992.32	0.15%	395,728.87	179,736.55	83.21%
MANATEE	4,079,449.60	1.48%	3,979,301.69	(100,147.91)	(2.45%)
MARION	4,096,768.68	1.02%	2,736,998.69	(1,359,769.99)	(33.19%)
MARTIN	886,314.86	0.45%	1,220,626.13	334,311.27	37.72%
MONROE	658,885.00	0.23%	615,522.24	(43,362.76)	(6.58%)
NASSAU	602,696.54	0.30%	803,472.45	200,775.91	33.31%
OKALOOSA	1,424,324.22	0.75%	2,015,948.75	591,624.53	41.54%
OKEECHOBEE	589,818.62	0.28%	754,657.48	164,838.86	27.95%
ORANGE	16,797,818.52	6.60%	17,798,137.19	1,000,318.67	5.96%
OSCEOLA	4,055,553.46	2.24%	6,041,460.82	1,985,907.36	48.97%
PALM BEACH	14,830,324.60	5.70%	15,379,065.90	548,741.30	3.70%
PASCO	6,012,814.14	2.29%	6,168,749.41	155,935.27	2.59%
PINELLAS	16,706,329.52	4.11%	11,076,543.62	(5,629,785.90)	(33.70%)
POLK	9,158,975.80	3.77%	10,151,999.98	993,024.18	10.84%
PUTNAM	1,049,313.40	0.62%	1,675,672.33	626,358.93	59.69%
SANTA ROSA	1,160,789.50	0.58%	1,569,724.54	408,935.04	35.23%
SARASOTA	3,091,863.08	1.33%	3,572,566.34	480,703.26	15.55%
SEMINOLE	4,373,446.64	1.48%	4,000,306.41	(373,140.23)	(8.53%)
ST. JOHNS	1,154,915.14	0.51%	1,377,069.27	222,154.13	19.24%
ST. LUCIE	2,902,785.40	1.52%	4,086,425.75	1,183,640.35	40.78%
SUMTER	548,810.62	0.28%	768,268.54	219,457.92	39.99%
SUWANNEE	632,637.38	0.30%	809,773.86	177,136.48	28.00%
TAYLOR	258,458.18	0.14%	386,738.86	128,280.68	49.63%
UNION	188,732.88	0.08%	217,944.95	29,212.07	15.48%
VOLUSIA	5,778,313.60	2.60%	7,013,223.06	1,234,909.46	21.37%
WAKULLA	258,736.14	0.14%	364,977.97	106,241.83	41.06%
WALTON	574,884.38	0.24%	642,156.22	67,271.84	11.70%
WASHINGTON	286,397.24	0.16%	441,771.21	155,373.97	54.25%
TOTAL	251,406,686.08	100.00%	269,600,000.00		

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Health Policy

BILL: SPB 7156

INTRODUCER: For Consideration by Health Policy Committee

SUBJECT: County Contributions to Medicaid

DATE: April 15, 2013 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd/Cote	Stovall/ Diez-Arguelles	HP	**Pre-meeting**
2.				
3.				
4.				
5.				
6.				

I. Summary:

SPB 7156 revises the current process for determining and collecting counties' contributions to the Medicaid program. For state fiscal year 2013-2014, the total amount of the counties' contribution is set at $269.6 million. For each year thereafter, the total annual amount of the counties' contribution is adjusted by the percentage change in state Medicaid expenditures. Each county is responsible for paying a portion of the annual counties' contribution based on the county's proportion of Medicaid enrollees as of March 1 of each year.

The Revenue Estimating Conference has not examined this bill. Based on current estimates of state Medicaid expenditures and collections of counties' contributions to Medicaid, staff anticipates the following annual changes to General Revenue Fund receipts: fiscal year 2013-2014: no change; fiscal year 2014-2015: $2.4 million reduction; fiscal year 2015-2016: $8.2 million reduction; fiscal year 2016-2017: $12.4 million reduction; fiscal year 2017-2018: $16.1 million reduction.

This bill substantially amends section 409.915 of the Florida Statutes.

II. Present Situation:

County Contributions to Medicaid

Chapter 72-225, Laws of Florida, created s. 409.267, F.S., which required county participation in the cost of certain services provided to county residents through Florida's Medicaid program. In 1991, s. 409.267, F.S., was repealed and replaced with s. 409.915, F.S., which provides that the state shall charge counties for certain items of care and service. Counties are required to reimburse the state for:

- 35 percent of the cost of inpatient hospitalization in excess of 10 days, not to exceed 45 days, with the exception of pregnant women and children whose income is in excess of the federal poverty level and who do not participate in the Medicaid medically needy program, and for adult lung transplant services; and
- 35 percent of the cost of nursing home or intermediate facilities in excess of $170 per month, limited to $55 per resident per month, with the exception of skilled nursing care for children under age 21.

The Agency for Health Care Administration (AHCA) provides each county with a monthly bill based on payments made on behalf of the county's residents. The amount collected from the counties is deposited into the General Revenue Fund.

For the period from state fiscal year 1994-1995 through fiscal year 2006-2007, county contributions to Medicaid collections were approximately 93 percent of total billings in any fiscal year. For fiscal year 2007-2008 through fiscal year 2011-12, county contributions to Medicaid collections dropped to less than 90 percent of total billings, with only 64.7 percent of billings billed in fiscal year 2010-2011 being paid in that year. The decline in collections was caused mainly by the inability of the AHCA and individual counties to reach agreement on whether certain Medicaid recipients were residents of the county. The decline in the amount of billings collected resulted in a large backlog of past due billings.

In 2012, the Legislature reacted to this situation by enacting ch. 2012-33, L.O.F.

Backlog Payments

Chapter 2012-33, L.O.F., amended s. 409.915, F.S., requiring that the amount of each county's billings that remained unpaid as of April 30, 2012, be deducted from the county's monthly revenue sharing distribution over a 5-year period. The amounts by which the distributions are reduced are being transferred to the General Revenue Fund.

By August 2, 2012, the AHCA certified to each county the amount of billings that remained unpaid from November 1, 2001 through April 30, 2012. A county could challenge the amount certified by filing a petition with the AHCA prior to September 1, 2012.[1] This procedure was the exclusive method to challenge the amount certified. The AHCA permitted the counties to make a full or partial payment in the form of a check or wire transfer by September 13, 2012, instead of applying reductions to the revenue sharing distributions. On September 15, 2012, the AHCA certified the amount of past billings for each county to the Department of Revenue (DOR). For counties that filed a petition, the AHCA certified 100 percent of the past due billings. For counties that did not file a petition, The AHCA certified 85 percent of the past due billings. Starting with the October 2012 distribution, DOR deducted the amount of past due billings certified by the AHCA from each county's monthly revenue sharing distribution. The deductions will continue for 5 years or until each county has paid the total amount of past due billings.

[1] A county could file a petition under the applicable provisions of Chapter 120, F.S.

Prospective Billings

Chapter 2012-33, L.O.F., also provided a new process for collecting counties' future contributions to Medicaid. Beginning May 1, 2012, and each month thereafter, the AHCA had to certify to the DOR the amount of monthly statements rendered to each county based on each county's Medicaid billings. The law provided for the DOR to reduce each county's monthly distribution from the Local Half-Cent Sales Tax Trust Fund by the amount certified by AHCA. The amounts by which the distributions were reduced were to be transferred to the General Revenue Fund.

The law also directed the AHCA to develop a process allowing counties to submit written requests for refunds. If approved, AHCA would certify to DOR the amount of the refund and DOR would issue the refund from the General Revenue Fund.

Since half of the county revenue sharing, and all of the half-cent, distributions, may be used by counties to pay debt service on bonds, the law provided an assurance to bondholders for bonds issued before July 1, 2012.

Administrative Billing and Refund Process

In order to address the counties' concerns regarding the new law, the AHCA developed a process for monthly billings which allows counties to submit both advanced and back end refund requests.[2] Counties must include the reason and provide documentation for the request. Advanced refund requests must be received by AHCA by the end of each billing month. The agency withholds certifying the amount of the advanced refund request to DOR in order to provide time to research and resolve the requests. Advanced refund requests are researched within 60 days by AHCA. Denied refund requests are certified to DOR on a subsequent bill. If a refund request is granted and the bill should have been submitted to another county, the amount will be transferred and certified by AHCA to the appropriate county on a subsequent billing. The ability for a county to make an advanced refund request will expire on April 30, 2013.

In addition to an advanced refund request, a county may submit a back end refund request within 60 days from the date of certification. Counties requesting a back end request have already paid their billing and then subsequently filed their dispute after a monthly payment. The AHCA notifies the counties whether the refund request is granted within 90 days after certification. If a back end refund request is granted, the refund will be a credit applied to a future bill and may be transferred to the appropriate county on a subsequent bill.

The AHCA also permits each county to submit payment in the form of a check or wire transfer to the agency. The payment must be received by the agency by the 5th day of the month. If the payment is not received by the agency by the 5th day of the month, the agency certifies the amount of the county billing to the DOR for withholding from monthly Local Half-Cent Sales Tax distributions.

[2] *See* Rule 59G-1.025, F.A.C., Medicaid County Billing.

