

Miami-Dade County 2010 State Legislative Report July 2010



Board of County
Commissioners

Office of
Intergovernmental
Affairs





Lobbyists Registered for Miami-Dade County 2010 Legislative Session

Office of Intergovernmental Affairs

Joe Rasco, Director
Ivette Arango, State Affairs Coordinator
Juan del Cerro, State Affairs Coordinator

County Attorney's Office

Jess McCarty

Lobbyists

Ronald Book, PA (prime contract lobbyist)
Ron Book, Kelly Mallette, Rana Brown

Pittman Law Group
Sean Pittman, Eddie Metzger

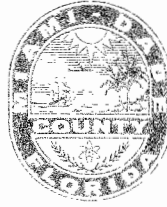
Rutledge, Ecenia & Purnell, P.A (prime contract lobbyist)
Gary Rutledge, Margie Menduni, Jon Costello

Gomez Barker
Fausto Gomez, Manny Reyes, Evan Power

Becker Poliakoff
Yolanda Cash Jackson, Cedric McMinn, Edgar Castro, Nelson Diaz

Dutko Poole McKinley
Will McKinley, Georgia McKeown, Sophia Patent, Nancy Texeira

Board of County Commissioners



Rebeca Sosa
COMMISSIONER
DISTRICT 6

July 14, 2010

The Honorable Dennis C. Moss
Chairman
Board of County Commissioners
Miami-Dade County
111 NW 1st Street
Miami, FL. 33128

Dear Chairman Moss:

As the Chairperson of the State Intergovernmental Affairs Subcommittee, I am pleased to present, for your review and consideration, the 2010 State Legislative Report, as prepared by the Office of Intergovernmental Affairs. This report provides complete coverage of all County budget and legislative requests, Board of County Commission resolutions, and provides grades for all of our contract lobbyists.

I would like to thank each of the members of the Board of County Commissioners, the Mayor, and staff who flew up to Tallahassee to advocate on behalf of Miami-Dade County. Together we were able to secure a significant amount of funding for the County despite the tight budget year. Moreover, we were successful in protecting and restoring funding that was in peril during this difficult financial period. I'm most proud of our efforts to secure \$50 million in funding for Jackson Health System contingent on Congress approving the FMAP extension, our efforts to defeat the bail bond bills that would have significantly undermined our pretrial release program and our effort to preserve funding for critical elderly programs and Local Service Providers.

This year, in the face of the most difficult budgetary challenge of our time, I have challenged the Office of Intergovernmental Affairs to become more cost effective. Therefore, in order to become a more sustainable County, the 2010 Legislative report will be transmitted to you via diskettes and posted on the County Website for your perusal.

July 14, 2010

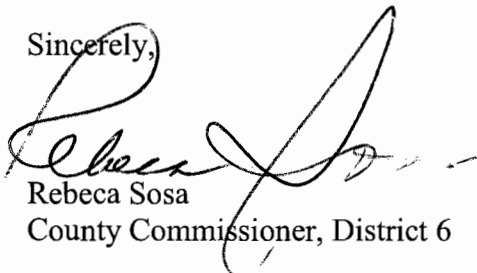
Intergovernmental Affairs Sub-Committee report

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In closing, I would like to thank Governor Charlie Crist, Senate President Jeff Atwater, Speaker of the House Larry Cretul, and the Miami-Dade Legislative Delegation for their leadership and steadfast support during the legislative session. I would also like to thank you for allowing me to chair this important subcommittee. It has been a privilege to work on your behalf over these past two years.

Please do not hesitate to contact me or the Office of Legislative Affairs if you have any additional questions regarding this report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rebeca Sosa', with a long horizontal flourish extending to the right.


Rebeca Sosa

County Commissioner, District 6

Cc: Mayor Carlos Alvarez
Members of the Board of County Commissioners
George Burgess, County Manager
Robert A. Cuevas, County Attorney
Diane Collins, Clerk of the Board of County Commissioners
Joe Rasco, Director, Intergovernmental Affairs
Jess McCarty, County Attorney, Intergovernmental Affairs
Wayman Bannerman, Chief of Staff, Chairman Dennis C. Moss
Roly Marante, Chief of Staff, Commissioner Rebeca Sosa



BOARD OF COUNTY COMMISSIONERS
Office of Intergovernmental Affairs

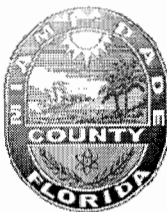
To: Honorable Chairman Dennis C. Moss
And Members, Board of County Commissioners
From: Joe I. Rasco 
Director, Office of Intergovernmental Affairs
Date: July 2010
Re: 2010 State Legislative Report

Submitted for your consideration is the 2010 State Legislative Report. This report provides a detailed summary of issues of relevance to Miami-Dade County that transpired during the recently completed session of the Florida Legislature.

The OIA team would like to thank Commissioner Rebeca Sosa, Chair of the State Intergovernmental Affairs Subcommittee, for her leadership and assistance throughout session. We would also like to thank the Board of County Commissioners, County Executive Offices and the various County departments that took time to assist us with the many complex issues the County faced in Tallahassee. In particular, we would like to thank Jess McCarty from the County Attorney's office for his dedication and tireless efforts as an advocate for Miami-Dade County. Lastly, we would like to express thanks to our Miami-Dade Legislation Delegation and their staffs for their persistence in defending and promoting our County's interests.

This was an extremely difficult session in which the state's budget shortfall and the politics of the upcoming elections played a major role in deciding the outcome of many important issues. Nevertheless, through the hard work and dedication of our in-house team and contract lobbyists, Miami-Dade County completed a successful legislative session. We look forward to carrying this momentum over to the 2011 session of the Florida Legislature.

Cc: Honorable Carlos Alvarez, Mayor
Mr. George Burgess, County Manager
Mr. Robert Cuevas, County Attorney



Outline of 2010 Final Report

I. List of Registered Lobbyists

II. Executive Summary

III. Issue by Issue Review

- **Budget Issues**
- **County Priorities**
- **County Issues of Interest That Passed**
- **County Issues of Interest That Did Not Pass**
- **BCC Resolutions**

IV. Countywide Appropriations

V. Contract Lobbyist Performance Evaluation

VI. Contract Lobbyist Final Reports

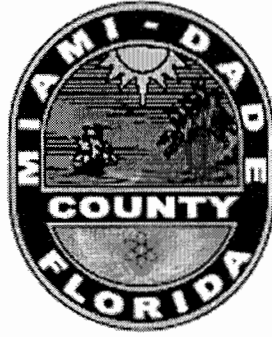
- **Ronald L. Book, PA**
 - **Pittman Law Group**
- **Rutledge Ecenia**
 - **Gomez Barker Associates**
 - **Dutko Poole McKinley**
 - **Becker Poliakoff**

VII. Bills Passed by Miami-Dade State Legislative Delegation

VIII. Miami-Dade State Legislative Delegation Contact Information

IX. 2010 Elections

X. Summer 2010/Special Session



2010 State Legislative Report Executive Summary

The \$3.2 billion state budget shortfall cast a shadow over the 2010 legislative session as leaders in both chambers had conflicting ideas on how to close the gap. The shortfall was closed using \$433 million from the Seminole Gaming Compact, \$2.3 billion in federal stimulus money, and \$507 million in money swept from the state's various trust funds. The trust fund sweep included \$160 million from the State Transportation Trust Fund, which was included in the nearly \$400 million the Governor vetoed from the budget. There are several items in the budget still pending, as budget writers included provisions that certain projects were to be funded contingent on Congress approving more Medicaid money for Florida.

Politics also played a significant role in the 2010 session. Leaders in the House and Senate were at odds with Governor Crist over his decision midway through the session to veto SB 6, the controversial teacher pay bill, as well as his decision at the end of the session to leave the Republican Party and run for the U.S. Senate as an independent.

The Office of Intergovernmental Affairs (OIA), working with the Board of County Commissioners and in conjunction with the County Attorney's Office and Miami-Dade County's contract lobbyists, operated as a team throughout session to fight for passage of the county's priorities, defeat issues that would negatively impact the county and protect funding for our projects and items in the state budget.

Our team helped secure \$50 million in funding for Jackson Health System and helped preserve current funding levels for elderly programs, Local Service Providers and the Juvenile Assessment Center. The team also worked to defeat legislation being advanced by the bailbond industry that would have severely undermined Miami-Dade County's pretrial release program, averting a fiscal impact to Miami-Dade County of nearly \$20 million.

Among the issues that our team help shepherd to passage were: the extension of the Qualified Target Industry economic development program to 2015, a public

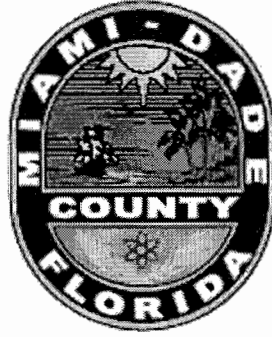
records exemption for users of Miami-Dade Transit's EASY Card system, new criminal offenses related to slaughter of horses and the illegal sale of their meat for human consumption and the authority to use red light cameras, with part of the fine revenue going to trauma centers at Jackson Memorial Hospital.

The following report contains an overview of some of the more significant bills, appropriations and issues that Miami-Dade County worked on during the session and committee weeks leading up to the session. The report also includes the final reports submitted by our contract lobbyists.

It was with great pride that the OIA served in Tallahassee as advocates for Miami-Dade County. Despite an acrimonious political atmosphere and a large budget gap, Miami-Dade County realized meaningful successes.

Next year's session will bring greater challenges, including an even larger state budget shortfall estimated to approach \$7 billion, the loss of 10 members of our legislative delegation, including key leadership positions in both House and Senate such as the Senate Majority Leader and Rules Chair, and the House Budget Council and Policy Council Chairs, as well as a new Governor and an entirely new Cabinet.

OIA looks forward to the challenges the lies ahead, and will use the successes of this session as a springboard into 2011.



County Budget Issues

The Florida Legislature passed its \$70.4 billion budget on the last day of the legislative session. The Florida Legislature intended to fill a \$3.2 billion shortfall that existed with money from the Seminole Gaming Compact, federal stimulus funds, and a sweep of state trust funds, including a \$150 million sweep from the State Transportation Trust Fund (STTF). Governor Crist signed the budget into law on May 28, but not before exercising his line-item veto power and cutting \$370 million in spending, including the sweep from the STTF.

Below, please find an overview of items of interest to Miami-Dade County that can be found in the Fiscal Year 2010-2011 budget.

Jackson Health System: Jackson Health System received \$50 million in funds in this year's state budget. The state budget also includes two separate proposals with regards to Low Income Pool funding, from which Jackson will also receive funding. These two proposals are contingent on Congress approving an extension of FMAP funding.

Trauma Centers: Trauma centers received a funding source this year via legislation regarding red-light cameras. HB 325, Uniform Traffic Control by Rep. Reagan (SB 2166 by Sen. Altman), creates a uniform, statewide standard for the use of red light cameras by counties and municipalities. The bill imposes a \$158 fine for offenses captured by the red light cameras of which \$10 shall be diverted to trauma centers, and \$3 to the brain and spinal cord injury trust fund for research at the Miami Project to Cure Paralysis.

Liberty City Health Clinic: This project was funded at \$2.5 million.

Miami-Dade Blue Premium Assistance Program: This program was funded at \$250,000.

Beach Renourishment: The budget provides \$15.5 million for statewide renourishment projects. Miami-Dade received first priority on the statewide list, thus receiving its full request of \$6.7 million.

Florida Forever: The Florida Forever land buying program is funded at \$15 million.

Miami-Dade Advanced Traffic Management System: This project was funded at \$1.9 million.

Miami-Dade Aviation: The following projects at Miami International Airport were funded in this year's budget:

- MIC/MIA Connector at \$11.4 million
- Airport Central Boulevard at \$1.9 million
- 67th Avenue Right of Way at \$1.4 million
- Runway 8R/26L Resurfacing at \$1.3 million
- MIC Central Station at \$17.5 million

25th Street Viaduct: The viaduct remains in FDOT's Five-Year Work Plan as a result of the Governor's veto of the sweep of the STTF. This project would have been pushed back to subsequent years had the sweep of the trust funds been signed into law.

Port of Miami Tunnel: The tunnel project received funding in the amount of \$135 million.

State Aid to Libraries: Fully funded at \$21.2 million of non-recurring general revenue funds. This funding was almost lost to make up for shortfalls in other areas of the budget.

Juvenile Assessment Centers/Juvenile Alternative Services Program: These two recurring programs were funded at current levels.

Elderly High Risk Meals: This program was funded at current levels.

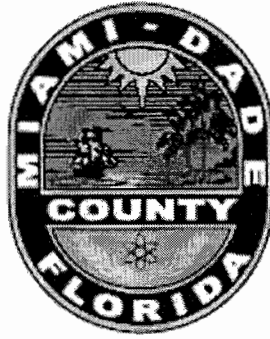
Community Care for the Elderly: This program was funded at current levels.

Regional Planning Councils: The Councils were funded at \$2.5 million from recurring General Revenue.

First Time Homebuyer Program: This program was funded at \$37.5 million, and provides down payment and cost assistance to first time homebuyers.

Mildred Pepper Senior Center: Funded at \$1.7 million.

Little Havana Activities and Nutrition Centers: Funded at \$200,000.



County Priorities

The following are priorities to Miami-Dade County, ("MDC") that passed. Our advocacy position, whether in favor or against the passage of the legislation, has been identified:

HB 7109, Tax Refund Program for Qualified Target Industry Businesses, House Economic Development Policy Committee (SB 1856 by Senate Commerce Committee): This bill extends the Qualified Target Industry (QTI) Program by five years to 2015. The bill also creates a definition for return on investment for QTI projects, allows leased employees to be included in the job count, directs the Office of Tourism Trade and Economic Development to begin a review a terminated QTI projects, and requires a review of the targeted industry list every three years in cooperation with economic development partners and universities.

MDC actively lobbied for passage of this legislation. **Governor Crist signed the bill into law on May 27.**

HB 325, Uniform Traffic Control, Rep. Reagan (SB 2166 by Sen. Altman): This bill creates a uniform, statewide standard for the use of red light cameras by counties and municipalities. The bill imposes a \$158 fine for offenses captured by the red light cameras. The fine is broken down as follows: \$75 to retained by the city or county (\$50 on state roads), \$70 going to the state general revenue fund, \$10 to trauma centers, and \$3 to the brain and spinal cord injury trust fund for research at the Miami Project to Cure Paralysis. The final version of the bill makes special provisions for right turns at a red light if the driver is making the turn in a careful and prudent manner.

MDC actively lobbied for passage of this legislation. **Governor Crist signed the bill into law on May 13.**

HB 765, Animal Protection, Rep. Garcia (SB 1708 by Sen. Crist): This bill creates new offenses related to horse meat for human consumption, increases the penalty for the current offense of sale of unmarked horse meat and provides a minimum mandatory fine of \$3,500 and a minimum mandatory period of incarceration of one year for the violation of these offenses.

MDC actively lobbied for passage of this legislation. **Governor Crist signed the bill into law on May 14.**

HB 393, Public Records/Public Transit Providers, Rep. Bovo (SB 688 by Sen. Gelber): This bill creates a public record exemption for personal identifying information held by a public transit provider, including the Miami-Dade County EASY Card system. The legislation provides for a repeal of the exemption on October 2, 2015, pending a review by the Legislature.

MDC actively lobbied for passage of this legislation. **Governor Crist signed the bill into law on June 3.**

The following are Miami-Dade County priorities that did not pass. Our advocacy position, whether in favor or against the passage of the legislation, has been identified:

SJR 2420, State Revenues/Voter Approval of New Taxes and Fees, Senator Haridopolos (No House companion): This proposed constitutional amendment, commonly known as the Taxpayers Bill of Rights (TABOR), would ask voters to approve a limit on state revenues and require voter approval of new taxes and fees. The bill only passed out of its first of five committees of reference. The House released their version of TABOR late in session, but the actual bill was never filed or heard in committee. Should this amendment have been placed on the ballot and passed, it would have severely impacted Miami-Dade County's budget process. Future legislative leaders have indicated that this issue will be revisited in upcoming sessions.

MDC actively lobbied against passage of this legislation.

HB 445, Pretrial Detention and Release, Rep. Dorworth (SB 782 by Sen. Thrasher): This legislation would have severely restricted county pretrial supervision programs. The proposed criteria for pretrial programs to be established would have greatly reduced the number of defendants eligible for the program and increased the number of prisoner in County jails. The House version of the bill passed its three committees of reference. The Senate version died in the Senate Criminal Justice Committee. Passage of this bill would have resulted in a negative fiscal impact of nearly \$19 million to Miami-Dade County.

In Miami-Dade County the projected lost revenue based on fees collected last year were this legislation to pass is estimated to have been \$317,382.18.

MDC actively lobbied against passage of this legislation.

HB 1004, Local Government, Sen. Gelber (HB 829 by Rep. Bovo): This bill would have allowed local governments to negotiate, rather than competitively bid, leases for up to five years. The bill would have also allowed for transfer of right-of-ways by deed. The bill passed the Senate and House unanimously.

MDC actively lobbied for passage of this legislation. **Governor Crist vetoed the bill on June 1.** In his veto message, the Governor stated, as follows:

Competitive bidding by governmental entities protects the public's interest and ensures the best use of taxpayers' dollars. Laws are in effect which require competitive bidding of county lease agreements. This law is sufficient to achieve balance and protection of the public's interest and enable county government officials to achieve the best bid.

Local governments should strive to adhere to competitive bidding standards. Because we are elected officials, we have a responsibility to conduct business in the open for all to compete. We should not modify laws in the name of ease in exchange for the public's trust.

SJR 1254, Property/Annual Assessment/Exemption, Sen. Fasano (HJR 655 by Rep. Domino): This proposed constitutional amendment would have asked voters to approve lowering the nonhomestead cap from 10 percent to 5 percent and provide additional relief for first time homebuyers. The bill had passed its first of five committees of reference early during session, but was withdrawn from its final four committees on the last week of session and heard on the Senate floor. The bill was temporarily postponed on third reading and eventually died when it was never brought back up for a vote. The House version of the bill passed its first committee of reference and died in its final committee of reference by its failure to be placed on a meeting agenda. The estimated impact to Miami-Dade County would have been \$26 million in its first year.

MDC actively lobbied against passage of this legislation.

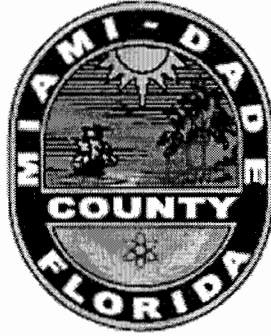
SB 2044, Insurance, Sen. Richter (No identical House companion): This legislation would have made it easier for insurers to raise rates up to 10 percent, in an effort to cover the cost of reinsurance and make up for inflation. Governor Crist had warned lawmakers that he would not sign any bill that could eventually lead to rate hikes. The bill also put a three year limit on when someone can file a claim from a hurricane and changed how much insurers have to pay out initially for structural damage. The bill passed the Senate late in session, and was taken up by the House in the last week of session. After some back and forth between the two chambers regarding several amendments, the

final version of the bill eventually passed both chambers on the last day of session.

MDC actively lobbied against passage of this legislation. **Governor Crist vetoed the bill on June 1.** In his veto message, the Governor stated, as follows:

Senate Bill 2044 makes numerous changes to the law relating primarily to residential property insurance. I am most concerned about the expansion of the current expedited rate filing procedure for property insurers that makes it easier to increase Floridians' premiums. During these very difficult economic times, Florida's consumers should not have to be concerned with an additional premium increase to their policy.

Additionally, the bill makes troubling changes to the way mitigation discounts are applied. Specifically, responsible Floridians who have already made investments to harden their homes could be unfairly penalized.



County Issues of Interest that Passed

SB 1752, Economic Development, Sen. Gaetz (HB 1509 by Rep. Weatherford): This legislation, known as the “Jobs Bill” throughout the legislative session, is a comprehensive economic development package that includes tax credits and spending aimed at strengthening the state’s economy and reverses the quickly increasing unemployment rate. This legislation adds \$74 million in spending to the state budget in the coming year.

Among the provisions in the bill are:

- A requirement that contracts between local governments and economic development entities must require the entity receiving funds to submit a report detailing how the funds were spent and detailing the entity’s efforts on behalf of the city or county;
- Beginning January 2011, cities and counties must report to the Legislative Committee on Intergovernmental Relations any economic development incentives in excess of \$25,000;
- Allow economic development ad valorem tax exemptions to be extended in 10 year increments;
- Tax breaks for the film industry, for manufacturers of boats and airplanes, and for the hiring of unemployed Floridians;
- Financing for retraining of space shuttle program employees;
- Tax exemptions to additional sporting events; the bill adds the All-Star Games and related activities for the various sports to a list that already includes championship games and playoffs;
- Provides an extension to development orders issued by local governments, building permits, and permits issued by the Department of Environmental Protection or a Water Management District.

Governor Crist signed the bill into law on May 28.

HB 119, Sexual Offenders and Predators, Rep. Glorioso (SB 1284 by Sens. Crist and Aronberg): This bill grandfathers the ordinance recently passed by Miami-Dade County with regards to sexual predators. The bill forbids sexual predators from being within 300 feet of a location where children may congregate and forbids them from being at a child care facility of K-12 school without notice and supervision. There was language in the bill at the start of session, that was eventually removed, that would have allowed the Legislature to establish a statewide residency restriction.

Governor Crist signed the bill into law on May 26.

SB 1118, Docks, Sen Altman (HB 1239 by Rep. Patronis): This bill authorizes the placement of roofs on certain residential single family docks. Miami-Dade County's Department of Environmental Protection identified an issue with the possibility that the size of the roofs would block the sun from reaching the water. The roof size was decreased to allow coverage only of the boat.

Governor Crist signed this bill into law on June 4.

SB 2060, Sovereign Immunity, Sen Bennett (HB 1107 by Rep. Nehr): This bill increases current sovereign immunity caps of \$100,000 per person and \$200,000 per incident to \$200,000 and \$300,000, respectively. This is the first time there is a change to these amounts since 1981. These new caps go into effect on October 1, 2011 and will apply only to claims made after that day.

Governor Crist signed this bill into law on April 27.

HB 483, Tax on Sales, Use and Other Transactions, Reps. Rivera and Flores (SB 514 by Sen. Fasano): This bill create sales tax holiday between August 13 and August 15, 2010 on the purchase of school supplies less than \$10, as well as sales tax on books, clothes, wallets, purses, backpacks, and diaper bags, among other items.

Governor Crist signed this bill into law on May 26.

HB 1157, Local Government Prompt Payment, Rep. Eisnaugle (SB 1056 by Sen. Baker): This bill provides revisions to the current prompt payment law by requiring local governments to designate a single point of contact to handle contract issues, specifying time periods for processing invoice payments and laying out a process for handling invoice disputes. Also,

contractors would not be penalized for government delays in providing needed documentation.

Governor Crist signed this bill into law on May 26.

SB 622, Gaming, Sen. Jones (HB 7221 by House Select Committee on Seminole Indian Compact Review): This bill is the product of the agreement reached on a compact between Governor Crist, the Florida Legislature, and the Seminole Tribe of Florida. The compact allows for the immediate use of \$250 million while also securing an additional \$1.2 billion in revenue over the next five years. In return for these funds, the Seminole Tribe has exclusive rights to run banked card games, such as blackjack and baccarat, at five of its seven Florida casinos. While the Governor has encouraged the Legislature to use this money to fund education, the money will be placed in the General Revenue fund.

Governor Crist signed this bill into law on April 28.

SB 550, Environmental Protection, Sen. Constantine (No identical House companion as it includes provisions from several bills): This bill contains a number of provisions related to water and the environment. Among them:

- Reorganizes existing sections of chapter 373 of the Florida Statutes that address water supply policy, planning, production, and funding and moves them into a newly created section of statute;
- Authorizes Department of Environmental Protection to issue life-of-the-mine permits for limestone operations, and clarifies that nothing in that authorization prohibits a local government's authority to oppose, approve with conditions, deny, or impose different permit durations;
- Extends from July 1, 2010 to December 31, 2015, the completion deadline for required wastewater treatment facilities;
- Adds onsite sewage treatment requirements to statute;
- Establishes a statewide program requiring all onsite sewage systems to undergo an inspection once every five years;
- Expands the scope of water pollution control finance assistance program;
- Provides legislative findings regarding surface water quality, the EPA's numeric nutrient rulemaking and the state's efforts to address the issue through the TDML Program.

Governor Crist signed this bill into law on June 4.

HB 131, Elections, Rep. Adams (SB 900 by Sen. Thrasher): This bill was originally filed to conform to existing federal law by adding uniformed services

voter to the definition of overseas voter. The bill was amended eventually to include language which extends the American with Disabilities Act requirement that all voting machines comply with their requirements from 2012 to 2016. This latter issue has been a priority of the Miami-Dade County Elections Department.

Governor Crist signed this bill into law on May 28.

HB 965, Real Property Assessment, Rep. McKeel (SB 2160 by Sen. Storms): This bill requires property appraisers to adjust the assessed value of affected single-family residential property by taking into consideration the presence of imported drywall and its impact on the home's value. If a building cannot be used for its intended purpose, without repair, its value will be zero dollars.

Governor Crist signed this bill into law on June 1.

HB 7243, Environmental Control, House General Government Policy Council (SB 570 by Sen. Constantine): This bill provides incremental recycling goals for counties in an effort to reach the state's previously stated goal of 75% recycling by 2020.

Governor Crist signed this bill into law on May 27.

HB 963, Seaports, Rep. Ray (SB 2000 by Sen. Ring): This bill includes several provisions related to seaports and their economic viability. The bill authorizes ports to enter into public-private partnerships for infrastructure projects, requires the Florida Seaport Transportation and Economic Development Council to provide the Florida Department of Transportation with a list of port projects that can be made production-ready within the next 5 years, and allows seaport projects for rehabilitation of certain structures to only need a 25 percent match.

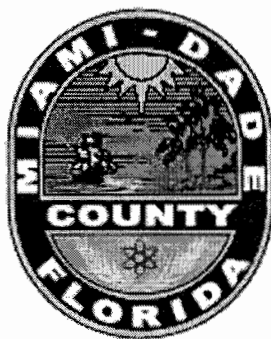
Governor Crist signed the bill into law on June 3.