County Revenue Sharing Program[3]

The Florida Revenue Sharing Act of 1972 was a major attempt by the Legislature to ensure a minimum level of revenue parity across units of local government.[4] Provisions in the enacting legislation created the Revenue Sharing Trust Fund for Counties. Currently, the trust fund receives 2.9 percent of net cigarette tax collections and 2.044 percent of sales and use tax collections.[5] An allocation formula serves as the basis for the distribution of these revenues to each county that meets the strict eligibility requirements. The county revenue sharing program is administered by the DOR and monthly distributions are made to the eligible counties.

There are three categories of shared revenues received by the counties, including the guaranteed entitlement, the second guaranteed entitlement, and a third category which includes an adjustment for growth in revenues. The guaranteed entitlement is equal to the aggregate amount received from the state in fiscal year 1971-1972 under then-existing statutory provisions. The second guaranteed entitlement is equal to the aggregate amount received from the state in fiscal year 1981-1982 under then-existing statutory provisions minus the guaranteed entitlement. The revenue is adjusted so that all counties receive at least their minimum entitlement, which means the amount of revenue necessary for a county to meet its obligations as a result of pledges, assignments, or trusts entered into which obligated Trust Fund monies. Finally, after making these adjustments, any remaining Trust Fund monies shall be distributed on the basis of additional revenue of each qualified county in proportion to the total additional revenues for qualified counties.

There are no restrictions on the use of these revenues other than a statutory limitation regarding funds that can be used as a pledge for indebtedness. Chapter 218.25, F.S., restricts the amount of funds that can be pledged for bonded indebtedness. Counties are allowed to pledge the guaranteed entitlement proceeds.[6] Additionally, the second guaranteed entitlement may also be assigned, pledged, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness.[7] However, a county may only assign, pledge, or set aside as a trust for the payment of principal or interest on bonds, tax anticipation certificates, or any other form of indebtedness, an amount up to 50 percent of the funds received in the prior year.[8]

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[3] A full description including tables providing estimates of distributions to counties from the county revenue sharing program can be found in the 2012 Local Government Financial Handbook. See Florida Legislature, Office of Economic and Demographic Research, 2012 LOCAL GOVERNMENT FINANCIAL INFORMATION HANDBOOK, available online at <http://edr.state.fl.us/Content/local-government/reports/lgfih12.pdf>, (Last visited April 14, 2013).
[4] Chapter 72-360, L.O.F.
[5] Sections 212.20(6)(d)4. and 210.20(2)(a), F.S.
[6] Section 218.25(1), F.S.
[7] Section 218.25(2), F.S.
[8] Section 218.25(4), F.S.

Local Government Half-Cent Sales Tax Program[9]

Authorized in 1982, the local government half-cent sales tax program generates the largest amount of revenue for local governments among the state-shared revenue sources currently authorized by the Legislature.[10] The program distributes a portion of state sales tax revenue via three separate distributions to eligible county or municipal governments. Additionally, the program distributes a portion of communications services tax revenue to eligible local governments. Allocation formulas serve as the basis for these separate distributions. The program's primary purpose is to provide relief from ad valorem and utility taxes in addition to providing counties and municipalities with revenues for local programs.

The program includes three distributions of state sales tax revenues collected pursuant to ch. 212, F.S. The ordinary distribution to eligible county and municipal governments is possible due to the transfer of 8.814 percent of net sales tax proceeds to the Local Government Half-cent Sales Tax Clearing Trust Fund.[11] The emergency and supplemental distributions are possible due to the transfer of 0.095 percent of net sales tax proceeds to the Trust Fund.[12] The emergency and supplemental distributions are available to select counties that meet certain fiscal-related eligibility requirements or have an inmate population of greater than seven percent of the total county population, respectively.

As of July 1, 2006, the program includes a separate distribution from the trust fund to select counties that meet statutory criteria to qualify as a fiscally constrained county.[13] A fiscally constrained county is one that is entirely within a rural area of critical economic concern as designated by the Governor pursuant to s. 288.0656, F.S., or for which the value of one mill of property tax levy will raise no more than $5 million in revenue based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S. This separate distribution is in addition to the qualifying county's ordinary distribution and any emergency or supplemental distribution.

The half-cent sales tax distribution formula is determined annually based on population figures that are established as of April 1 for the state fiscal year beginning July 1. The DOR makes monthly distributions from the Local Government Half-cent Sales Tax Clearing Trust Fund to participating counties.

A county is also authorized to pledge the proceeds for payment of principal and interest on any capital project.[14] For any eligible county receiving a fiscally constrained distribution, the revenues may be used for any public purpose, except to pay debt service on bonds, notes, certificates of participation, or any other forms of indebtedness.[15]

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[9] A full description including tables providing estimates of distributions to local governments from the half-cent sales tax program can be found in the 2012 Local Government Financial Handbook. See Florida Legislature, Office of Economic and Demographic Research, 2012 LOCAL GOVERNMENT FINANCIAL INFORMATION HANDBOOK, available online at http://edr.state.fl.us/Content/local-government/reports/lgfih12.pdf. (last visited April 15, 2013).
[10] Chapter 82-154, L.O.F.
[11] Section 212.20(6)(d)2, F.S.
[12] Section 212.20(6)(d)3, F.S.
[13] Section 218.67, F.S.
[14] Section 218.64(2)., F.S.
[15] Section 218.67(5), F.S.

Changes to Medicaid Program

The AHCA is in the process of implementing a new payment method for some Medicaid providers which utilizes diagnosis related groups (DRGs) instead of the current per diem reimbursement method. Also, the use of managed care organizations in the Medicaid program is expected to expand under the Statewide Medicaid Managed Care Program. Both of these changes will affect the current practices used to bill and collect counties' contributions to Medicaid.

III. Effect of Proposed Changes:

The bill amends s. 409.915, F.S., to revise the current process for county Medicaid billings. Instead of the current practice based on expenditures incurred on behalf of a county's residents, the bill provides for an annual contribution for Medicaid. The bill establishes a total contribution of $269.6 million for state fiscal year 2013-2014. For each year thereafter, the total annual amount of the counties' contribution is adjusted by the percentage change in state Medicaid expenditures.

Each county's annual contribution is determined by multiplying the total annual contribution for all counties by the county's proportion of Medicaid enrollees as of March 1 of each year. The AHCA is responsible for calculating the amount of each county's annual contribution and providing the information to the DOR by May 15 of each year.

By June 1 of each year, DOR must notify each county of its annual contribution. Counties must pay, via check or electronic transfer, by the 5th of each month. If a county fails to remit payment by the 5th of the month, DOR is directed to reduce the county's monthly distribution from the Local Government Half-Cent Sales Tax Trust Fund by the amount of the monthly installment. The payments and the amounts by which the distributions are reduced are transferred to the General Revenue Fund.

The amount of each county's contribution for fiscal year 2013-2014 must be determined and provided by the AHCA to the DOR by June 15, 2013. The DOR will notify each county of its annual contribution by June 20, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not examined this bill. Based on current estimates of state Medicaid expenditures and collections of counties' contributions to Medicaid, staff anticipates the following annual changes to General Revenue Fund receipts: fiscal year 2013-2014: no change; fiscal year 2014-2015: $2.4 million reduction; fiscal year 2015-2016: $8.2 million reduction; fiscal year 2016-2017: $12.4 million reduction; fiscal year 2017-2018: $16.1 million reduction.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Administrative costs incurred by AHCA and individual counties under the current law should be significantly lower under the provisions of the bill.

Each county will pay a portion of the total annual contribution for all counties. For fiscal year 2013-2014, the total annual contribution for all counties is $269.9 million. The estimated contribution by each county is provided on the following pages.

Fiscal Year 2013-2014 Estimated County Contributions

County	# of Medicaid enrollees as of March 1, 2013	% of Medicaid Enrollees as of March 1, 2013	Estimated Annual Contribution
ALACHUA	34,747	1.0%	$2,820,900
BAKER	5,380	0.2%	$436,770
BAY	32,774	1.0%	$2,660,724
BRADFORD	5,752	0.2%	$466,970
BREVARD	76,361	2.3%	$6,199,291
BROWARD	273,454	8.2%	$22,200,088
CALHOUN	3,071	0.1%	$249,316
CHARLOTTE	20,225	0.6%	$1,641,946
CITRUS	22,714	0.7%	$1,844,013
CLAY	24,507	0.7%	$1,989,576
COLLIER	42,313	1.3%	$3,435,138
COLUMBIA	15,157	0.5%	$1,230,506
DADE	611,997	18.4%	$49,684,360
DESOTO	7,853	0.2%	$637,538
DIXIE	3,949	0.1%	$320,596
DUVAL	170,065	5.1%	$13,806,556
ESCAMBIA	59,704	1.8%	$4,847,009
FLAGLER	14,154	0.4%	$1,149,078
FRANKLIN	2,250	0.1%	$182,664
GADSDEN	12,097	0.4%	$982,083