HB 7069, Screening, House Criminal and Civil Justice Policy Council (SB 1520 by Sen. Storms): This bill rewrites requirements and procedures with regards to background screenings on individuals who will be contracted to work with children or the elderly. Among the provisions of the bill, it requires that no person can begin work until the screening has been completed, requires all fingerprints to be submitted electronically, adds additional crimes to disqualifying offenses, and authorizes the Department of Children and Families to conduct a drug test on a licensed foster parent if there is reasonable suspicion that the foster parent is using illegal drugs.

Governor Crist signed this bill into law on May 26.

HB 11, Crimes Against Homeless Persons, Rep. Porth (SB 506 by Sen. Ring): This bill provides that a penalty for any felony or misdemeanor will be reclassified if the commission of the offense evidences prejudice on the homeless status of the victim.

Governor Crist signed this bill into law on May 11.



County Issues of Interest that Did Not Pass

The following four bills passed the Legislature, but were vetoed by the Governor:

SB 6, Education Personnel, Sen. Thrasher (HB 7189 by PreK-12 Policy Committee): This bill, perhaps the most contentious policy issue to be taken up by the Legislature in years, set the tone for the 2010 Legislative Session. The bill would have put in place a merit pay system where teacher pay would be linked to student performance and would have required that all new teachers hired after July 1, 2010 be subject to annual contracts. The Senate passed the bill early during the legislative session, with the House following suit a few weeks later with a vote, occurring at 2:30 am, in which 11 Republicans sided with the Democrats and voted no.

Governor Crist vetoed the bill on April 15.

HB 569, Solid Waste Disposal, Rep. Poppell (SB 1052 by Sen. Gaetz): This bill would have lifted the state ban on yard waste landfills where methane gas was captured and burned to produce electricity.

Governor Crist vetoed the bill on June 1.

HB 1385, Petroleum Contamination Site, Rep. Poppell (SB 2592 by Sen. Baker): This bill would have extended the deadline for the cleanup of petroleum contamination sites and allowed the owners of 4,985 contamination sites to ask the state to remove them from the list if they do not pose a threat to drinking water suppliers.

Governor Crist vetoed the bill on June 1.

HB 1143, Health Care, Rep. Hudson (SB 2434 by Sen. Gardiner): This bill contained several provisions regarding health care administration. Of most

significance was the last minute amendment which would have required women seeking first trimester abortions to obtain an ultrasound.

Governor Crist vetoed the bill on June 11.

The following bills did not pass the Legislature:

HB 197, Mobile Home and Recreational Vehicle Parks, Rep. Gonzalez (SB 354 by Sen. Dean): This bill would have set out extension permitting and operation standards for mobile home and recreational vehicle parks to be enforced by the Florida Department of Health. As filed, the bill contained preemptions of local authority with regards to these planning issues.

SB 376, Required Advertisements and Public Notices, Sen. Dean (HB 1511 by Rep. Workman): This bill would have authorized local governments to use publicly accessible websites for legally required notices and advertisements.

HB 1242, Tax on Sales, Use, and Other Transactions, Reps. Patronis and Abruzzo (SB 1950 by Sen. Gaetz): This bill would have permanently allowed online travel companies to remit taxes on the wholesale price of a hotel room. The total fiscal impact on state and local taxes was estimated at over \$30 million.

HM 1273, Tax Increase Prevention and Reconciliation Act, Rep. Rivera (SB 2254 by Sen. Gelber): This memorial would have urged Congress to support repeal of Section 511 of the Tax Increase Prevention and Reconciliation Act, which requires governments with annual spending in excess of \$100 million to withhold 3 percent federal tax on payments made for specific goods.

**2010 STATE LEGISLATIVE
RESOLUTIONS PASSED BY BCC**

| | |
|--|--|
| R-306-09 Marijuana Grow Houses (Souto) | No legislation passed addressing this issue. |
| R-307-09 Tourist Related Taxes for Law Enforcement (Souto) | No legislation passed addressing this issue. |
| R-386-09 Re-Construction Appraisal Formula for Property Insurance (Sorenson, Heyman) | No legislation passed addressing this issue. |
| R-409-09 Requirements for Reading Teachers (Sosa) | Legislation passed this past session that strengthens certain requirements for teachers. |
| R-624-09 Assisting Families in Avoiding Foreclosure (Souto, Jordan, Moss, Rolle) | No legislation passed this past session addressing this. |
| R-860-09 Portable People Meter Ratings System (Moss, Souto, Gimenez, Jordan, Barreiro, Edmonson, Diaz, Heyman, Rolle, Seijas, Sorenson, Sosa) | There was no legislation filed this past session addressing this issue. |
| R-864-09 Talking, Text-Messaging, or Other Using Wireless Communication While Driving (Martinez, Souto, Sorenson) | No legislation passed addressing this issue. |
| R-971-09 Recreation Area for ATVs and other OHVs (Diaz, Gimenez) | No legislation passed addressing this issue. |
| R-1074-09 \$5 Surcharge For Animals (Heyman) | No legislation passed addressing this issue. |
| R-1077-09 Credit Scores for Automobile Insurance (Moss, Rolle) | This issue did not pass this legislative session. The proposed legislation was held in the committee process and there was no opportunity for amendments. |
| R-1081-09 FCAT for Ill Children (Sosa, Heyman) | This issue did not pass this legislative session. Legislative staff requested that MDC work with them post session to develop a report of the Office of Program Policy Analysis and Government Accountability. |
| R-1082-09 Hurricane Mitigation Efforts (Diaz, Sosa, Gimenez, Heyman) | The Office of Insurance Regulation has continued to keep in place discounts for residents who harden their homes. |
| R-1115-09 Posting of Food Inspection Reports (Jordan) | SB 532 / HB 295 relating to Food Service Inspections by Sen. Altman and Rep. Hukill will require the Florida Dept. of Health to conduct food service inspections for certified domestic violence centers having five or fewer residents (excluding the actual number of residents in each center). The bill maintains a resident number-based inspection scheme for those centers that prepare and serve food to residents or advertise food or drink for public consumption. The bill was signed by the Governor and was effective July 1, 2010. |

**2010 STATE LEGISLATIVE
RESOLUTIONS PASSED BY BCC**

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| R-1116-09 FCAT and Recent Immigrant Students (Sosa, Heyman) | This issue did not pass this legislative session. |
| R-1121-09 Bishop Isaiah Williams Street Designation (Jordan) | This designation was approved without need for state action. |
| R-1125-09 Funding for Jackson Health System (Rolle, Heyman) | \$50 million in funds included for Jackson Health System via LIP proposal |
| R-1178-09 Penalties for Crimes in Churches (Edmonson, Heyman, Sosa, Jordan) | This legislation did not pass. |
| R-1179-09 Online Travel Companies (Martinez, Sorenson, Jordan, Gimenez) | <p>Miami-Dade County successfully defeated the passage of HB 1241 / SB 2436 that said that taxes were only due on the original sales price of the hotel to Online Travel Companies, not the price that it was sold to the consumer.</p> <p>The second version of the legislation, HB 335 / SB 156, which said that taxes were due on the total amount paid by the consumer did not pass as well.</p> |
| R-1183-09 ADA Voting Machines (Gimenez) | HB 131 relating to absent uniformed services and overseas voter and contains the ADA extension language passed this legislative session and was approved by the Governor. |
| R-1186-09 Reallocate Revenue Generated from the 95 Express Project (Gimenez, Diaz) | No legislation passed this past session addressing this issue. |
| R-1215-09 Increase Criminal Penalties for Unlawful Slaughter of Horses (Souto, Heyman, Moss, Rolle) | HB 765 by Rep. Luis Garcia relating to animal protection was passed by the Legislature and approved by the Governor. |
| R-1216-09 Public Records Exemption for Easy Card System (Jordan, Heyman) | HB 393 by Rep. Bovo was signed by the Governor. |
| R-1218-09 Allow Local Governments to Use Government Websites and Email for Public Notice (Diaz, Barreiro, Heyman, Gimenez, Martinez, Moss) | No legislation passed addressing this issue. |
| R-1269-09 Red Light Cameras (Martinez, Gimenez) | HB 325 / SB 2166 by Rep. Reagan and Sen. Altman passed this Legislative Session and approved by the Governor. |
| R-1270-09 Guardrails on Interstates (Souto, Sosa) | This legislation did not pass this past session. |
| R-1272-09 HAVA Funds (Gimenez, Heyman, Sosa, Edmonson) | This resolution did not pass this legislative session due to budget restrictions. |

**2010 STATE LEGISLATIVE
RESOLUTIONS PASSED BY BCC**

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| R-1273-09 Prohibit Bus and Transit Drivers from Texting while Driving (Sosa, Heyman) | No legislation passed addressing this issue. |
| R-1294-09 Tri-Rail (Sorenson, Barreiro, Heyman, Martinez) | A new dedicated source of funding for Tri-Rail was secured during the Special Session B on Commuter and High Speed Rail in December of 2009. There was an additional \$1 million allocation for the South Florida Regional Transportation Authority given during this legislative session but it was vetoed by the Governor. |
| R-1119-09 Community Mental Health & Substance Abuse Treatment & Crime Reduction Act | This legislation did not pass this past session. |
| R-1333-09 Carbon Monoxide Detectors | HB 663, relating to Building Safety, changed requirements related to carbon monoxide alarms. |
| R-1392-09 Chinese Drywall | SB 2160 / HB 965 relating to Real Property Assessment by Rep. McKeel and Sen Storms requires property appraisers to adjust the assessed value of affected single-family residential property by taking into consideration the presence of imported drywall and the impact it has on the assessed value. If the building cannot be used for its intended purpose without remediation or repair, the value of the building shall be zero dollars. The bill passed the Legislature and was approved by the Governor. |
| R-1442-09 (CERP) Funding | \$10 million was allocated in the state budget for CERP, as well as other water projects. |
| R-1441-09 Medicaid Rates for Inmate Medical Care SB 218, HB 319 | This legislation did not pass. |
| R-1440-09 Working Waterfront Amendment – SB 346, HB 73 | This bill died in House messages. |
| R-1439-09 TABOR | This legislation did not pass. |
| R-1438-09 Affordable Housing Trust Funds (Sadowski) | Legislation passed that removes the cap on the Sadowski Affordable Housing Trust Funds. |
| R-1437-09 Florida Forever Program | Florida Forever Program was funded at \$15,000,000.00. |
| R-64-10 Community Redevelopment Act (Military Facility) | This legislation did not pass this past session. |
| R-65-10 Window Coverings Posing Strangulation Risk, HB 487 | This bill died in committee. |
| R-66-10 Screening Process Caregivers of Children, Elderly and Disabled | Legislation passed this past session that strengthens laws related to background screenings of caregivers. |

**2010 STATE LEGISLATIVE
RESOLUTIONS PASSED BY BCC**

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| R-67-10 Flexibility for Early Voting | This resolution did not pass this Legislative Session. |
| R-68-10 Funding for Critical Programs for Elderly | Programs for the elderly were funded at current levels. |
| R-69-10 Partial Payments of Property Taxes | No legislation passed this past session related to partial payment of property taxes. |
| R-70-10 Fair Share of State Funding | It is difficult to ascertain whether Miami-Dade County received its share of funding. |
| R-71-10 Thoroughbred Racing at Hialeah Park Race Track | No legislation this past session addressed the issue of thoroughbred racing at Hialeah Park. |
| R-72-10 Shaye Patrick Martin Safety Act (School Speed Zones) | This legislation did not pass this past session. |
| R-160-10 Paroled Haitian Nationals Evacuated from Haiti (Edmonson) | No legislation passed this past session addressing issues related to Haiti. |
| R-143-10 Voluntary Energy Efficiency and Renewable Energy Program (Sorenson) | This passed in SB 2232/HB 7179. |
| R-156-10 Property Tax Exclusion for Hurricane Shutters & Solar/Renewable Energy Systems | This issue passed in HB 7005. |
| R-188-10 Entertainment Industry Economic Dev. Act SB 1430, HB 697 | These bills were rolled into SB 1752, a larger economic development package known as the "Jobs Bill", which was signed into law by the Governor . |
| R-189-10 Underground Utility Markings | SB 982 passed and was signed into law by the Governor which prohibits municipalities, counties, districts, and other local governments from enacting rules that conflict with state law. |
| R-191-10 First Right to Purchase to Mobile Home Park Homeowners, SB-1016, HB-513 | This bill did not pass this past session. |
| R-193-10 Guidelines Procedures for Children's Food Allergies | HR 9049 by Rep. Zapata designated Food Allergy Awareness Week, but there was no substantive change to law related to children's food allergies. |
| R-203-10 Increase Funding to Haitian Refugee Services | No legislation passed related to the earthquake in Haiti. |
| R-261-10 Life Safety Techniques Training for Restaurant Employees | No legislation passed addressing this issue. |
| R-276-10 On-demand Transit Service for Low-income Elderly Persons | This issue was included in the HB 1271, the omnibus transportation bill. |
| R-279-10 Municipal Water & Sewer Utilities Surcharge, SB 372 "Taxation Without Representation" | This bill did not pass this past session. |
| R-278-10 Reactive Drywall, SB 500, SB 1042 | These bills did not pass this past session. |
| R-302-10 Aversive Agent to Antifreeze Products | No legislation passed addressing this issue. |
| R-303-10 Victims of Wrongful Incarceration Act | No legislation passed addressing this issue. |
| R-305-10 Restaurants to Post Caloric Information on Menus, SB 2212, HB 783 | This bill did not pass this past session. |