County	# of Medicaid enrollees as of March 1, 2013	% of Medicaid Enrollees as of March 1, 2013	Estimated Annual Contribution
GILCHRIST	3,253	0.1%	$264,092
GLADES	1,183	0.0%	$96,041
GULF	2,580	0.1%	$209,455
HAMILTON	3,482	0.1%	$282,683
HARDEE	7,430	0.2%	$603,197
HENDRY	11,190	0.3%	$908,449
HERNANDO	31,358	0.9%	$2,545,768
HIGHLANDS	18,854	0.6%	$1,530,643
HILLSBOROUGH	243,293	7.3%	$19,751,497
HOLMES	5,246	0.2%	$425,891
INDIAN RIVER	19,403	0.6%	$1,575,213
JACKSON	10,618	0.3%	$862,012
JEFFERSON	2,682	0.1%	$217,735
LAFAYETTE	1,207	0.0%	$97,989
LAKE	48,588	1.5%	$3,944,568
LEE	99,617	3.0%	$8,087,306
LEON	35,277	1.1%	$2,863,928
LEVY	8,668	0.3%	$703,703
LIBERTY	1,593	0.0%	$129,326
MADISON	4,804	0.1%	$390,008
MANATEE	48,635	1.5%	$3,948,383
MARION	64,667	1.9%	$5,249,925
MARTIN	14,948	0.4%	$1,213,538
MONROE	7,432	0.2%	$603,359
NASSAU	9,841	0.3%	$798,932
OKALOOSA	24,900	0.7%	$2,021,481
OKEECHOBEE	9,254	0.3%	$751,277
ORANGE	217,819	6.6%	$17,683,416
OSCEOLA	74,534	2.2%	$6,050,968
PALM BEACH	187,225	5.6%	$15,199,673
PASCO	75,926	2.3%	$6,163,976
PINELLAS	135,777	4.1%	$11,022,919
POLK	124,713	3.8%	$10,124,699
PUTNAM	20,473	0.6%	$1,662,080
SANTA ROSA	19,388	0.6%	$1,573,995
SARASOTA	43,652	1.3%	$3,543,844
SEMINOLE	49,023	1.5%	$3,979,883
ST. JOHNS	16,802	0.5%	$1,364,053
ST. LUCIE	50,051	1.5%	$4,063,340
SUMTER	9,541	0.3%	$774,576
SUWANNEE	9,995	0.3%	$811,434
TAYLOR	4,755	0.1%	$386,030
UNION	2,678	0.1%	$217,411
VOLUSIA	85,945	2.6%	$6,977,358
WAKULLA	4,468	0.1%	$362,730
WALTON	7,876	0.2%	$639,405
WASHINGTON	5,379	0.2%	$436,689

County	# of Medicaid enrollees as of March 1, 2013	% of Medicaid Enrollees as of March 1, 2013	Estimated Annual Contribution
TOTAL	**3,324,547**	**100.0%**	**$269,900,000**

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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M E M O R A N D U M

To: Joe Rasco
Via electronic mail

Copy To: Jess McCarty
Alina Gonzalez

From: Gary Rutledge
Diana Ferguson
Jon Costello

Date: April 19, 2013

RE: **2013 Legislative Report, Week 7**

OCEAN OUTFALLS

The House took up HB 707 by Rep. Manny Diaz relating to Ocean Outfalls on the floor on Wednesday and substituted the Senate companion bill, SB 444 by Senator Miguel Diaz de la Portilla, which was waiting in messages. SB 444 passed the full Senate on April 11 by a vote of 40-0. The House then passed SB 444 by a vote of 117-0, so the bill has cleared the Legislature and now goes to the Governor, who has seven days to act on the bill.

SB 444 allows up to 5 percent of annual treated flows to continue to be discharged through ocean outfalls during peak flow events, resulting in savings of over $800 million in infrastructure costs to Miami-Dade County ratepayers. The Ocean Outfalls issue is a critical priority in the County’s 2013 state legislative package as approved by the Board.

WATER PROJECTS

The House and Senate passed their initial budgets this week. Going into budget conference, the Senate has a list of member projects that totals $48 million. The Miami-Dade Public Works project that was submitted is set to receive $1.2 million on that list. The House has a $24 million appropriation, but does not have a member project list. This will be a conference item. Budget conferences began Thursday evening and will take place for the next few days. Unresolved items will be bumped to the Chairs next Tuesday. It is anticipated that the House will increase its allocation for water projects and that a project list will be released. We have met with key members and staff to educate them on the Miami-Dade projects and to request that they be included in the House list. We will provide more information on water projects and other budget-related items in next week's report.

ELECTIONS

The Senate laid SB 600 on the table this week and took up and amended HB 7113 but did not pass the bill. It will be up for a final vote in the Senate next week. Because it has been amended further, it will be sent back to the House for another vote. HB 7113 was amended to allow the Secretary of State to discipline underperforming elections supervisors. If a supervisor remained noncompliant for three years in a row, he or she could be suspended by the Governor and ultimately removed by the Legislature. The bill was also amended to allow voters in some counties to cast regular ballots even if they have moved from another county but had not officially changed their address yet. This would only apply in situations where the new county uses an electronic database to track voters. An amendment failed that would have required early voting on the Sunday before Election Day.

LEGISLATION OF NOTE THAT PREEMPTS OR SIGNIFICANTLY RESTRICTS LOCAL GOVERNMENT

<u>Wage Theft</u>
HB 1125 by Representative Goodson; SB 1216 by Senator Bradley
These bills preempt local wage theft ordinances and provide for a claim under state law for wage theft under certain circumstances. HB 1125 passed its last committee this week. SB 1216 has two committees remaining. Both bills contain a grandfather clause that would exempt Miami-Dade County from the legislation.

<u>Living Wage</u>
HB 655 by Representative Precourt; SB 726 by Senator Simmons
HB 655 preempts local governments from requiring employers to provide certain benefits. It provides specifically that living wage ordinances will sunset in 2016. This bill is in Senate messages.

SB 726 contains a preemption relating to leave benefits but does not preempt living wage ordinances. The Senate bill initially contained additional provisions in state law that would provide certain leave benefits to employees statewide. However, it has been amended to replace those additional benefits with a study group that would examine the issue and make recommendations to the Legislature. This was done at Senator Latvala's request. SB 726 passed its last committee this week. The Senate does not appear inclined to address the living wage issue and we are working to ensure that the Senate keeps the issue out of its bill.

ENVIRONMENTAL LEGISLATION OF NOTE

Environmental Regulatory Reform

HB 999 by Representative Patronis; SB 1684 by Senator Altman

This bill creates, amends and revises provisions regarding development permit applications, general permits for special events, well permits, exemption from permits and fees and related environmental requirements. HB 999 passed its last committee this week. SB 1684 passed its third committee this week and has one committee remaining. SB 1684 has been amended to remove problematic provisions relating to solid waste and recycling. However, these provisions still appears in HB 999. The bills contain other differences as well.

AGRICULTURAL LEGISLATION OF NOTE

Agricultural Lands

HB 203 by Representative Beshears; SB 1190 by Senator Brandes

These bills prohibit governmental entities from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging an assessment or fee on an activity of a bona fide agricultural farm operation on land classified as agricultural land. The Revenue Estimating Conference expressed concern with the term "assessments" because it was overly broad and gave the bill a significant fiscal impact, so the term was removed from the House bill and will be removed from the Senate bill when it receives another committee hearing. The bills now apply only to fees, which are more likely to be duplicative than assessments. HB 203 passed the House this week. SB 1190 has passed three committees and has one committee remaining.

STATE / LOCAL WEEKLY REPORT

April 22- April 26, 2013

*The weekly report comprises a variety of media sources, including news articles, lobbyist reports and information gathered through the OIA.

LEGISLATIVE ISSUES

*The following update contains information provided by Jess McCarty throughout the week

Express Lanes Toll Revenue

Senator Rene Garcia has filed a Senate floor amendment that would provide that all toll revenues generated on Express Lanes within a county would stay within that county for construction, maintenance and improvement of transportation infrastructure. The amendment is filed to SB 1458, a transportation bill, that is on the Senate floor agenda for Monday, here's a link to the amendment: http://static.lobbytools.com/bills/2013/pdf/1458C2153368.pdf.

The Garcia amendment would provide that all toll revenue from the Express Lanes currently on I-95 and eventually planned for the Palmetto Expressway could only be used for construction, maintenance and improvement of transportation infrastructure within Miami-Dade County. Senator Garcia also plans to file this amendment to HB 7127, the FDOT package currently in messages to the Senate from the House, which is also on the Senate floor calendar for Monday. The Garcia amendment is consistent with Resolution No. R-266-13, enacted by the BCC on April 2.

In addition to the amendment, Delegation Chairman Eddy Gonzalez has sent a letter to FDOT Secretary Ananth Prasad requesting that FDOT prepare a detailed report of both toll revenues and expenditures re: I-95 Express Lanes as well as all other tolls generated within Miami-Dade County, including on the Turnpike. A copy of the letter is attached.

Family and Medical Leave

On Thursday, the Senate took up SB 726 re: family & medical leave preemption on the floor on 2nd of 3 readings. We had learned on Tuesday that SB 726's sponsor Senator David Simmons (R – Altamonte Springs) had agreed to amend SB 726 on the Senate floor to preempt local living wage and responsible wage ordinances. Miami-Dade Senators Diaz de la Portilla, Braynon, Flores, Garcia and Margolis all spoke with Senator Simmons on the Senate floor Wednesday to express concerns and Commissioner Zapata reached out to Senator Simmons Wednesday as well.

Thursday on the floor, the Senate took up SB 726, substituted the House companion bill, HB 655, for SB 726, removed all House language from HB 655 (including the preemption of living/responsible wage ordinances), and put language onto HB 655 that preserves local government living and responsible wage programs, including authority to require both minimum wages and benefits for employees of county contractors and subcontractors. Here's a link to the amendment, which is now the substance of HB 655: http://static.lobbytools.com/bills/2013/pdf/0655C1823160.pdf

The Senate passed HB 655 as amended Friday and send it back to the House with no living/responsible wage preemption, and only with a preemption on regulating sick leave and benefits for non-county employees, contractors or subcontractors (with the exception of domestic violence leave programs). It's not yet clear whether the House will accept this scaled-back version of HB 655 (see Sun-Sentinel article below).

In addition to living wage in the Senate, on Thursday the House debated the wage theft bill on final passage, HB 1125 by Rep. Tom Goodson (R – Titusville). HB 1125 includes a grandfather for wage theft programs in Miami-Dade and Broward Counties and preempts all other local governments from establishing wage theft programs. HB 1125 passed the House on a near party line vote of 71-45. It now goes to the Senate where the Senate companion bill, SB 1216 by Senator Rob Bradley (R – Orange Park) is still in committee.

http://www.sun-sentinel.com/news/local/florida/politics-blog/os-senate-waters-down-orangeinspired-sickleave-bill-removes-living-wage-preemption-20130425,0,2247308.post?track=rss&utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+ssjuice+%28Florida+Politics+from+Sun-Sentinel%29

Sun-Sentinel

Senate waters down Orange-inspired sick-leave bill, removes 'living wage' preemption

TALLAHASSEE -- In response to Orange County's legal fight over sick-time, the Senate is ditching a connected legislative push to nullify "living wage" laws on the books in several cities and counties.

Sen. David Simmons, R-Altamonte Springs, pushed an amendment to House Bill 655 Thursday to delete any "preemption" of what are called "living wage" ordinances adopted by Broward, Miami-Dade, Orlando and Gainesville that allow them to require government contractors to offer workers higher than the minimum-wage to employees.

The underlying bill would render moot a potential 2014 vote in Orange County over whether to require that many businesses offer paid sick-leave to workers.

More than 50,000 Orange County voters tried to place the earned sick-time measure on the ballot last year, but it was scuttled by the county commission. Afterward, a three-judge panel ordered them to put it on the 2014 ballot. But even if the sick-time ordinance passed, the bill would preempt Orange from adopting it.

Supporters in both chambers have argued the Orange fight has inspired them to at least temporarily "preempt" the "patchwork" of local government sick- and medical-leave policies in order to provide "certainty" to businesses.

Simmons' language would still require a task force to study the issue and report back next year on whether to allow local governments to adopt their own policy, or to set a uniform statewide policy for employee benefits.

"We have seen government go way too far. We have seen it happen too often," Simmons said on the floor.

But House Majority Leader Steve Precourt, R-Orlando, has so far refused to go along with the Senate's weaker language, and companies such as Walt Disney and Darden Restaurants have been pushing Precourt's version of the bill.

Senate Democrats said Thursday even Simmons' compromise -- adopting the House's broader definition of what counts as "employee benefits" -- went too far because it would block local governments in more diverse, denser populated areas from local decision-making.

"What works in one county may not work in another," said Senate Minority Leader Chris Smith, a Fort Lauderdale Democrat who was echoing the GOP argument a day earlier used to support latitude for local early voting days.

"As you showed me ... one size does not fit all for this state, and one size should not fit all when it comes to these laws."

The Senate could hold a final vote on the bill Friday. It must now head back to the House.

Elections

The Senate returned to HB 7013, the omnibus elections bill, on the floor Wednesday. The Senate last heard HB 7013 last Tuesday when it substituted HB 7013 for SB 600, removed all the House language from HB 7013 and put the Senate elections package on HB 7013 and made additional amendments (see 4-16 email below). On Wednesday, the Senate added another 6 amendments to HB 7013, then debated and passed HB 7013 on a party-line vote of 26-13. Most of today's amendments were technical in nature, but 2 were substantive:

1. An amendment by Senator Gwen Margolis provided that the Supervisor of Elections in counties subject to multi-language ballot requirements may petition for authorization to print and delivery single-language ballots for each minority language required: http://static.lobbytools.com/bills/2013/pdf/7013C1352480.pdf;

2. An amendment by Senator Jack Latvala removed from the bill controversial language that would have prohibited a person from assisting a voter at the polls if the person didn't know the voter before election day: http://static.lobbytools.com/bills/2013/pdf/7013C1439432.pdf.

Here's a link to the current version of HB 7013 as passed by the Senate today (including all floor amendments from last Tuesday and today):
http://static.lobbytools.com/bills/2013/pdf/7013C1362928.pdf.

HB 7013 now returns to the House with the Senate language on it for the House's consideration.

Medicaid Contributions

The Florida Association of Counties has released a county-by-county fiscal impact estimate of the current version of SB 1184 re: County Medicaid Contributions as it emerged from the Senate Appropriations Committee on Tuesday (7-year phase-in to Medicaid enrollee-based formula). The county-by-county fiscal impact analysis is attached and is based on Medicaid cost projections provided by the Legislature.

For Miami-Dade County, the analysis estimates that the amounts the County would be required to pay under SB 1884 will gradually increase from $47.4 million in the current state fiscal year to $63.2 million in year 2020:

2013: $47.4 million
2014: $50.8 million (7.2% increase)
2015: $51.5 million (1.3% increase)
2016: $54.0 million (4.8% increase)
2017: $56.2 million (4.2% increase)
2018: $58.6 million (4.1% increase)
2019: $60.7 million (3.6% increase)
2020: $63.2 million (4.2% increase)

Based on review of individual Medicaid billings under the current system, Miami-Dade County's Medicaid contributions have remained relatively flat at around $50 million in recent years. SB 1884 would place counties in a formula-based system in which counties would no longer have the ability to challenge individual Medicaid billings, so these cost estimates, while not certain, are less likely to fluctuate than when reviewing actual Medicaid billing data.

SB 1884 is moving fast in the Senate, it first surfaced as a proposed committee bill on April 15, was heard in its only committee of reference yesterday and has been put on the Senate floor calendar for Monday, April 29. The House has not yet released a companion bill.

Ocean Outfalls

On Wednesday, the Governor signed into law the Ocean Outfalls bill, SB 444 by Senator Miguel Diaz de la Portilla (House companion bill, HB 707 by Rep. Manny Diaz).

CS/SB 444 (2013) -- Approved by Governor:
04/24/13 S Approved by Governor

**Attached please find the legislative report provided by Rutledge Ecenia*

LEGISLATIVE NEWS

Education Budget

*Source: Florida Current

The Florida House and Senate Friday night agreed to an education budget of about $20 billion for the fiscal year beginning July 1.

The Senate dropped a plan to add $30.5 million into a compression fund, which is used to compensate school districts for local economic factors affecting a district's ability to raise money.

The House agreed to a Senate proposal to put more money in the Bright Futures and FRAG scholarships. And the House agreed to the Senate's request to trim a demand for a 6 percent tuition increase for college, university and workforce training students.

When asked about the tuition increase, Senate Appropriation Chairman Sen. Joe Negron, R-Stuart, said the conference process "anticipates" movement on both sides of the negotiation table.

"You have to offset that with a number of factors. The Senate offer, which the House accepted, increases funding for Florida Resident Access Grant, which is based on need ... (and) we increased Bright Futures over 3 percent," Negron said. "I think that far outweighs a modest tuition increase."

The major compromises were made within the Florida Education Finance Program component of the spending plan. In addition to the agreement on the compression formula, the House moved to the Senate's position on a School Recognition provision, to not fund it. The Senate backed away from a plan to transfer $11 million from a Homeland Security grant to a Safe Schools grant and accepted the House's plan to appropriate $190,000 to the University of South Florida to continue an investigation on the grounds of the former Dozier School for Boys in Jackson County.

Florida Retirement System

*Source: Florida Current

House Speaker Will Weatherford, who wants to close Florida's traditional pension system and require new public employees to join investment plans, said Friday he remains confident that the Senate will make major cost-saving changes this year.

If not, he said he will bring back his plan next session.

"It's never too early to save the state of Florida billions of dollars -- or never too late, either. We're confident, we believe in the policy," Weatherford, R-Wesley Chapel, told reporters after the House adjourned its eighth week of the nine-week session. "At the end of the day, the

Senate's going to do what it's going to do and we're going to live with that decision. They know it's an important priority of the House."

The House passed a bill March 22 (HB 7011) that would close the Florida Retirement System to new enrollees next Jan. 1, requiring them to join the investment option similar to the 401(k) plans that private-sector employers increasingly favor. Current employees of state, county and local governments could remain in the "defined benefit" program, which computes pensions on the basis of length of service multiplied by a percentage of peak earnings.

In the "defined contribution" plan that Weatherford favors, an employee's career-long holdings could rise or fall with market conditions.

The Senate has its own version, sponsored by Sen. Wilton Simpson, R-Trilby, that would keep the defined benefit plan open to new employees. But all FRS members would have financial incentives to opt for the investment plan, which would take only 2 percent of their earnings -- rather than the 3 percent Gov. Rick Scott got the Legislature to impose on employees in 2011.

Also, instead of defaulting into the defined contribution plan if they don't state a choice, new employees would still go into the defined benefit plan.

Simpson's bill (SB 1392) is on the Senate's second-reading calendar, set for debate on Monday. Both bills could wind up in a joint committee for negotiation, or the standoff could kill the issue when the Legislature adjourns next Friday.