**2010 STATE LEGISLATIVE
RESOLUTIONS PASSED BY BCC**

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| R-307-10 Equal Rights Amendment | No legislation passed this past session addressing the Equal Rights Amendment. |
| R-309-10 Assessment issues related to Reactive Imported Drywall, HB 965 | HB 965 passed the Legislature and was signed into law by the Governor . |
| R-310-10 Qualified Target Industry Tax, SB 1856 | This resolution was successful this past legislative session. |
| R-311-10 Contamination Notification SB 602, SB 358, HB 207 | This bill did not pass this past session. |
| R-312-10 Co-Designate "Cuban-American Association of Civil Engineers Way" | Legislation passed this past session that included this language. |
| R-313-10 Energy Improvement Districts, SB 2322 | This legislation passed this past session. |
| R-407-10 NAICS by Tax Collectors Local Business Tax | This issue did not pass this past session. |
| R-410-10 SB 6 Opposition | This bill was vetoed by the Governor . |
| R-412-10 Pretrial Opposing SB 782, HB 445 | This bill did not pass. |
| R-413-10 Implement Certain Landlords Disclosures | This resolution did not pass this legislative session. |
| R-414-10 Safety Retrofit Relief | This issue passed in HB 1196, HB 1035, HB 663, and SB 846. |
| R-448-10 Residential Property Insurance Premiums | Legislation that would have allowed for an increase in property insurance premiums was vetoed by the Governor . |

County Allocations Contained in the Conference Report for House Bill 5001, 2010-2011 General Appropriations Act*

| Project | Program | County | Amount |
|---|---|---------------|---------------|
| Charles Rae Kane Senior Center | Elder Affairs | Martin | 1,222,503 |
| Weigh-In-Motion Station Visual Barrier | Transportation | Martin | 1,400,000 |
| SR-76/Kanner Hwy From Mp 9.918 To Mp 12.486 | Resurfacing | Martin | 1,437,238 |
| SR-714/Martin Downs From Turnpike Entrance To Mapp Road | Resurfacing | Martin | 2,046,280 |
| SR-76/Kanner Highway From East Of 710 To West Of Cr-711 | Resurfacing | Martin | 5,558,506 |
| SR-76/Kanner Highway From Mp 1.81 To Mp 9.77 | Resurfacing | Martin | 5,901,928 |
| SR-710 Bridge#890016, Bridge Replacement | SIS/Intrastate Highways | Martin | 76,919,657 |
| St. Lucie Inlet Management Plan Implementation | Beaches | Martin | 1,961,250 |
| Barry University | Academic Program Contracts | Miami-Dade | 84,215 |
| University of Miami | Academic Program Contracts | Miami-Dade | 299,782 |
| UM Pediatrics incl. \$ for Broward thru Nova | Autism Centers | Miami-Dade | 1,185,498 |
| Miami-Dade College | College Reach Out Program | Miami-Dade | 152,104 |
| Barry University | College Reach Out Program | Miami-Dade | 63,155 |
| Florida Memorial College | College Reach Out Program | Miami-Dade | 63,995 |
| Miami Dade College | Community College - Lottery Funds | Miami-Dade | 20,606,124 |
| Miami Dade College | Community College Program Funds | Miami-Dade | 156,962,390 |
| Cancer Research - UM | First Accredited Medical School - UM | Miami-Dade | 1,430,136 |
| PhD Program in Biomedical Science - UM | First Accredited Medical School - UM | Miami-Dade | 820,773 |
| College of Medicine - UM | First Accredited Medical School - UM | Miami-Dade | 4,614,279 |
| University of Miami | Florida Diagnostic and Learning Resources Centers | Miami-Dade | 465,017 |
| Florida Memorial University | Historically Black Private Colleges | Miami-Dade | 3,093,073 |
| New World School of the Arts | New World School of the Arts | Miami-Dade | 788,562 |
| Miami Dade College - Gen ren/rem, infrastructure and site improvements | PECO - Community Colleges | Miami-Dade | 8,738,743 |
| Miami Dade College - CISRM, Lab, Student Union, Supp Svcs Fac-Wolfson | PECO - Community Colleges | Miami-Dade | 16,700,000 |
| Miami Dade College - Site/Property Acquisition-Collegewide | PECO - Community Colleges | Miami-Dade | 100,000 |
| Miami Dade College - Hialeah Campus | PECO - Community Colleges | Miami-Dade | 21,200,000 |
| WPBT-TV/FM Roof Repairs | PECO - Public Broadcasting | Miami-Dade | 169,800 |
| Florida International University - Utilities/Infrastructure/Capital Renewal/Roofs | PECO - State Universities | Miami-Dade | 6,221,914 |
| Florida International University - Public Safety Building Supplement - UP | PECO - State Universities | Miami-Dade | 1,272,772 |
| Florida International University - Social Sciences - Phase I Completion - UP | PECO - State Universities | Miami-Dade | 4,150,000 |
| Florida International University - Science/ClassRoom Complex - UP | PECO - State Universities | Miami-Dade | 3,982,942 |
| Florida International University - Satellite Chiller Plant Expansion | PECO - State Universities | Miami-Dade | 7,000,000 |
| Florida International University - Stocker Astrophysics Center, MAM BT-814 | PECO - State Universities | Miami-Dade | 1,600,000 |
| Florida International University - Student Support Services Building | PECO - State Universities | Miami-Dade | 17,646,976 |
| WPBT-TV, Miami (Community TV Foundation of South Fla) | Public Broadcasting | Miami-Dade | 434,837 |
| WLRN-TV, Miami (Dade County District School Board) | Public Broadcasting | Miami-Dade | 434,837 |
| WLRN-FM, Miami (Dade County District School Board) | Public Broadcasting | Miami-Dade | 87,287 |
| Regional Diabetes Center - University of Miami | Regional Diabetes Center - UM | Miami-Dade | 400,018 |
| UM Medical Simulation Lab | UM Medical Simulation Lab | Miami-Dade | 2,777,493 |
| Florida International University | Universities - Education & General Activities | Miami-Dade | 173,292,137 |
| Florida International University Medical School | Universities - Grants and Aids | Miami-Dade | 26,032,702 |
| Florida International University | Universities - Lottery Funds | Miami-Dade | 24,187,023 |
| Florida International University | Universities - Student Financial Assistance | Miami-Dade | 1,272,154 |
| Adults with Disabilities Funds | Vocational Rehabilitation | Miami-Dade | 1,668,132 |
| Public Schools Workforce Education Performance Based Incentives | Workforce Education | Miami-Dade | 945,149 |

* This report lists projects that are identifiable to specific counties. The FEFP and money distributed to counties by state agencies are not included.

County Allocations Contained in the Conference Report for House Bill 5001, 2010-2011 General Appropriations Act*

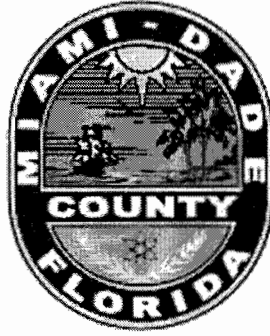
| Project | Program | County | Amount |
|---|----------------------------------|---------------|---------------|
| Public Schools Workforce Education Program Funds | Workforce Education | Miami-Dade | 91,778,625 |
| Mildred Pepper Senior Center in Southwest Miami Dade | Elder Affairs | Miami-Dade | 1,700,000 |
| City of Hialeah - Local Services Program | Elder Affairs | Miami-Dade | 250,000 |
| Little Havana Activities and Nutrition Centers of Dade County | Elder Affairs | Miami-Dade | 200,000 |
| Miami CHD - Liberty City Health Center - Planning, Design, and Construction | Health | Miami-Dade | 2,500,000 |
| Neuroscience Centers of Florida | Health | Miami-Dade | 3,500,000 |
| Richmond Heights Homeowners Association | Children and Families | Miami-Dade | 100,000 |
| Gould Coalition of Ministries and Lay People, Inc. | Children and Families | Miami-Dade | 100,000 |
| Town of Golden Beach-Emergency Generators | Division of Emergency Management | Miami-Dade | 150,000 |
| Youth Empowerment and Leadership Academy-Front Porch Florida Initiative | | Miami-Dade | 500,000 |
| South Florida Regional Transportation Authority-Operating | Transportation | Miami-Dade | 1,000,000 |
| Goodwill of South Florida | Workforce Innovation | Miami-Dade | 250,000 |
| CAMACOL Film | Economic Development | Miami-Dade | 150,000 |
| Exponica International | Economic Development | Miami-Dade | 500,000 |
| Latin Chamber of Commerce of the United States | Economic Development | Miami-Dade | 500,000 |
| Urban Advantage, Miami-Dade | Economic Development | Miami-Dade | 200,000 |
| United for a Sustainable America-Haiti Relief | Economic Development | Miami-Dade | 100,000 |
| Miami-Dade Aviation Mic/Mia Connector (Fixed Guideway) | Aviation | Miami-Dade | 11,434,000 |
| Miami International Airport Central Boulevard | Aviation | Miami-Dade | 1,855,624 |
| Miami Int'l Airport 67Th Ave. Row & Improve Ment | Aviation | Miami-Dade | 1,443,217 |
| Miami Int'l Airport Airside - Runway 8R/26L Resurfacing | Aviation | Miami-Dade | 1,262,776 |
| SR 934/Ne 79 Street Br 870082 Wb, 870554 Eb Over Intracoastal Waterway | Bridges | Miami-Dade | 2,872,773 |
| SR 968W, Flagler St Bascule Bridge Fender Replacement | Bridges | Miami-Dade | 3,411,840 |
| Miami Intermodal Ctr (Mic) Mic Central Station | Intermodal Access | Miami-Dade | 17,500,000 |
| Port Of Miami Cargo Gateway Complex | Intermodal Access | Miami-Dade | 1,393,685 |
| S.W. 328 Street From S.W. 152 Avenue To S.W. 137 Avenue | Other Arterials | Miami-Dade | 4,960,550 |
| S.W. 320 Street From S.W. 187 Avenue To Flagler Avenue | Other Arterials | Miami-Dade | 1,799,800 |
| SR 972/Corral Way From S.W. 12 Avenue To S.W. 15 Road | Other Arterials | Miami-Dade | 1,422,769 |
| SR 934/Ne 82 Street From Ne Bayshore Court To SR 5/Biscayne Blvd. | Other Arterials | Miami-Dade | 1,036,426 |
| SR A1A/Mcarthur Cswy From West Avenue To Collins Avenue | Other Arterials | Miami-Dade | 2,337,677 |
| Miami-Dade Countywide Advanced Traveler Mgt. System Deployment | Other Arterials | Miami-Dade | 1,957,125 |
| Mdt-SR 94 B.R.T. From Dadeland N Metrorail Station To Sw 167 Ave | Other Arterials | Miami-Dade | 3,357,136 |
| Sfrc Tri-Rail Maintenance & Dispatching Operating Assistance | Rail | Miami-Dade | 7,160,115 |
| SR 5/Us-1/S. Dixie From S.W. 304Th Street To 400' S Of Sw 284 St. | Resurfacing | Miami-Dade | 13,065,621 |
| SR 7/Nw 2Nd Avenue From Nw 176Th Street To 1200' S Of Nw 215 St. | Resurfacing | Miami-Dade | 5,299,500 |
| SR 973/Sw 87Th Ave From Sw 8Th Street To West Flagler Street | Resurfacing | Miami-Dade | 1,195,540 |
| SR 9/Nw 27 Avenue From 100' S Of Nw 11 St. To 220' S Of Nw 43 Terr. | Resurfacing | Miami-Dade | 3,143,530 |
| SR 986/Sw 72 Street From Sw 84 Place To Sw 69Th Ave. | Resurfacing | Miami-Dade | 3,663,018 |
| SR 90/Sw 8Th Street From 1,215'E Of Krome (SR 997) To 600'E Of Sw 153 Pl | Resurfacing | Miami-Dade | 3,399,230 |
| Resurface Miami Dade Mainline Mp 0.00 To Mp 3.342 (Spur) | Resurfacing | Miami-Dade | 2,839,015 |
| SR 976/Sw 40 Street/ Bird Road At Sw 72 Avenue Intersection | Resurfacing | Miami-Dade | 1,579,500 |
| Resurface Miami-Dade County. (Heft) Mp 16.807 To 20.437 PI/US Ramps | Resurfacing | Miami-Dade | 7,347,595 |
| SR 997/Krome Avenue From SR 94/Kendall Drive To SR 90/Sw 8 Street | Right-Of-Way Land | Miami-Dade | 13,192,600 |
| SR 934/Nw 74 Street From Nw 114 Avenue To Nw 107 Avenue | Right-Of-Way Land | Miami-Dade | 2,269,940 |
| Port Of Miami Cargo Container Yard Improvements | Seaport Development | Miami-Dade | 1,900,000 |
| SR 93/I-75 Eastbound From I-75 Ramp To South Bound SR 826 At Nw 103 St | SIS/Intrastate Highways | Miami-Dade | 9,416,590 |

* This report lists projects that are identifiable to specific counties. The FEFP and money distributed to counties by state agencies are not included.