Weatherford said he's not giving up but, "if we're not able to get there this year, then we'll talk about it next year. But I still think there's a lot of time left on the clock."

He said his plan would save taxpayers $60 billion over 30 years "while still protecting people who are currently in the FRS." Weatherford also noted that most private employers who have pension plans use the investment system, rather than the monthly benefit guarantee.

"We've told the Senate that if they have changes that honor the integrity of what we're trying to do, we don't believe that we have all the right and best ideas," Weatherford said. "If they have ideas that make it better, we're open to them."

Nuclear Cost Recovery

*Source: Florida Current

The Florida Senate on Friday voted 39-0 to approve a bill to revise the 2006 law that allows utilities to charge customers for nuclear projects regardless of whether they are built.

SB 1472 by **Sen. John Legg**, R-Port Richey, would deny cost recovery 20 years after a federal nuclear plant license was obtained.

Florida Power & Light Co. has collected $662 million for two planned nuclear units in Miami-Dade County and for upgrades there and at its St. Lucie power plant. **Progress Energy Florida** has collected $819 million for upgrades at Crystal River and a planned new Levy County plant. Neither utility has committed to building new nuclear plants.

SB 1472 passed without debate. Legg said in a statement that the bill will mandate long-term planning on behalf of utilities.

“Protecting rate payer’s interests is our primary concern," Legg said in a press release. "This bill will lead to a balanced approach to our state’s energy plan and I look forward to the House of Representatives passing it and the governor signing it into law.”

An amendment adopted Thursday requires the **Public Service Commission**, beginning Jan. 1, 2014, to determine whether a utility has committed "sufficient, meaningful and available resources" to complete a project and that its intent is "realistic and practical."

There are differences between the Senate bill and **HB 7167** by the **House Energy & Utilities Subcommittee**. The bill on the House calendar for second reading.

Both bills have faced opposition from the state's largest utilities: FPL, Progress Energy, **Gulf Power Co.** and **Tampa Electric Co.**

FPL spokesman **Erik Hofmeyer** said upgrades to the utility's plants in St. Lucie and Dade counties will save customers billions of dollars over time and would not have been possible without the law.

"Nuclear cost recovery enables us to deliver important benefits for our customers today and in the future," he said. "We remain opposed to any changes in the law."

Rep. Jose Felix Diaz, R-Miami and chairman of the House Energy & Utilities Subcommittee, has said HB 7167 is stronger than the Senate bill because it prohibits cost recovery for projects unless approved by the PSC prior to July 1.

However, the **Southern Alliance for Clean Energy** favors SB 1472 over the House bill, said **Susan Glickman**, a consultant to the group. Her group has challenged the 2006 law as vague in the **Florida Supreme Court**.

The Senate bill, Glickman said, includes a more rigorous review process for projects that already have been approved.

"It's significant that the senators realize the policy passed in 2006 to allow utilities to charge for nuclear power plants is flawed because of spiraling costs," she said. "This is a step in the right direction although it doesn't fix the fundamental problem that utilities are incentivized to build the most expensive and riskiest power plants."

2013 SESSION DATES

May 3, 2013   60th day – last day of Regular Session

Local News

Surfside

*Source: Miami Herald

Six months after announcing his retirement, Surfside Town Manager Roger M. Carlton is ready to give up his old career and start a couple of new ones.

“I’m going to write a book,” said Carlton, whose last day as town manager was Friday. “I’m also going to fix antique clocks and sell them. But first, I owe my wife a national parks trip.”

Carlton, who retired after a 43-year career, most of it in public service, was hired as Surfside’s interim town manager in mid-September 2010 before being formally hired in December.

Among his accomplishments as town manager, Carlton counts the community center as one of his better ones.

“We built it on time and within budget,” he said. “The community center reunited this town.”

Carlton is also happy to have played a part in the many projects that are helping to improve the town, including the water, sewer and storm drainage; the undergrounding of utilities; and two new hotels, including the Grand Beach and a Marriott Suites.

Carlton’s long résumé includes stints as acting city manager for the city of South Miami; city manager for Miami Beach; chief of staff for then-County Commissioner Carlos Gimenez, as well as assistant county manager for Miami-Dade County. He also has held jobs at Florida International University and the University of South Florida. He also was executive vice president at Wometco Enterprises and was senior vice president for Lockheed Martin IMS.

In the early 1970s, Carlton managed grant programs for the U.S. Department of Housing and Urban Development in Kentucky and Florida. He then spent four years as an assistant to then-Pinellas County administrator Merrett Stierheim. That job began a long-term professional relationship between the two.

When Stierheim was Miami-Dade’s county manager from the late 1970s to the early 1980s, he hired Carlton to work as his executive assistant. Among his several duties, Carlton oversaw the management and budget office, the finance department and the Office of Employee Relations.

Stierheim wasn’t the only well-known mentor in Carlton’s life. The list includes Mitchell Wolfson, founder of Wometco Enterprises; Dewey Knight, a former county manager; and Dr. Paul Ahr of Camillus House.

While many residents of Surfside thought Carlton did a fine job, there were others who did not feel the same.

When Surfside hired Carlton in 2010, Joseph Graubart, who was vice mayor at the time, had some philosophical differences with Carlton. Those concerns have not changed.

Carlton plans to leave South Florida toward the end of May. While in North Carolina, he'll resume, full-time, a lifelong love: fixing cuckoo clocks.

“I became fascinated with antique clocks during a visit to an antique shop with my wife many years ago,” he said. “I spent hours watching the shop owner repair the clocks, and I've been hooked on it since.”

Carlton has collected so many clocks, cuckoo and otherwise, over the years that at midnight “no one gets any sleep at home. They just all go off at the same time.”

But Carlton also wants to write a book about public administration.

“It'll be like a textbook on how to handle certain people and situations while in office,” he said.

Bal Harbour

*Source: Miami Herald

Bal Harbour has chosen a potential village manager.

On April 16, the village council agreed to negotiate a contract with Steven Alexander, South Miami's interim city manager and former town manager of Cutler Bay.

Alexander will now have a background check completed and will negotiate a contract.

“We should have a manager by next meeting,” Mayor Jean Rosenfield said.

Rosenfield said the village will post his résumé on the village's website so residents can read his qualifications.

The village will also schedule a “Meet and Greet” for the community, with a date to be determined.

Currently, Jay Smith is serving as interim village manager. He also has been serving as director of community outreach for the village.

Alexander will replace former Village Manager Alfred Treppeda. The former village manager has been on leave since January but will officially retire on April 30.

Finding a new police chief will be one of the new manager's first tasks. Former Police Chief Thomas Hunker was dismissed amid allegations of misspending and abuse of power for personal gain by the U.S. Department of Justice.

Mayor Rosenfield said Alexander would be a good fit for the village.

Councilman Jaime Sanz said Alexander brings strong character to the village.

Administrator-for-hire Merrett Stierheim, who led the search for a new manager, said that about 52 candidates submitted their résumés. That number was then narrowed down to six.

The other finalists included David Heber, Ron Rabun, Sherman Yehl, Chris Rose and Frank Spence.

Cutler Bay Town Council members released Alexander without cause in June. However, residents had complained that he was too powerful and was unresponsive to the community.

Alexander's experience: He was the first town manager of Cutler Bay, a community of just over 41,000 people that incorporated in 2005. He was the first permanent village manager of El Portal, from 2003-06. South Miami hired Alexander in November. He also runs his own consulting firm, Alexander Global Communications.

Bal Harbour's village council would still need to approve a contract before hiring him.

Read more here: http://www.miamiherald.com/2013/04/25/v-print/3364433/bal-harbour-chooses-potential.html#storylink=cpy

North Miami

*Source: Miami Herald

North Miami Beach Councilwoman Beth Spiegel has filed a lawsuit against her Seat 4 opponent Yvenoline Dargenson that questions her eligibility to run for office.

In her lawsuit, Spiegel claims that Dargenson violated the city charter requirement that candidates must continuously reside in North Miami Beach for one year prior to the qualifying date, which was the last week of March.

The lawsuit alleges that Dargenson has been residing at 9620 Boulder St. in Miramar and not at her North Miami Beach address of 1511 NE 161st St., which is listed as her residence on various city documents, including a signed oath of loyalty.

Dargenson and her husband, Frannix Jean-Mary, are listed as the owners on the Broward County property appraiser's website.

The River Run of Miramar Homeowners Association sued to foreclose upon the Miramar property in May 2012.

"She was personally served with a summons at that address, and she was served with substitute service for her husband, Frannix Jean-Mary, at that residence," according to the lawsuit, which includes copies of the returns of service. The lawsuit also claims that since the documents were signed at the Miramar residence, it can be presumed that both she and her husband had lived there as of May 12, 2012.

The lawsuit goes on to claim that, "If this is correct, Dargenson would not be a qualified candidate for a position on the city council and no vote should be counted for her in the election of May 7, 2013."

Dargenson denies the accusation and claims she has been living in the North Miami Beach residence long enough to meet the one-year criteria, although she refused to answer how long she has been living in the city.

“I have met the requirement,” she said.

The North Miami Beach address also shows up on a copy of her driver’s license, along with her voters registration.

Spiegel is seeking an emergency hearing on the issue.

An allegation of residency discrepancy was made by North Miami Beach resident and local blogger Stephanie Kienzle regarding Dargenson, according to a memo sent from Sgt. Richard Silberman of the North Miami Beach Police to city clerk Pamela Latimore.