County Allocations Contained in the Conference Report for House Bill 5001, 2010-2011 General Appropriations Act*

| Project | Program | County | Amount |
|---|-----------------------------------|---------------|---------------|
| SR 9A/I-95 Express From N Of SR 836/I-395 To Golden Glades Interchange | SIS/Intrastate Highways | Miami-Dade | 53,714,911 |
| SR 5/Us-1 From Mm 115.94 To Sw 344 St. (W/ Excep) | SIS/Intrastate Highways | Miami-Dade | 43,963,546 |
| Roadside Improvement S Miami Dade Mp 0.0 To Mp 3.3 (Spur) | SIS/Intrastate Highways | Miami-Dade | 1,072,321 |
| SR 826/SR 836 From N Of Sw 8 St To S Of Nw 25 St & Fm Nw 87 To 57 Ave'S | SIS/Intrastate Highways | Miami-Dade | 37,113,058 |
| SR 826/Palmetto Expy From N.W. 31 Street To N.W. 47 Street | SIS/Intrastate Highways | Miami-Dade | 1,151,795 |
| SR 826/Palmetto Expy From Nw 81 St (Fec R/R) To Nw 99 St (West 41 St.) | SIS/Intrastate Highways | Miami-Dade | 1,295,382 |
| SR 9A/I-95 From Nw 32Nd Street To Nw 47Th Terrace | SIS/Intrastate Highways | Miami-Dade | 1,936,875 |
| Port Of Miami Tunnel From Port Of Miami To SR 836/I-395 | SIS/Intrastate Highways | Miami-Dade | 135,000,000 |
| SR 9A/I-95 Express Access Point | SIS/Intrastate Highways | Miami-Dade | 13,183,227 |
| Mdt - State Transit Block Grant | Transit | Miami-Dade | 18,763,372 |
| Miami-Dade Co. Mpo Pta Section 5303 | Transit | Miami-Dade | 1,381,883 |
| Dade Co. Td Commission Trip And Equipment Grant | Transit | Miami-Dade | 7,472,794 |
| Girls Advocacy Project Inc. (GAP) | Dept of Juvenile Justice | Miami-Dade | 650,000 |
| Troy Academy | Dept of Juvenile Justice | Miami-Dade | 370,000 |
| Cuban American Bar Association Pro Bono Project | Dept of Legal Affairs | Miami-Dade | 50,000 |
| Homestead Forestry Station | Replace Forestry Station | Miami-Dade | 600,000 |
| Miami-Dade Beach Nourishment | Beaches | Miami-Dade | 6,702,690 |
| | | | |
| Florida Keys Community College | College Reach Out Program | Monroe | 64,198 |
| Florida Keys Community College | Community College - Lottery Funds | Monroe | 726,219 |
| Florida Keys Community College | Community College Program Funds | Monroe | 5,484,755 |
| Florida Keys Community College - Gen ren/rem, infrastructure and site improvements | PECO - Community Colleges | Monroe | 341,153 |
| Florida Keys Community College - Marine Propulsion Bldg-Main | PECO - Community Colleges | Monroe | 4,601,620 |
| Adults with Disabilities Funds | Vocational Rehabilitation | Monroe | 77,480 |
| Public Schools Workforce Education Performance Based Incentives | Workforce Education | Monroe | 9,240 |
| Public Schools Workforce Education Program Funds | Workforce Education | Monroe | 838,686 |
| SR 5/Overseas Hwy. At Toms Harbor Cut In Little Duck Key | Bridges | Monroe | 1,033,000 |
| SR 5/N. Roosevelt From Eisenhower Drive To SR 5/Us-1 | Resurfacing | Monroe | 24,674,200 |
| SR 5/Overseas Hwy. Fm 4890'E Of E.Circle Dr. To 510'E Of Crane Blvd | Resurfacing | Monroe | 2,689,932 |
| SR 5/Overseas Hwy From N. Pine Chl(Mm 29.5) To Spanish Hrbr Chl(Mm33) | Right-Of-Way Land | Monroe | 1,795,000 |
| | | | |
| Public Schools Workforce Education Performance Based Incentives | Workforce Education | Nassau | 6,385 |
| Public Schools Workforce Education Program Funds | Workforce Education | Nassau | 184,526 |
| SR 200 (US 301) @ Funks Creek Bridge# 740024 | Bridges | Nassau | 5,994,612 |
| SR 200 (A1A) Amelia River Bridges #740087 & #740088 | Bridges | Nassau | 3,804,539 |
| First Coast Railroad Amelia River Bridge Rehab | Rail | Nassau | 1,365,000 |
| SR 200 (US 301) Duval C/L To South Of Callahan | Resurfacing | Nassau | 5,076,831 |
| SR 200 (A1A) I-95 To Amelia River(lcww) | Resurfacing | Nassau | 13,674,571 |
| SR 200 (A1A) W.Of Still Quarters Rd To West Of Ruben Ln | Right-Of-Way Land | Nassau | 5,435,049 |
| SR 200 (A1A) From West Of Rubin Rd To East Of Cr107/Scott Rd | Right-Of-Way Land | Nassau | 2,097,824 |
| | | | |
| Northwest Florida State College | Community College - Lottery Funds | Okaloosa | 2,217,113 |
| Northwest Florida State College | Community College Program Funds | Okaloosa | 17,176,075 |
| Northwest Florida State College - Gen ren/rem, infrastructure and site improvements | PECO - Community Colleges | Okaloosa | 1,038,935 |
| Public Schools Workforce Education Performance Based Incentives | Workforce Education | Okaloosa | 13,559 |
| Public Schools Workforce Education Program Funds | Workforce Education | Okaloosa | 2,266,997 |

* This report lists projects that are identifiable to specific counties. The FEFP and money distributed to counties by state agencies are not included.



Contract Lobbyist Performance Evaluation 2010 Legislative Session

In 2006, the Board of County Commissioners adopted Resolution no. 93-06 requiring the Office of Intergovernmental Affairs to assign a contract lobbyist to each legislative issue, and to “establish benchmarks and standards for evaluating the performance and effectiveness” of the contract lobbyists.

The following evaluations are based on two main criteria: teamwork and communication.

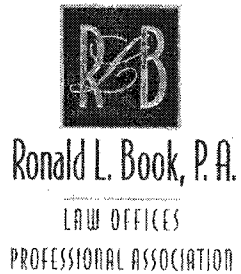
The score for each criteria is as follows:

- “1” for Below Average
- “2” for Average
- “3” for Good
- “4” for Excellent

| | TEAMWORK | COMMUNICATION | OVERALL |
|-------------------------------|-----------------|----------------------|----------------|
| Ron L Book, PA | 4 | 4 | 4 |
| Rutledge, Ecenia & Purnell | 4 | 4 | 4 |
| Pittman Law Group | 4 | 4 | 4 |
| Gomez Barker | 4 | 4 | 4 |
| Dutko Poole McKinley | 4 | 4 | 4 |
| Becker Poliakoff | 4 | 4 | 4 |

The score for each lobbyist was derived from the scores of the in-house lobbyists who traveled to Tallahassee during the 2010 Legislative Session:

- Joe Rasco, Director, OIA
- Jess McCarty, Assistant County Attorney
- Ivette Arango, State Affairs Coordinator
- Juan del Cerro, State Affairs Coordinator



MEMORANDUM

To: Mr. Jess McCarty, Assistant County Attorney
Mr. Joe Rasco, Director of the Office of Intergovernmental Affairs
Ms. Ivette Arango, State Coordinator
Mr. Juan Del Cerro, State Coordinator

From: Ronald L. Book, Esq.
Kelly C. Mallette
Rana G. Brown

Date: June 9, 2010

RE: 2010 Legislative Session – Final Session Report

Ronald L. Book, P.A. would like to first and foremost extend our appreciation for the continued opportunity to represent Miami-Dade County.

The 2010 legislative session adjourned, Sine Die, Friday, April 30, 2010, after a contentious two months that was again dominated by budget issues, even perhaps more so than last session. How to make the state budget work in light of budget shortfalls overshadowed much of the Legislature's time in Tallahassee. Economic development and regulatory streamlining were a large focus of legislative initiatives.

While the budget was enhanced by the anticipated gaming revenue and final stimulus funding, it does include spending cuts in several areas and the fund sweep of many existing trust funds. Below is a detailed review of the state budget as passed by the 2010 Legislature.

2010 BUDGET

The 2010 Legislative session was dominated by the mantra 'economy and jobs', and the resulting \$70.4 billion state budget does focus on creating economic incentives that would jumpstart the Florida economy. The \$3.2 billion dollar shortfall was moderated by the \$507 million dollar shift or sweep of state's trust funds to be used in the general revenue fund. Additionally, the Seminole Gaming Compact provided the state coffers with \$433 million and the federal stimulus funds include \$2.3 billion. The 2010 state budget also depends on FMAP funds the state expects Congress to approve later this year. Lastly, legislation passed this year requires the Department of Revenue to create a 'Tax Amnesty' program that analysts determined would add \$81.4 million

additional revenues into the budget for this fiscal year. (Legislation summarized below).

Miami-Dade County Critical Priorities - Assigned Budget Issues:

- Jackson Health System: \$50 million in funds included for Jackson Health System via LIP proposal.
- Low Income Pool: Budget includes two LIP proposals, one which includes increased FMAP funding and one that does not.
- Medicaid Provider Reimbursement Rates: Inpatient and outpatient provider rates were reduced, but hospitals have the opportunity to buy-back said cuts.
- Children's Ambulatory Pavillion: Not funded
- Medicaid Reform and Managed Care Issues: The House proposed a sweeping Medicaid Reform proposal three weeks prior to the end of session. After strong opposition from hospital groups, nursing homes and developmental disabilities advocates and the threat of veto by the Governor, the Legislature abandoned the proposal for the session. We expect similar legislation to be considered next year.
- Trauma Issues: Funds for trauma centers included in legislation authorizing the use of red light cameras.
- Cigarette Tax: No changes this session. Legislature funded Bankhead-Coley and James and Esther King research programs.
- Graduate Medical Education: No action
- Juvenile Assessment Center: Recurring program funded
- Juvenile Alternative Services Program: Recurring program funded
- Miami-Dade Blue Premium Assistance Program: Funding included in proviso language, includes reverted funds.
- Liberty City Clinic Capital Construction: Funded at \$2.5 million
- Florida City Clinic Capital Construction: Not funded
- Miami-Dade County Health Department Main Complex: Not funded
- Community Care for the Elderly: Funded
- Elderly High Risk Meals: Funded
- Homebound Elderly: Funded
- Jail Diversion GAP Program funding: Funded
- Budget for Cultural Affairs Grants: Not increased
- State Aid to Libraries: Funded

Education

The Legislature continued to place a top priority on education by providing a \$1 billion increase in general revenue funding for public schools. The budget does slightly increase funding per-student by 0.02%, increasing the average funding levels to \$6,843.51 per student. This is a \$111 million increase over last year.

Health and Human Services

Healthcare funding has increased by 9.35% in total spending, due in large part to additional Medicaid caseloads. The Legislature gave the greatest weight to funding programs that provide services core to the missions of health and human services agencies and direct critical services to Florida's most vulnerable citizens. Elderly meals programs and Alzheimer's services, programs of particular importance to local

governments, were kept whole, along with dozens of community mental health and substance abuse programs.

In an interesting move, House and Senate leaders passed two versions of Florida's Lower Income Pool (LIP) hospital funding program, one that included an extension of the federal Medicaid matching rate and one that did not. The much discussed FMAP extension has still not been approved by Congress, although many continue to press for its passage.

Meanwhile, advocates for those with developmental disabilities continue to press the Governor to veto provider rate cuts, which ultimately lead to service cuts to Florida's developmentally disabled population. The DD community has urged the Governor to call on the Legislature to re-examine their use of FMAP dollars in the Health and Human Services area.

Criminal and Civil Justice

The budget prioritizes the Legislature's goal of protecting the safety of the citizens of the state. The criminal justice budget for Fiscal Year 2010-11 is \$5.1 billion, including \$3.5 billion in General Revenue and \$1.6 billion in Trust Funds. Approximately \$10 million of federal stimulus dollars are dedicated to fund the second year of the drug court improvement program.

Transportation and Economic Development

The budget for Transportation and Economic Development is \$9.9 billion, which, according to budget estimates, is a 16% decrease from last year. The \$11.1 million in reductions will be used to fund other areas in the state budget. The Legislature and the Department have stated that no transportation projects currently underway will be impacted. However, it remains to be seen how long term planned projects will be impacted; it is likely that projects' start dates will be pushed out.

Some examples of trust fund reductions in this general budget area include:

- Housing Trust Funds (\$174.1 million). There is a non-recurring reduction of \$85.5 million in affordable housing funding authority in the housing trust funds. Grants and Donations at DCA (\$12 Million). There is a non-recurring transfer of \$12 million from the Grants and Donations Trust Fund at DCA.
- Emergency Preparedness and Assistance Trust Fund (\$2 Million). There is a non-recurring transfer of \$2 million from the Emergency Preparedness and Assistance Trust Fund at DEM.
- State Transportation Trust Fund (\$160 Million). There is a non-recurring transfer of \$160 million from the State Transportation Trust Fund to General Revenue. This may impact future project commitments. In addition, the Legislature provided for \$40 million in nonrecurring General Revenue to be deposited back into the State Transportation Trust Fund if the state receives FMAP funding this year. This trust fund sweep was vetoed by the Governor.