Based on those allegations, Silberman conducted an investigation into Dargenson’s primary residence.

“I cannot provide positive confirmation that Ms. Yvenoline Dargenson is a bona fide resident of the city of North Miami Beach,” the document said.

Silberman conducted a check of the North Miami Beach address and was greeted by Dargenson’s father, Jean Dargenson, who stated that his daughter has lived in the residence full-time since they moved in.

Her father went on to say that his daughter “didn’t live [in Miramar] anymore” and doesn’t know what her husband does with that property.

County documents show that the family purchased the property in 1992.

Silberman then went over to the Miramar address where Dargenson’s mother, Olympia Dargenson, told him that her daughter goes back and forth to the Miramar residence regularly and that she comes to the home daily to watch her children.

A homestead exemption has been filed on the Miramar property.

Dargenson “moved out of this house approximately three to six months ago due to material issues with Dargenson’s husband, but they are trying to work things out,” according to Silberman’s memo portion about his conversation with Dargenson’s mom.

When asked, Dargenson refused to answer why her children lived at the Miramar home or any other questions regarding her connection to the residence.

“I can choose not to talk about my personal life,” she said. “I am not bringing my family into this election.”

Her mom went on to say that Dargenson moved into the North Miami Beach home after “splitting up with her husband.”

A neighbor in Miramar said he believed that Dargenson lives at the residence, while a neighbor in North Miami Beach said he knows Dargenson but doesn’t believe she lives at the residence.

Super Bowl Committee

*Source: Miami Herald

Picture this: Biscayne Boulevard transformed into a mile-long street party, featuring live concerts, a Ferris wheel and more.

That urban carnival is exactly what the South Florida Super Bowl Host Committee promises for downtown Miami, should the NFL's biggest game return to town in 2016 or '17.

And that's not all.

The committee is also in discussions with the league about bringing the Pro Bowl back to South Florida, committee chairman Rodney Barreto told The Miami Herald on Thursday. The league's all-star showcase was last held at Sun Life Stadium in 2010, the only time since 1979 it was played anywhere but Honolulu.

"This is going to be something the likes of which residents of Miami-Dade haven't seen before," Barreto said. "This is not the hottest city in America. It's the hottest city in the world."

Barreto will make that general sales pitch to the NFL in his final bid to bring either the 50th or 51st Super Bowls to South Florida. The league will announce its decision on where to hold the games May 22.

On Thursday, Barreto made part of that plan public, releasing the schematics for downtown Miami's temporary makeover.

The northbound lanes of Biscayne Boulevard would be shut down leading up to the game, and turned into a Lincoln Road-like walking plaza. However, those closures might be limited to nights and the weekend, to minimize the impact on rush-hour commuters, Barreto said.

The main entry to the fairgrounds, named the Super Bowl Fan Village, would be the intersection of U.S. 1 and Southeast Second Street. Located at Bayfront Park, the Fan Village would incorporate Bayside Marketplace and feature amusement rides and music stages, with Barreto promising "nightly" concerts.

Also in the plans:

- The NFL Experience, pro football's interactive theme park, would be located at Bicentennial Park.

- AmericanAirlines Arena would be used to host events, meaning the Heat would need to give up their home for at least the weekend.

- Museum Park, Jungle Island and the Performing Arts Center would also all play a role.

- The Hyatt Regency and James L. Knight Center would host the sprawling media center.

- And the canal just north of the arena would be turned into Super Bowl Cove.

How exactly that cove would be used was unclear Thursday, one of several questions left unanswered – which is by design. South Florida is competing with greater San Francisco to host Super Bowl 50, and since the final bid package isn't due until May 8, Barreto is keeping some cards close to his vest.

Still, the broad strokes are out, and they paint a far different picture than Super Bowls held in South Florida in the past. The bid would make downtown Miami the event's urban core; South Beach and Broward County were not included in the renderings.

That is not an accident. The very hotels that Barreto hopes to use for Super Bowl events are the ones that would be affected, should the Sun Life Stadium renovation plan pass a May 14 referendum. The bill, which is currently working its way through Tallahassee, includes an increase, to 7 percent from the current 6 percent, in the bed tax for hotels in mainland Miami-Dade.

"All this is contingent on the voters of Miami-Dade County coming through, really supporting the stadium," Barreto said. "Once we get the side noise out of the way, they will understand what this deal is, they will see the mayor [Carlos Gimenez] has negotiated a wonderful deal. It's a win-win for everybody."

Read more here: http://www.miamiherald.com/2013/04/26/v-print/3364790/south-florida-super-bowl-committee.html#storylink=cpy

SAVE THE DATE:

MDCLC Monthly Board of Directors Meeting

When: Thursday, May 2, 2013
Where: Opa-Locka City Hall
Time: Reception 6:00 PM / Dinner Board Meeting 7:00PM

RUTLEDGE ECENIA
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ATTORNEYS AND COUNSELORS AT LAW

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GOVERNMENTAL CONSULTANT
JONATHAN M. COSTELLO

M E M O R A N D U M

To: Joe Rasco
Via electronic mail

Copy To: Jess McCarty
Alina Gonzalez

From: Gary Rutledge
Diana Ferguson
Jon Costello

Date: April 26, 2013

RE: **2013 Legislative Report, Week 8**

OCEAN OUTFALLS

The Governor signed SB 444 this week, which allows up to 5 percent of annual treated flows to continue to be discharged through ocean outfalls during peak flow events, resulting in savings of over $800 million in infrastructure costs to Miami-Dade County ratepayers. The Ocean Outfalls issue is a critical priority in the County’s 2013 state legislative package as approved by the Board.

BUDGET

Budget conferences began last Thursday evening, continued throughout the weekend, and are still taking place. Unresolved items have been bumped to the Chairs. Budget items of note that are important to Miami-Dade County include:

Water Projects –The Miami-Dade Public Works SW 157 Canal Avenue Interconnect project is currently funded at $1.2 million on the Senate side and $1.1 million on the House side. Miami-Dade Public Works requested $1.1 million for the project. The House came up to approximately $48 million in its first offer following the bump to the Chairs. The Senate figure is currently approximately $72 million.

Beach Restoration Funding – The House came up to approximately $36 million in its first offer since the bump to the Chairs. The Senate stands at approximately $43 million. The difference is largely accounted for in projects that the Senate has funded which were impacted by Hurricane Sandy that did not receive federal funds due to the denial of FEMA funds. There were 11 projects impacted by Hurricane Sandy. The first House offer now funds 7 of these projects. The Senate currently proposed to fund all 11 projects. While Miami-Dade did not have any impacts from this storm, it is important to see all the projects funded for purposes of precedent.

Affordable Housing – This year, funding for affordable housing is moving outside the budget in bills related to the National Mortgage Settlement. SB 1852 passed the Senate this week. It funds the State Apartment Incentive Loan (SAIL) Program at $60 million (including $25 million for extremely low-income housing, $25 million for the elderly, and $10 million for disabled housing) and the State Housing Initiative Program (SHIP) at $40 million. HB 7111 by the House Appropriations Committee was filed on March 21 but does not have committee references. It funds SAIL at $50 million and contains no funding for SHIP.

We reported on several other environmental and agricultural programs last week. However, only one of those programs remains unresolved, as follows:

Florida Forever – The House came down in its first offer following the bump to the Chairs. It appears that Florida Forever will be funded at $60 million. However, the offer must be accepted by the Senate, and accompanying proviso language still has not been resolved

ELECTIONS

The Senate passed HB 7013 this week after several amendments as well as a lengthy discussion and debate. The bill now goes back to the House for a final vote. The bill still requires eight days of early voting and allows up to 14 days. It also allows for more flexibility in selecting early voting sites and would limit the first proposed ballot summary of a constitutional amendment proposed by the Legislature to 75 words. One issue discussed was whether a poll worker should be limited in the number of voters he or she could assist. This ultimately was not included in HB 7013. House Speaker Will Weatherford indicated that the House is analyzing the bill and that there may be one more "bounce" but that it is a priority of both chambers to pass this bill by the end of session.

LEGISLATION OF NOTE THAT PREEMPTS OR SIGNIFICANTLY RESTRICTS LOCAL GOVERNMENT

Wage Theft

HB 1125 by Representative Goodson; SB 1216 by Senator Bradley

These bills preempt local wage theft ordinances and provide for a claim under state law for wage theft under certain circumstances. HB 1125 passed the House this week. SB 1216 is in the Senate Judiciary Committee. Both bills contain a grandfather clause that would exempt Miami-Dade County from the legislation.

Living Wage

HB 655 by Representative Precourt; SB 726 by Senator Simmons

HB 655 preempts local governments from requiring employers to provide certain benefits. It provides specifically that living wage ordinances will sunset in 2016. This bill is in Senate messages.

Upon coming to the floor this week, SB 726 contained a preemption relating to leave benefits but did not preempt living wage ordinances. The Senate bill initially contained additional provisions in state law that would provide certain leave benefits to employees statewide. However, it has been amended to replace those additional benefits with a study group that would examine the issue and make recommendations to the Legislature. This was done at Senator Latvala's request.

Senator Simmons and Representative Precourt were in negotiations this week attempting to reach a deal on this legislation. We worked with a coalition of stakeholders to urge Senator Simmons and other Senators to keep the provisions of HB 655 off SB 726. Senator Simmons filed an amendment yesterday which generally preempts the provision of leave and wage benefits to the state; however, it allows local governments to provide additional benefits for its employees and to require additional benefits in their contracts, so this version of the bill still protects Miami-Dade's living wage ordinance. Upon being amended, SB 726 passed the Senate this week. It now goes to the House for a final vote. However, it is not clear whether the House will accept this bill, as Senator Simmons stated on the Senate floor that it does not represent a "deal" with Representative Precourt

ENVIRONMENTAL LEGISLATION OF NOTE

Environmental Regulatory Reform

HB 999 by Representative Patronis; SB 1684 by Senator Altman

These bills create, amend, and revise provisions regarding development permit applications, general permits for special events, well permits, exemption from permits and fees and related environmental requirements. HB 999 passed the House this week after a number of amendments, as well as discussion and debate. SB 1684 passed its last committee earlier this week. Problematic provisions relating to solid waste and recycling have been removed from both bills; however, the bills remain significantly different.

AGRICULTURAL LEGISLATION OF NOTE

Agricultural Lands

HB 203 by Representative Beshears; SB 1190 by Senator Brandes

These bills prohibit governmental entities from adopting or enforcing any prohibition, restriction, regulation, or other limitation or from charging an assessment or fee on an activity of a bona fide agricultural farm operation on land classified as agricultural land. The Revenue Estimating Conference expressed concern with the term "assessments" because it was overly broad and gave the bill a significant fiscal impact, so the term was removed from the House bill and will be removed from the Senate bill when it receives another committee hearing. The bills now apply only to fees, which are more likely to be duplicative. HB 203 passed the House last week. SB 1190 passed its last committee earlier this week and is on the Special Order calendar in the Senate on Monday if received.

MIAMI-DADE COUNTY LEGISLATIVE DELEGATION

"WORKING TOGETHER FOR MIAMI-DADE"

April 23, 2013

Ananth Prasad, P.E.
Secretary
Florida Department of Transportation
605 Suwannee Street
Tallahassee, Florida 32399-0450

Dear Secretary Prasad:

As Chairman of the Miami-Dade County State Legislative Delegation, I would respectfully request that the Florida Department of Transportation prepare a report detailing both revenues and expenditures of funds related to I-95 Express Lanes as well as other tolls generated in Miami-Dade County, such as tolls generated on Florida's Turnpike within Miami-Dade County. I would request that this report include both revenues generated by particular road as well as detailed information identifying the status of these revenues, how these revenues have been and are being spent, as well as how any of these revenues are planned to be spent.

In addition, I would ask for your input on a resolution enacted by the Miami-Dade Board of County Commissioners on April 2, 2013 to use toll revenues generated in Miami-Dade County solely within Miami-Dade County (copy attached). I'd appreciate your review and comment on this proposal, including what the consequences of this proposal might be if enacted into law.

Thank you for your attention to this matter.

Truly yours,

Representative Eduardo "Eddy" Gonzalez
Chairman
Miami-Dade County Legislative Delegation

County/State Medicaid Cost Share Plan Comparison - Senate Plan - **SB 1884**

All Counties

Base $#	269,600,000	FY 2014 - 2015	274,200,000	FY 2015 - 2016	288,580,000	FY 2016 - 2017	301,900,000	FY 2017 - 2018	315,650,000	FY 2018 - 2019	328,370,695	FY 2019 - 2020	343,508,584
		13 Actuals	83.33%	13 Actuals	66.66%	13 Actuals	50.00%	13 Actuals	33.34%	13 Actuals	16.67%	13 Actuals	0.00%
		Enrollees	16.67%	Enrollees	33.34%	Enrollees	50.00%	Enrollees	66.66%	Enrollees	83.33%	Enrollees	100.00%