There are several departments governed by this budget subcommittee which affect local governments. Some of these departmental highlights include:

Department of Community Affairs

- Regional Planning Councils are funded at \$2.5 million from recurring General Revenue.
- The First Time Homebuyer Program is funded at \$37.5 million. This appropriation to the Florida Housing Finance Corporation provides down payment and cost assistance.

Office of Tourism, Trade, and Economic Development

- 'Visit Florida' is funded at \$27 million, an increase in funding over the current year of \$5.5 million.
- Due to cut-backs from the federal government for the space program, the budget provides \$3.8 million in non-recurring General Revenue for Space Florida, Inc., and makes available \$17.5 million in non-recurring trust funds for Launch Complexes 36 and 46. This will help fund necessary improvements for commercial launch capabilities for the two launch pads and other infrastructure improvements. This is an increase in funding over the current year of \$7.5 million.

Department of State

- State Aid to Libraries is fully funded with \$21.2 million in non-recurring General Revenue funds.
- To celebrate Florida's 500 year anniversary, the budget provides \$1.0 million in nonrecurring General Revenue for a permanent exhibit at the Museum of Florida History in Tallahassee.

Department of Transportation

- Funding for DOT is \$7.0 billion in trust funds.
- Of this amount, \$5.8 billion is included for the first year of the 5-year Work Program.

Natural Resources

The Natural Resources budget maintains priorities of the Legislature (i.e., Everglades Restoration, Florida Forever, the Petroleum Tanks Cleanup program, and Beach Restoration), while continuing to make the reductions necessary to balance the state's revenue with its expenditures.

Key programs are funded as follows:

| | |
|---|-------------|
| Florida Forever | 15,000,000 |
| Drinking Water Revolving Loans | 88,454,969 |
| Wastewater Treatment Construction Facility Construction | 157,780,534 |
| Beach Restoration | 15,536,535 |
| Underground Petroleum Tank Clean-up | 120,000,000 |
| Mosquito Control | 1,293,368 |
| Water Management District Trust Fund | 18,300,000 |
| Everglades Restoration | 50,000,000* |

*\$40 million is contingent on the receipt of federal FMAP funds.

Should you have questions on the details of the 2010 budget, we will be happy to provide more information.

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### **Miami-Dade County Critical Priorities - Assigned Substantive Issues**

- Red Light Cameras: HB 325 passed; approved by Governor
- Repeal of Section 511: House and Senate Memorials, not approved
- Preemption of for-hire ambulance (oppose): Not considered
- Preemption of towing services (oppose): Not considered
- Preemption of moving services (oppose): Died in committee
- Preemption of locksmith services (oppose): Died in committee
- NCIC background checks for-hire drivers: Not considered
- Extension of ADA compliant voting equipment: Passed, see full analysis in report submitted by Pittman Law Group
- Modification of election audit rules: Not considered, see full analysis in report submitted by Pittman Law Group
- Early voting: Not approved, see full analysis in report submitted by Pittman Law Group
- HAVA funds: No action
- Executive committeeman/committeewoman elections: Not considered, see full analysis in report submitted by Pittman Law Group
- Community development districts: Not approved, see full analysis in report submitted by Pittman Law Group
- Limited arrest authority for correctional officers: Not considered

### **MAJOR ISSUES AND LEGISLATION | 2010 SESSION**

Several major issues dominated the discussion this session in addition to economic stimulus and jobs. These include oil drilling, red light cameras, department sunset requirements, constitutional amendments, tort issues such as 'slip and fall' liability and sovereign immunity, as well as the sales tax holiday. These issues stewed a below-the-surface unfriendliness and stoked the already precarious, pre-election season atmosphere and made for a disagreeable session at best. Each of these issues is summarized below for your review.

#### **RED LIGHT CAMERAS**

HB 325/SB 2166 sponsored by Representative Reagan and Senator Altman, the Red Light Camera bill took on many variations as it moved through the legislative process this year, despite having been an active issue for the last several years. This issue is of particular interest to local governments. This year the bill passed and has been signed by the Governor.

This legislation sets uniform standards for the use of red light cameras. Counties and municipalities will have to adhere to the statewide standards that the Department of Highway Safety and Motor Vehicles will set forth during the upcoming year. The bill provides a transitional implementation period (until July 1, 2011) for counties and municipalities who currently have red light cameras in place.

Signs will be required at all intersections using these cameras to notify drivers that the cameras are in use. The bill requires that if DHSMV, a county or a municipality installs a traffic infraction detector at an intersection, they must notify the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.

In the legislation, it is specifically noted that these cameras may not be used to fine drivers making a right turn on red as long as the driver proceeds in a "careful or prudent manner, where [these] turns are allowed".

Lastly, counties and municipalities will be required to report to the state annual statistics resulting from the camera's use.

The fine is set at \$158 per violation, with the funds distributed to state and local governments as well as the Brain and Spinal Cord Injury Trust Fund and to the Miami Project to Cure Paralysis to be used for brain and spinal cord research.

As stated above, HB 325 was approved by the Governor, Chapter No. 2010-80 L.O.F.

#### **ECONOMIC DEVELOPMENT/JOBS**

SB 1752/HB 1509 by Senator Gaetz and Representatives Weatherford and Murzin is the comprehensive economic development/jobs legislation passed this session. This is a wide-ranging legislative approach to stimulating the state's economy. This bill includes a variety of business incentives including direct appropriations, tax credits, grants, reductions in state regulations, tax breaks for the film industry, for the hiring of unemployed Floridians and for manufacturers of boats and airplanes. The bill also provides financing for retraining of space shuttle program employees in the Brevard County space coast.

This legislation accomplishes the following:

- Provides new requirements that contracts between counties and/or municipalities and economic development entities, must require the entity receiving funds to submit a report to the county detailing how the funds were spent and detailing the results of the entity's efforts on behalf of the county or municipality. By January 15, 2011, and the county is required to file an annual copy of the report with the Legislative Committee on Intergovernmental Relations (LCIR) and post a copy on the county or municipality's website.
- Require that by January 15, 2011, each county and municipality must report to the LCIR the economic development incentives in excess of \$25,000 given to any business during the previous fiscal year. LCIR is to provide the report to the Office of Tourism, Trade, and Economic Development (OTTED).
- Allow economic development ad valorem tax exemptions to be extended in 10 year increments if approved by referendum. Current law limits such exemptions to an initial 10-year period and one extension of 10 years.
- Provide additional tax exemptions for sporting event admissions – currently there are no taxes on admission to the National Football League (NFL) championship games, college semifinal or championship games, Major League Baseball games or Major League Baseball all-star games. This legislation adds to this list by including the NFL Pro Bowl game, the National Basketball

Association (NBA) all-star game, the National Hockey league all-star game, and the admissions to the Major League Baseball Home Run Derby, the NBA Rookie Challenge and Celebrity Game, the 2-Point Shooting Contest or the Slam Dunk Challenge. These incentives are proven to be key in drawing the above games to Florida, thus providing economic boosts.

- Cap the maximum taxes to be assessed on boats and on fractional aircraft ownership interests.
- Providing extensions to development orders issued local governments, building permits, and permits issued by DEP or a water management district; providing extensions of commencement and completion dates for any required mitigation associated with a phased construction project; providing for notifying the authorizing agency of the intention to utilize the extension; and reauthorizing exemptions granted last year in SB 360 that are currently under court challenge.

SB 1752 was approved by the Governor; Chapter No. 2010-147 L.O.F.

#### **SLIP AND FALL**

HB 689/SB 1224 sponsored by Representative Aubuchon and Senator Gardiner, requires the plaintiff to prove the employer had 'constructive knowledge' of any condition on its property that caused the injury. HB 689 repeals s. 768.0710, F.S. relating to the burden of proof in "slip and fall" claims of negligence and approximates the law with respect to slip and fall law suits as it existed before 2001.

HB 689 was approved by the Governor; Chapter No. 2010-8 L.O.F., and takes effect July 1, 2010.

#### **SOVEREIGN IMMUNITY**

SB 2060 legislation regarding Sovereign Immunity sponsored by Senator Bennett increases the amount of damages a local government can pay without requiring a claims bill before the Legislature. The bill increases the current caps of \$100,000 per person and \$200,000 per incident to \$200,000 and \$300,000, respectively. The rationale used was that these amounts had not been raised since 1981.

The effective date of the bill is October 1, 2011, and applies to claims arising on or after that date. A person injured on or after October 1, 2011, by actions of the state, its agencies, or subdivisions, will be subject to the increased liability caps.

HB 2060 was approved by the Governor; Chapter No. 2010-26 L.O.F.

#### **SALES TAX HOLIDAY**

HB 483 by Representative Rivera and HB 469 by Representative Flores were filed this session and SB 514 was sponsored by Senator Fasano. The two house bills, the two house bills were combined early in session into CS/HB 483. These bills create a three-day, sales tax holiday, suspending the sales tax on school supplies of \$10 or less as well as the sales tax on books, clothing, wallets, handbags, backpacks, fanny packs and diaper bags. (It excludes briefcases, suitcases and other garment bags having a sales price of \$50 or less.) The sales tax holiday will occur on August 13, 2010, through midnight, August 15, 2010.

This legislation is awaiting the Governor's action.

HB 483 was approved by the Governor; Chapter No. 2010-93

### **OFFSHORE ENERGY EXPLORATION/OIL DRILLING**

Another issue that took center stage was offshore energy exploration. This issue was extensively workshopped and discussed at length, but ultimately no action was taken this session.

Representative Cannon, the designated House Speaker for 2011, was the key legislator who at the onset of this session, took on the task of fully vetting the issue. As Chairman of the House Select Policy Council on Strategic and Economic Planning, he held multiple workshops to research and discuss potential legislation regarding offshore drilling. The work that this committee did during session set the legislature up to move toward changing the Florida ban on offshore drilling; a Florida policy that has stood for 20 years.

However, in a twist of fate, the recent tragic explosion, death of eleven workers, the fire and sinking of the offshore drilling rig in the Gulf of Mexico and the ongoing, massive oil leak has significantly changed the discussion of this issue moving forward. It is likely that the Governor will call the legislature back into session to ask that they put an amendment to the state constitution on the November ballot banning offshore drilling.

### **GROWTH MANAGEMENT**

Unlike last session, during this year, there was no appetite for major growth management legislation. Several bills were filed though no major legislation progressed. However, the Legislature did adopt important provisions to extend permits and approvals for projects to resolve pending legal challenges to last year's SB 360.

The reauthorization of the Department of Community Affairs as part of the agency sunset process also was a significant issue. The Senate was willing to reauthorize the agency but the House was not. Though the two year window for the sunset review ended with this session, the statute provides that DCA is to submit its agency budget requests as it otherwise would, and the issue will be back for legislative consideration again next session. Playing into this debate was the upcoming ballot item, deemed 'Amendment 4' or 'hometown democracy'. This issue, on the ballot this fall, will significantly impact growth in our state, putting before the electorate any and all growth management/comprehensive plan proposed changes. Groups on both side of this issue have already mobilized to promote their philosophy on growth in Florida. Ultimately, the voters will decide in November.

### **CONSTITUTIONAL AMENDMENTS**

As we note the constitutional amendment initiatives on the ballot this fall, it serves to summarize that the legislature has passed several items that will be added to the ballot for the general election in November. All constitutional amendments in Florida are required to pass by 60%.

**Redistricting/Reapportionment**

Two citizen initiatives related to redistricting are on the 2010 November ballot. Amendments 5 and 6, promoted by FairDistrictsFlorida.org, would add standards for state legislative and congressional redistricting to the Florida Constitution. The legislature determined that these two amendments do not contain sufficient definitions for the proposed new standards. Therefore, this additional amendment would add new state standards for establishing legislative and congressional district boundaries. These standards would require that the state apply federal standards in its redistricting process. The theory behind these is that these provisions provide equal opportunities to racial and language minorities to participate in the political process. 'Communities of interest' are also established as standards that are on equal footing as any other standard in the state constitution.

**Class Size Amendment**

SJR 6 sponsored by Senator Gaetz places a measure on the November ballot that would provide the state with less regulation in complying with the Class Size amendment. This constitutional amendment would require the current class size limits to remain: 18 students in grades K-3, 22 students in grades 4-8, and 25 students in grades 9-12.

**Health Care Mandates**

CS/CS/HJR 37 sponsored by Representative Plakon would amend the state constitution by placing a measure on the November ballot that would prohibit any person, employer, or health care provider from being 'compelled to participate in any health care system'. This amendment would authorize any person or employer to pay directly for health care services and would prohibit any fines if one were to choose not to pay directly. The joint resolution permits regulation but bans any law or rule which prohibits private health insurance sales or purchases.

**Homestead/Property Taxes**

During the 2009 legislative session, the Legislature added an amendment to the November 2010 ballot requiring the Legislature provide an additional homestead property tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in the previous year on active duty outside the United States. The exempt amount will be based upon the number of days in that the person was deployed. This amendment would take effect January 1, 2011.