	Est. FY 2013	FY 2014		FY 2015		FY 2016		FY 2017		FY 2018		FY 2019		FY 2020	
County	Medicaid Cost	Medicaid Cost ('13 Actuals %)	% Change	Medicaid Cost	% Change	Medicaid Cost	% Change	Medicaid Cost	% Change	Medicaid Cost	% Change	Medicaid Cost	% Change	Medicaid Cost	% Change
ALACHUA	3,212,661.04	3,445,149	7.24%	3,397,562	(1.38%)	3,463,794	1.95%	3,506,628	1.24%	3,543,961	1.06%	3,559,399	0.44%	3,590,231	0.87%
BAKER	290,743.26	311,783	7.24%	338,211	8.48%	378,164	11.81%	418,846	10.76%	462,207	10.35%	506,112	9.50%	555,888	9.83%
BAY	1,526,493.86	1,636,960	7.24%	1,837,962	12.28%	2,116,500	15.15%	2,404,633	13.61%	2,713,267	12.83%	3,029,875	11.67%	3,386,371	11.77%
BRADFORD	451,040.94	483,681	7.24%	489,013	1.10%	511,584	4.62%	531,982	3.99%	552,851	3.92%	571,632	3.40%	594,325	3.97%
BREVARD	6,213,101.80	6,662,720	7.24%	6,696,661	0.51%	6,963,935	3.99%	7,197,627	3.36%	7,433,703	3.28%	7,637,788	2.75%	7,889,995	3.30%
BROWARD	23,198,708.04	24,877,507	7.24%	24,843,850	(0.14%)	25,664,598	3.30%	26,345,097	2.65%	27,017,919	2.55%	27,558,110	2.00%	28,254,615	2.53%
CALHOUN	210,427.76	225,656	7.24%	233,470	3.46%	249,887	7.03%	265,783	6.36%	282,449	6.27%	298,580	5.71%	317,311	6.27%
CHARLOTTE	1,454,100.64	1,559,328	7.24%	1,599,632	2.58%	1,697,939	6.15%	1,791,383	5.50%	1,888,731	5.43%	1,981,251	4.90%	2,089,747	5.48%
CITRUS	1,667,575.80	1,788,252	7.24%	1,827,870	2.22%	1,933,314	5.77%	2,032,570	5.13%	2,135,620	5.07%	2,232,592	4.54%	2,346,922	5.12%
CLAY	1,595,450.82	1,710,907	7.24%	1,786,971	4.45%	1,930,016	8.00%	2,070,676	7.29%	2,218,909	7.16%	2,364,463	6.56%	2,532,184	7.09%
COLLIER	2,917,747.98	3,128,894	7.24%	3,233,555	3.34%	3,457,097	6.91%	3,673,087	6.25%	3,899,368	6.16%	4,117,917	5.60%	4,371,988	6.17%
COLUMBIA	1,401,587.20	1,503,015	7.24%	1,482,225	(1.38%)	1,511,089	1.95%	1,529,742	1.23%	1,545,992	1.06%	1,552,688	0.43%	1,566,096	0.86%
DADE	47,397,007.10	50,826,942	7.24%	51,491,086	1.31%	53,977,726	4.83%	56,245,715	4.20%	58,573,779	4.14%	60,691,101	3.61%	63,234,547	4.19%
DESOTO	421,072.44	451,544	7.24%	490,662	8.66%	549,456	11.98%	609,384	10.91%	673,279	10.49%	738,033	9.62%	811,411	9.94%
DIXIE	246,379.06	264,209	7.24%	278,216	5.30%	302,805	8.84%	327,234	8.07%	353,067	7.89%	378,672	7.25%	408,030	7.75%
DUVAL	13,416,797.56	14,387,718	7.24%	14,532,072	1.00%	15,187,745	4.51%	15,777,482	3.88%	16,379,713	3.82%	16,918,700	3.29%	17,571,954	3.86%
ESCAMBIA	4,059,059.72	4,352,798	7.24%	4,509,944	3.61%	4,833,685	7.18%	5,147,988	6.50%	5,477,801	6.41%	5,797,807	5.84%	6,168,912	6.40%
FLAGLER	998,891.34	1,071,177	7.24%	1,102,445	2.92%	1,173,934	6.48%	1,242,414	5.83%	1,313,945	5.76%	1,382,455	5.21%	1,462,461	5.79%
FRANKLIN	227,920.58	244,414	7.24%	238,081	(2.59%)	239,512	0.60%	239,009	(0.21%)	237,810	(0.50%)	234,815	(1.26%)	232,481	(0.99%)
GADSDEN	600,399.42	643,848	7.24%	711,994	10.58%	809,492	13.69%	909,753	12.39%	1,016,950	11.78%	1,126,386	10.76%	1,249,922	10.97%
GILCHRIST	195,807.66	209,977	7.24%	222,685	6.05%	243,967	9.56%	265,269	8.73%	287,848	8.51%	310,376	7.83%	336,116	8.29%
GLADES	138,303.72	148,312	7.24%	141,962	(4.28%)	140,061	(1.34%)	136,754	(2.36%)	132,766	(2.92%)	127,482	(3.98%)	122,233	(4.12%)
GULF	190,892.06	204,706	7.24%	208,965	2.08%	220,729	5.63%	231,760	5.00%	243,196	4.93%	253,914	4.41%	266,578	4.99%
HAMILTON	187,429.10	200,993	7.24%	218,219	8.57%	244,183	11.90%	270,636	10.83%	298,835	10.42%	327,400	9.56%	359,777	9.89%
HARDEE	275,973.06	295,944	7.24%	352,973	19.27%	426,189	20.74%	503,057	18.04%	585,770	16.44%	671,624	14.66%	767,704	14.31%
HENDRY	410,723.26	440,446	7.24%	527,137	19.68%	638,110	21.05%	754,686	18.27%	880,148	16.62%	1,010,436	14.80%	1,156,206	14.43%
HERNANDO	2,167,459.88	2,324,310	7.24%	2,401,036	3.30%	2,565,965	6.87%	2,725,190	6.21%	2,891,953	6.12%	3,052,889	5.56%	3,240,063	6.13%
HIGHLANDS	1,176,389.96	1,261,521	7.24%	1,328,385	5.30%	1,445,767	8.84%	1,562,390	8.07%	1,685,711	7.89%	1,807,942	7.25%	1,948,088	7.75%
HILLSBOROUGH	17,480,001.94	18,744,961	7.24%	19,231,724	2.60%	20,415,987	6.16%	21,542,012	5.52%	22,715,189	5.45%	23,830,520	4.91%	25,138,232	5.49%
HOLMES	254,364.08	272,771	7.24%	303,306	11.19%	346,450	14.22%	390,919	12.84%	438,498	12.17%	487,162	11.10%	542,043	11.27%
INDIAN RIVER	999,001.82	1,071,296	7.24%	1,174,714	9.65%	1,325,924	12.87%	1,480,809	11.68%	1,646,204	11.17%	1,814,505	10.22%	2,004,814	10.49%
JACKSON	549,397.66	589,155	7.24%	645,307	9.53%	727,665	12.76%	811,977	11.59%	901,994	11.09%	993,550	10.15%	1,097,104	10.42%
JEFFERSON	207,895.82	222,940	7.24%	225,821	1.29%	236,692	4.81%	246,600	4.19%	256,769	4.12%	266,011	3.60%	277,117	4.18%
LAFAYETTE	35,386.72	37,948	7.24%	48,756	28.48%	62,007	27.18%	76,050	22.65%	91,204	19.93%	107,049	17.37%	124,713	16.50%
LAKE	3,834,321.52	4,111,796	7.24%	4,152,857	1.00%	4,340,025	4.51%	4,508,332	3.88%	4,680,189	3.81%	4,833,957	3.29%	5,020,352	3.86%
LEE	6,314,144.84	6,771,075	7.24%	7,108,240	4.98%	7,714,280	8.53%	8,314,227	7.78%	8,947,884	7.62%	9,573,905	7.00%	10,292,919	7.51%
LEON	2,336,045.90	2,505,096	7.24%	2,608,137	4.11%	2,808,377	7.68%	3,004,353	6.98%	3,210,558	6.86%	3,412,154	6.28%	3,644,994	6.82%
LEVY	643,499.18	690,067	7.24%	704,020	2.02%	743,235	5.57%	779,939	4.94%	817,968	4.88%	853,542	4.35%	895,620	4.93%
LIBERTY	126,332.08	135,474	7.24%	136,719	0.92%	142,766	4.42%	148,182	3.79%	153,704	3.73%	158,621	3.20%	164,597	3.77%
MADISON	215,992.32	231,623	7.24%	262,355	13.27%	304,298	15.99%	347,811	14.30%	394,461	13.41%	442,428	12.16%	496,373	12.19%
MANATEE	4,079,449.60	4,374,663	7.24%	4,376,288	0.04%	4,528,949	3.49%	4,657,646	2.84%	4,785,773	2.75%	4,891,197	2.20%	5,025,208	2.74%
MARION	4,096,768.68	4,393,236	7.24%	4,612,452	4.99%	5,006,168	8.54%	5,395,973	7.79%	5,807,697	7.63%	6,214,504	7.00%	6,681,713	7.52%
MARTIN	886,314.86	950,454	7.24%	1,011,047	6.38%	1,110,772	9.86%	1,210,872	9.01%	1,317,074	8.77%	1,423,295	8.06%	1,544,501	8.52%
MONROE	658,885.00	706,566	7.24%	701,010	(0.79%)	719,238	2.60%	733,056	1.92%	746,181	1.79%	755,161	1.20%	767,911	1.69%
NASSAU	602,696.54	646,311	7.24%	683,064	5.69%	745,961	9.21%	808,699	8.41%	875,128	8.21%	941,203	7.55%	1,016,821	8.03%
OKALOOSA	1,424,324.22	1,527,397	7.24%	1,636,846	7.17%	1,810,449	10.61%	1,985,772	9.68%	2,172,150	9.39%	2,359,550	8.63%	2,572,791	9.04%
OKEECHOBEE	589,818.62	632,501	7.24%	663,289	4.87%	719,119	8.42%	774,315	7.68%	832,586	7.53%	890,086	6.91%	956,169	7.42%
ORANGE	16,797,818.52	18,013,411	7.24%	18,261,480	1.38%	19,156,785	4.90%	19,975,775	4.28%	20,817,368	4.21%	21,585,315	3.69%	22,506,133	4.27%
OSCEOLA	4,055,553.46	4,349,038	7.24%	4,710,655	8.31%	5,260,183	11.67%	5,819,234	10.63%	6,414,932	10.24%	7,017,646	9.40%	7,701,220	9.74%
PALM BEACH	14,830,324.60	15,903,537	7.24%	16,052,688	0.94%	16,765,937	4.44%	17,405,339	3.81%	18,057,474	3.75%	18,638,848	3.22%	19,345,010	3.79%
PASCO	6,012,814.14	6,447,938	7.24%	6,508,649	0.94%	6,798,093	4.45%	7,057,619	3.82%	7,322,333	3.75%	7,558,376	3.22%	7,845,049	3.79%
PINELLAS	16,706,329.52	17,915,301	7.24%	17,050,336	(4.83%)	16,712,481	(1.98%)	16,195,752	(3.09%)	15,586,591	(3.76%)	14,812,818	(4.96%)	14,029,149	(5.29%)
POLK	9,158,975.80	9,821,775	7.24%	10,038,808	2.21%	10,617,323	5.76%	11,161,801	5.13%	11,727,056	5.06%	12,258,877	4.53%	12,885,962	5.12%
PUTNAM	1,049,313.40	1,125,248	7.24%	1,235,151	9.77%	1,395,387	12.97%	1,559,600	11.77%	1,734,985	11.25%	1,913,527	10.29%	2,115,371	10.55%
SANTA ROSA	1,160,789.50	1,244,791	7.24%	1,321,548	6.17%	1,449,284	9.67%	1,577,269	8.83%	1,712,978	8.60%	1,848,497	7.91%	2,003,264	8.37%
SARASOTA	3,091,863.08	3,315,609	7.24%	3,410,209	2.85%	3,629,075	6.42%	3,838,427	5.77%	4,056,998	5.69%	4,266,035	5.15%	4,510,340	5.73%
SEMINOLE	4,373,446.64	4,689,936	7.24%	4,648,822	(0.88%)	4,765,134	2.50%	4,851,785	1.82%	4,933,396	1.68%	4,987,145	1.09%	5,065,298	1.57%
ST. JOHNS	1,154,915.14	1,238,492	7.24%	1,280,655	3.40%	1,369,951	6.97%	1,456,325	6.30%	1,546,850	6.22%	1,634,374	5.66%	1,736,065	6.22%
ST. LUCIE	2,902,785.40	3,112,849	7.24%	3,326,346	6.86%	3,669,587	10.32%	4,015,445	9.42%	4,382,846	9.15%	4,751,545	8.41%	5,171,516	8.84%
SUMTER	548,810.62	588,526	7.24%	629,965	7.04%	696,047	10.49%	762,724	9.58%	833,584	9.29%	904,779	8.54%	985,823	8.96%
SUWANNEE	632,637.38	678,419	7.24%	712,393	5.01%	773,327	8.55%	833,669	7.80%	897,408	7.65%	960,398	7.02%	1,032,733	7.53%
TAYLOR	258,458.18	277,162	7.24%	300,276	8.34%	335,373	11.69%	371,083	10.65%	409,136	10.25%	447,641	9.41%	491,310	9.76%
UNION	188,732.88	202,391	7.24%	208,350	2.94%	221,913	6.51%	234,913	5.86%	248,495	5.78%	261,510	5.24%	276,704	5.81%
VOLUSIA	5,778,313.60	6,196,467	7.24%	6,433,274	3.82%	6,908,612	7.39%	7,371,730	6.70%	7,858,279	6.60%	8,331,945	6.03%	8,880,261	6.58%
WAKULLA	258,736.14	277,460	7.24%	296,583	6.89%	327,280	10.35%	358,219	9.45%	391,088	9.18%	424,080	8.44%	461,656	8.86%
WALTON	574,884.38	616,487	7.24%	630,770	2.32%	667,813	5.87%	702,780	5.24%	739,120	5.17%	773,416	4.64%	813,787	5.22%
WASHINGTON	286,397.24	307,123	7.24%	334,248	8.83%	374,810	12.14%	416,191	11.04%	460,324	10.60%	505,084	9.72%	555,785	10.04%
TOTAL	**251,406,686.08**	**269,600,000**		**274,200,000**		**288,580,000**		**301,900,000**		**315,650,000**		**328,370,695**		**343,508,584**	

Notes:

1: All enrollee data is based on data as of March 1, 2013. Future estimates of Enrollee data are not available at this time. Any change in enrollee population may cause specific financial estimates of some counties to change in the future.

2: The total aggregate amounts for FY 2019 and FY 2020 are not official state estimates, but rather estimate done by the Florida Association of Counties.