**Repeal of the Public Campaign Financing Requirement**

Also during the 2009 legislative session, the Legislature added an amendment to the November 2010 ballot that would repeal the requirement of public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

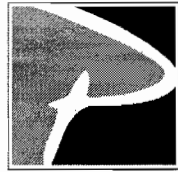
**Referenda Required for Adoption or Amendment of Local Government Comprehensive Land Use Plans**

('Hometown Democracy') This citizen initiative that will also be on the November 2010 ballot is targeted at growth and development in Florida. This amendment would establish that before a local government can adopt or amend a comprehensive land

use plan, the proposed plan or amendment will have to go to a vote of the electors by referendum.

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We will gladly provide you with any additional information or background requested on any issue. Please contact us at your convenience with any questions or comments you may have. Thank you.



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Miami-Dade County End of Session Report June 2010

Pittman Law Group, P.L. would like to extend our appreciation for the continued opportunity to represent Miami-Dade County.

The 2010 Legislative Session adjourned “Sine Die” on April 30th, 2010. Only 301 bills passed, as the handkerchiefs hit the Senate floor, signifying the end of “Session.” 2010 was a very abnormal and contentious Session leading into an election year. Unlike past election years, several controversial bills, joint resolutions and issues were vetted through the process, including:

PASSED:

- Abortion/Health Care Legislation (HB 1143- Pending the Governor’s veto)
- Comprehensive Property Insurance Reform (SB 2044-vetoed)
- Seminole Gaming Compact (SB 622)
- Comprehensive Education Reform (SB 6 - vetoed)
- Constitutional Amendments (If passed by a 60% public vote):
 - Redistricting/ Reapportionment Amendment (HJR 7231)*: Would answer 2 questions on the ballot by a special interest group relating to redistricting
 - Class Size Amendment (SJR 2)* - Would freeze class size restrictions
 - Healthcare Mandates (HJR 37)*

FAILED:

- Health Care Reform (HB 7225)
- Renewable Energy Legislation (HB 7229)
- Off-Shore Oil Drilling (No bill filed)

The Governor also made headlines leading into the final leg of his 2010 U.S. Senate campaign. He began by releasing a rather lofty proposed budget that ended up much closer than the Legislature first believed possible.

Then, in the midst of the 60 day Session, the Governor vetoed two very controversial pieces of legislation championed by Sen. Thrasher and the Republican leadership. He first vetoed HB 1207, which would have allowed the use of leadership funds and regulated the use of 527’s. The second to be vetoed was SB 6, which would have based teachers pay on their students’ ability to score well on standardized tests.

The above mentioned “education reform” veto was the straw that broke the elephants back. Essentially, the vetoes caused the Governor to lose much of his Republican support/backing. Therefore, during the final week of Session, the Governor announced his intent to run for US Senate as a “non-party affiliate” (NPA).

Leading up to the elections, we expect Gov. Crist’s announcement to change the dynamics of Florida’s politics. We also believe the Governor will be much looser with his veto pen than in years previous. Ultimately, his vetoing behavior could land us in a Special Session to rework the budget. We have even heard rumblings of a possible Special Session to create comprehensive energy or anti-corruption legislation. We will continue to keep our eyes and ears open during our post-session conversation with the Governor’s office.

BUDGET

On April 27th, after a 72 hour cool off period, the House voted in favor (77-43) of the \$70.4 billion budget (HB 5001). Later that evening, after several months of diligent work, the 2010 State Legislative Budget passed favorably on the Senate floor and was sent to the Governor for his ‘John Hancock’. The Legislature relied on several methods to fill the \$3.2 billion dollar shortfall to complete the budget, including:

- Non-recurring federal stimulus money - \$2.3 billion
- Contingent FMAP funds - \$1.2 billion (State expects to approve later this year)
- Trust fund sweeps – \$507 million (\$160 million in Transportation Trust Fund)
- The Seminole gaming compact – More than \$433 million
- Updated Amnesty Program - \$81.4 million
- Red-light camera legislation - \$40 million
- Tampa Hillsborough Expressway Authority - \$19 million to DOT
- And several budget cuts (Medicaid reimbursement, Juvenile Justice, etc.)

Meanwhile, the following expected revenue producers eventually lost favor during the process:

- Overhaul of the \$19 billion Medicaid system (5 county pilot will be extended)
- Offshore Oil drilling (Died well before drilling accident off the coast of Louisiana)

As of May 27th, we have listed some budget highlights of some particular note to local government below:

Transportation and Economic Development

Transportation and Economic Development Budget - \$9.9 billion (16% decrease compared to the current budget)

➤ *Department of Transportation:*

- *Florida Department of Transportation Budget (FDOT)* - \$7 billion
-\$5.8 billion in the 1st year of the 5 year work program

➤ ***Department of State:***

- *Public Libraries* – Moving into Conference, libraries were fully funded (21.2 million) in the Senate and zero funded in the House. It came down to a fight between Libraries and the Office of Tourism, Trade and Economic Development (OTTED / Qualified Targeted Areas and Quick Action Closing programs). The initial result was a decrease in library funding and an increase in OTTED funding.

However, during the final week of budget negotiations, we were able to work with Senate leadership to fully fund libraries. The funding is expected to draw down \$8.4 million in federal matching dollars.

➤ ***Department of Community Affairs:***

- *Regional Planning Councils* - \$2.5 million
- *Florida Housing (1st Time Homebuyer Program)* - \$37.5 million to be used for down payments on single family home purchases.

➤ ***Department of Tourism, Trade and Economic Development (OTTED):***

- *Qualified Target Industries* - \$12.2 million
- *Visit Florida* – \$27 million
- *Enterprise Florida* - \$11.1 million

Natural Resources/Environmental

Florida Forever - \$15 million.

Everglades Restoration – \$10 million (An additional \$40 million contingent upon FMAP funds)
-Heading into the Conference process, the House zero funded the Florida Forever Program.
However, we assisted in funding both Everglade's Restoration and Florida Forever.

Mosquito Control – \$1.2 million

Beach Restoration - \$15.5 million
- We worked with leadership to secure funds for Beach Restoration.

Water Management District Trust Fund – \$18.3 million

Drinking Water Revolving Loans - \$88.4 million

Petroleum Tank Cleanup- \$120 million
-After using bonded funds last year, the legislature dedicated the above funds to petroleum tank cleanup this year.

Education

K-12 Education – The K-12 per student spending average will increase by \$1.22 to \$6,843.51 (\$111 million increase compared to current year). K-12 total funding will be \$8.9 billion, which is an \$849 million increase compared to the FY 2009-2010. This increase in education funding is a good indication that the Legislature considered education a top priority in 2010.

Higher Education – Bright futures reform was tightened and then slightly loosened during the Conference process. Further, state tuition was increased an additional 8% with another 7% increase expected to be approved by the Board of Governors (BOG) (increase not covered by BF). The total university system budget is expected to increase by nearly 6% (including tuition).

-A late filed provision, which arose in Conference, will allow university boards to raise student fees 15% or the statewide average.

Health Care/Human Services

Nursing Home Reimbursement Rate - In a last minute budget deal, leaders scaled back the cuts to nursing home reimbursement from 7% to 5%.

-This 5% cut would be contingent on the reception of the pending FMAP funds.

State Payment to Hospitals for Indigent Services – State payment for indigent services would be cut by 7% except for rural hospitals, Two Children's Hospital, Miami's Children's Hospital and the St. Petersburg All Children's Hospital.

Jackson Memorial Hospital – In a very economically conservative atmosphere, leadership found \$50 million dollars to aid the struggling hospital. However, hospital officials will be forced to provide a management review of the hospital's finances.

Community Based Mental Health and Substance Abuse Programs - \$14.4 million

Homeless Prevention – \$8.6 million

State Worker Salary/ Pension Reform:

State Workers Salary's – For the majority of the 60 day Session, state workers were facing a House leadership proposed 3% pay cut across the board. In contrast, Democratic members argued that state workers deserved a raise (5 years since their last). In the end, the cut was not included in the final budget, but a compromise was made. Ultimately, insurance and pension programs would be tweaked to save the state some money.

Insurance Benefits – 27,000 senior management, select exempt, legislative and other non-paying state workers will begin paying \$100 a year for singles insurance coverage or \$360 a year for family coverage.

-Also, the state will cover a 5% increase in insurance premiums that will:

-Not include copayments for doctors' visits and prescriptions (excluding generic drugs)

-Increase the cost of ER and urgent care

Life Insurance – Will be set at a flat rate of \$25,000 instead of 1.5 times the workers salary.

HB 5607 relating Deferred Retirement Option Program (DROP) – Beginning on July 1st, interest earned in stockpiled pension checks for a five year period would be reduced from 6.5% percent to 3%. Further, an actuarial study would be required on the DROP program.

*See veto section below

Criminal and Civil Justice

Criminal Justice Budget – \$5.1 billion (\$3.5 billion in GR and \$1.6 billion in trust funds)

Drug Improvement Program - \$10 million (federal stimulus funds)

Gaming Compact:

SB 622/HB 7221 relating to the Seminole Indian Gaming Compact by Senator Jones and Representative Galvano -The third time was a charm for Seminole Indian Gaming Compact. 2010 was the year that the Seminole Tribe of Florida finally negotiated a deal with the Florida Legislature and Governor Charlie Crist. The compact will allow the immediate use of \$250 million currently on hand and secure an additional \$1.2 billion in revenue over the first five years.

In return, Florida will authorize the Seminole Tribe of Florida exclusive rights to run class III games in five of its seven Florida facilities. Specifically, banked card games, including baccarat, blackjack and “chemin de fer” will be legalized in Broward County, Collier County, and Hillsborough County casinos. During the ceremonial signing, Governor Crist urged the Legislature to use the compact funds to continue funding education. That being said, the majority of the funds will be placed in General Revenue (GR). After five years, the Legislature is expected to revisit the terms of the revenue sharing.

Compact Highlights:

- 3% of the compact funds will be distributed between the cities and counties where the casinos are located.
- Pari-mutuels will also be affected by the compact. Specifically, the tax charged by South Florida pari-mutuels will be reduced
- The ratified compact has a 20 year term (slot machines); however, the authority for banked card games terminates at the end of 5 years, unless extended/modified by the legislature.

Revenue Sharing Details:

- The \$250 million previously paid to Florida by the Tribe will be held in General Revenue (GR)
- \$150 million (annual minimum payment)
- The Compact provides for a guaranteed minimum payment of \$1 billion dollars over 5 years
 - Fiscal Year 2010-11: \$150 million
 - Fiscal Year 2011-12: \$150 million

- Fiscal Year 2012-13: \$233 million
 - Fiscal Year 2013-14: \$233 million
 - Fiscal Year 2014-15: \$234 million
- After the first two years, the Tribe will pay the state, either the greater of the guaranteed minimum or a graduated percentage of net win:
- 12% of net win up to \$2.0 billion
 - 15% of the net win from \$2.0 billion up to and including \$3.0 billion
 - 17.5% of the net win from \$3.0 billion up to and including \$3.5 billion
 - 20% of the net win from \$3.5 billion up to and including \$4.0 billion
 - 22.5% of the net win from \$4.0 billion up to and including \$4.5 billion
 - 25% of the net win over \$4.5 billion

The legislation was signed into law by the Governor, Chapter No. 2010-29 L.O.F.

Trust Fund Sweeps

Trust Fund Sweeps - The House and the Senate agreed to more than \$500 million in trust fund sweeps.

- Some of the major trust fund sweeps are listed below:
- State Transportation Trust Fund - \$160 million
 - Only \$120 million cut (contingent upon FMAP funds)
 - Housing Trust Fund - \$174.3 million
 - Emergency Preparedness and Assistance Trust Fund - \$2 million

Reserves

Expecting a \$6 billion deficit next year, legislators have placed \$1.4 billion in reserves for the FY 2010-2011 budget beginning on July 1st. An additional \$730 million will be placed in reserves if Florida is granted the federal Medicaid funds (FMAPP).

BUDGET UPDATE (May 28th, 2010)

Veto Overview - On May 28th, the Governor approved the FY 2010-2011 budget totaling \$70.4 billion. As expected, the Governor chose to exercise his use of the line item veto. The Governor vetoed \$181.7 million in GR and \$189.3 million in Trust Funds sweep (including a \$160 million sweep from the state's road-building trust fund) totaling \$371 million. The majority of the line item vetoes were local member projects; however, the most significant fiscal veto was from the Transportation Trust Fund sweep that the legislature had used to fund education. In order to keep education fully funded, Crist also vetoed the proviso language that would have made education funding contingent on the transportation money.

Drop Program - Gov. Crist also vetoed the DROP legislation that would have changed the accrual rate from 6.5% to 3.0%. Ultimately, the Governor felt the legislation surfaced too late in Session and should not have been "rushed through the process."

Nursing Homes Cut - Finally, the Governor used his veto pen to eliminate planned reimbursement reductions for nursing homes and providers that help the developmentally disabled. However, the budget still contains the same overall amount of funding, meaning that at some point the state would have to dip into reserves or come up with additional money to fund both programs.

ASSIGNED ITEMS

PASSED LEGISLATION:

HB 325 and SB 2166 relating to Red Light Camera's by Representative Reagan and Senator Altman – On November 6th, 2009, Rep. Reagan filed his red-light legislation to be heard during the 2010 Legislative Session. Due to term limits, 2010 would be Rep. Reagan's last chance to pass his good legislation.

Throughout the process, we were sure to discuss the counties support of good legislation with all committee members before both the House and Senate committee meetings. When we believed necessary, we also sent follow-up letters to members of our local delegation to better inform them of MDC's stance on the issue.

The House bill passed with several amendments through all three of its committees of reference, including the *Roads, Bridges & Ports Policy Committee*, *Health Care Regulation Policy Committee* and the *Finance & Tax Council*.

Meanwhile, the Senate bill passed with several amendments through the *Transportation Committee*, *Criminal Justice Committee*, *Community Affairs Committee*, and the *policy & Steering Committee on Ways and Means* (The bill was withdrawn from the *Criminal Justice Committee*).

Also, on March 16th, the bills were discussed during the *Office of the EDR's Revenue Estimating Impact Conference*. The *Revenue Estimating Conference* found that the "provisions of the bill will increase state revenues by \$29.2 million (\$19.3 G.R., \$9.9 Trust) in FY 2010-11 and \$94.8 million (\$63.2 G.R., \$31.6 Trust) in FY 2013-14." The *Estimating Conference* also reported that the "provisions of the bill will increase local government revenues by \$10.1 million in FY 2010-11 and \$65.7 million in FY 2013-14."

Per the County's request on April 22nd, we worked with Rep. Bernard to make sure he withdrew a very harmful amendment to local governments. The amendment was brought to Rep. Bernard by opposing republican leadership in the House. If passed, the amendment would have disallowed the installation of cameras without an approved referendum by "the majority of votes cast by those persons eligible to vote in such a referendum." The amendment would have effectively destroyed the bill. However, we were successful in stopping the amendment before it was brought forward during 3rd Reading.

On Friday, April 23rd, the House bill passed favorably (77-33) during 3rd Reading. A strike-all was added which brought the House version much closer to the Senate version. The strike-all added the important compromises below:

- Fines on city and county roads would be \$158. Allocating \$70 to General Revenue (GR), \$75 to the local governments, \$10 to the trauma centers, and \$3 to the Miami Project to Cure Paralysis.
- Cities and counties would have the ability to use cameras in their respective jurisdictions.
- Grandfathering of existing equipment until July 1st, 2011.
- Allow for turns on red in a “careful and prudent manor.”

On April 26th, the Senate bill was replaced for HB 325. During 3rd Reading, much debate was had over red light companies receiving favorable contracts, the use of ‘streaming camera’ vs. ‘still photos’ and those deemed responsible for issuing the tickets. Ultimately, the bill passed (30-7) on the Senate floor with one amendment withdrawn relating to ‘still photos’ vs. ‘streaming video’.

The Governor made several remarks referring to the veto of the bill. Ultimately, in part to our work with the Governor’s office, Gov. Crist signed the bill into law. Below, we have done an analysis of HB 325 or the “Mark Wandall Traffic Safety Program” as signed by the Governor:

Bill Analysis: The bill defines a traffic infraction detector as a device to record “two or more sequenced photographic or electronic images or streaming video” of vehicles “at the time the vehicle fails to stop behind the stop bar or clearly marked stop line” when facing a steady red light.

Municipalities and counties are permitted to install traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT. The Florida Department of Highway Safety and Motor Vehicles (DHSMV) may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT.

The bill also provides a transitional period for those counties and municipalities instituting a traffic infraction detector program on or before October 1st, 2010. These counties and municipalities may continue to use equipment acquired under an agreement entered into or before October 1st, 2011. These local governments are not required to meet the specifications provided by the bill until July 1st, 2011 or 180 days after FDOT specifications are issued, whichever is later.

Signage will be required at intersections using traffic infraction detectors, providing that traffic infraction detectors may not be used to enforce violations when the driver is making a right or left turn, where such turns are allowed.

Traffic infraction enforcement officers must meet training and qualifications standards developed by the Florida Department of Law Enforcement (FDLE). The traffic infraction enforcement officers must be physically located in the county of the respective sheriff’s or police department.

Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, either in person or remotely, the *photographic or electronic images or the streaming video evidence* that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or internet location where the evidence may be examined and observed.

The fine is increased from \$125 to \$158; however, there is no change to the assessment of points against a driver's license when a violation is enforced by a law enforcement officer. The allocations for the infraction are as follows:

- \$60 to be distributed as provided in s. 318.21, F.S
- \$30 to the GR Fund
- \$68 to DOR

The bill would allow local governments to install cameras at select city and county road intersections and charge \$158 dollars for red light violations. The bill provides fines assessed for violations enforced by law enforcement officers are disbursed as follows:

- \$70 to the GR Fund
- \$75 to the county or municipality in which the violation occurred
- \$10 to trauma centers
- \$3 to Miami Project to Cure Paralysis

If the enforcement is by the department's traffic infraction enforcement officer and the driver has failed to stop at a traffic signal the revenue would be allocated as follows:

- \$100 to the General Revenue Fund
- \$45 to the county or municipality in which the violation occurred
- \$10 to trauma centers
- \$3 to Miami Project to Cure Paralysis

Beginning in 2012, each local government that operates a traffic infraction detector is required to submit an annual report to DHSMV containing the following:

- Results of using the traffic infraction detector
- Procedures for enforcement
- Statistical data and information required by DHSMV

The bill provides a severability clause and is effective July 1, 2010.

FAILED LEGISLATION:

HB1235 / SB2712 relating to Traffic Enforcement by Rep. Schenck and Sen. Dean – On February 23rd, Rep. Schenck who had been opposed to the past red-light legislation (HB 325), filed the House bill. The bills intent was to prohibit the use of traffic infraction detectors and cameras by counties and municipalities to enforce traffic laws. Further, the bill would have preempted the state the use of traffic infraction detectors to enforce traffic laws. The bill was expected to have a negative fiscal impact on those local governments that already installed red light cameras to generate revenue through the collection of civil fees or fines.

Early in the process, we heard this bill had little favor in the House and none in the Senate. Further, we heard that the bill had 0% chance of passing if the "red-light" legislation (HB325) finally passed.

That being said, we the used majority of our energy and resources to successfully pass HB 325. However, we also discussed our opposition of the issue with all committee members that heard the bill.

The bill barely passed (7-5) during its first committee of reference, *Governmental Affairs Policy Committee*. Committee members argued about the possible confusion caused if both HB 1235 and HB 325 (red-light legislation) passed into law by the Legislature. In that case, Rep. Schenck felt that the “Governor would most likely veto his bill.”

In its next committee of reference, *Military and Local Affairs Policy Committee*, the House bill once again passed narrowly (8-6). During public testimony, the Florida Association of Counties and the Florida League of Cities spoke in opposition to the bill. A spokesman for the Internal Order of Police commented that “removing the cameras would remove a powerful public tool.”

On April 16th, the House bill passed (10-5) during the bills last council of reference, *Economic Development & Community Affairs Policy Council*. Subsequently, on April 19th, the bill was then placed on the House Special Order.

As we expected, the proposed legislation proved unnecessary when HB 325 passed. Obviously, we do not expect to see this harmful legislation again.

SB 782/HB 445 relating to Pretrial Detention and Release by Sen. Thrasher and Rep. Dorworth – The bill would have established eligibility criteria that would have applied to all pretrial release programs. Further, the legislation would have resulted in wasteful government spending by holding defendants in jails that could be placed on pretrial supervision which is more cost efficient and safe.

The House bill was referred to *Public Safety & Domestic Security Policy Committee*, *Criminal & Civil Justice Appropriations Committee*, and the *Criminal & Civil Justice Policy Council*.

On March 26th, the House bill was heard during the *Criminal & Civil Justice Appropriations Committee*. Before the committee began, we were sure to voice the county’s opposition of the legislation to Rep. Thurston and Rep. Rouson (both voted in opposition). Unfortunately, Rep. Soto was successful in amending the bill twice, removing the “indigent persons” language and extending the registration period to one year, for accurate data recording. During questioning, Rep. Dorworth would not “give (his) word that the bill wouldn’t be altered in the next committee of reference.” After much debate, the bill passed (6-5) by a thin margin, because of (D) Rep. Soto and his amendments.

On April 12th, the House bill passed favorably (10-5) with a “county friendly” amendment during the *Criminal & Civil Justice Policy Council*. However, we were successful in communicating our opposition of the bill to Rep. Thurston and Rep. Gibson who later voted against the bill.

Meanwhile, on March 26th, the Senate bill was heard during the *Criminal Justice Committee*. Before the committee began, we communicated our opposition of the bill to both Sen. Siplin and Sen. Wilson who consequently opposed the bill during questioning and debate. Several members and speakers spoke in opposition of the bill, because of the “indigent care” language. Sen. Thrasher, feeling his votes slip away, chose to “temporarily postpone (TP)” his bill. Moving forward, he was expected to present the bill again, most likely removing the indigent language.

The Senate bill would have restricted pretrial release eligibility to those who met the following criteria:

- Indigent
- Never failed to appear in court
- No prior convictions involving violence
- Not currently on probation or facing other charges

After the committee, we worked closely with Chair Dockery to ensure the bill was not heard again during the *Criminal Justice Committee*. Due to our efforts, the bill stalled in committee. We do believe there will be a similar version filed again next year.

SB 2436/HB 1241 relating to Tax on Sales, Use, and other Transactions by Sen. Gaetz and Rep. Patronis/Rep. Abruzzo – The harmful legislation would have permanently allowed online travel companies to remit taxes on the wholesale price of a hotel room. If passed, the bill would have had a \$31 million negative impact on state and local sales taxes.

On April 26th, we pulled several House members to discuss the negative impact of the legislation before the House floor vote. Ultimately, the bill passed 75-34 during 3rd Reading. Moving forward, we aided the team in ensuring the bill was not pulled from Senate Message by leadership. Due to our team's efforts, the bill eventually died in Messages.

HB1137/SB1968 relating to Offenses on the Grounds of Religious Institutions by Rep. Taylor and Senator Smith - During the February Committee Weeks, we secured House and Senate sponsors for the MDC standalone bills. The issue would have provided for the reclassification of the felony degree for a violation of the offense of burglary and/or theft when committed on the grounds of a religious institution. The two versions aimed at accomplishing the same thing in separate parts of statute. Our strategy was to move on whichever bill moved first.

By March, the House and Senate version were both referred to three committees of reference. The three committee references were promising at the time. After no movement through the first two weeks of Session, we chose to compose letters to the chairs of the first committees of reference requesting the bill to be placed on their committees' agenda.

During the third and fourth week of Session, we worked tirelessly with the help of Mr. Ron Book, to discuss our issue with both the bill sponsors and committee staff members in order to get the bills heard in their remaining committees of reference. We also discussed the issue with the chairs of the House *Public Safety & Domestic Security Policy Committee* and the *Criminal Justice Committee* (Rep. Ambler and Sen. Dockery). Through our conversations, we found that our issue would continue to meet some major resistance if placed on the committee agendas (we were not told from whom).

While the bill was never heard in its committees of reference, the bill was heard in an *Estimating Conference* and ruled indeterminate. Despite our best efforts, the bills stalled in the committee process.

SB 662/HB 771 relating to Credit Scores for Automobile Insurance by Sen. Storms and Rep. Robaina – The bill would prohibit an insurer that issues motor vehicle insurance from using a rate, rating schedule, rating manual, or an underwriting rule that is not contained in a rating manual and determined in whole or in part on the basis of certain characteristics of an insured. Further, the bill would prohibit insurers from using credit reports and credit scores when making rating determinations. Further, it would delete provisions authorizing the Financial Services Commission to adopt rules.

The bills were already filed as standalone bills when we received the assignment. The Senate bill was only referred two committees of reference, *Banking and Insurance Committee* and the *Commerce Committee*. The two committees of reference were a good indication that the Senate supported the legislation.

Meanwhile, the House version was referred to *Insurance, Business & Financial Affairs Policy Committee* (Chair Patterson), *Government Operations Appropriations Committee*, *General Government Policy Council*.

In late March and early April, we worked with Mr. Ron Book to discuss the issue with both sponsors and the committee staffs in order to get the bills heard in their remaining committees of reference. Despite our best efforts, the bills stalled in the committee process.

Unfortunately, no amendment opportunities arose once we felt our bill had stalled in the committee process. However, we expect this issue to be filed again next year. Please let us know if you need help finding additional sponsors.

Limited Arrest Authority for Correctional Officers: Per our assignment, we searched for viable vehicles in which to amend our issue upon. The most likely vehicles were SB 960 relating to Corrections and SB 460 relating to Corrections. Both bills were sponsored by Sen. Dockery.

Therefore, we worked closely with Secretary McNeil of the Department of Corrections (DOC) who supported the legislation and Sen. Dockery's office to amend our issue on one of their bills. Unfortunately, we were unable to make any traction during our meetings with Sen. Dockery's staff. In response, we asked Sec. McNeil to follow up with Sen. Dockery as soon as he was able. However, he was unable to make time to sit down with the member. Further, SB 460 (shell bill), was never heard in committee. We hope to work the issue again next year.

Posting of Food Inspection Reports: Per our assignment, we searched for viable vehicles for our issue relating to food inspection rules and regulations. We found one germane bill relating to food service inspections that was moving early in the process

SB 532/HB 295 relating to Food Service Inspections by Sen. Altman and Rep. Hukill – will require the Florida Department of Health (DOH) to conduct food service inspections for certified domestic violence centers having five or fewer residents (excluding the actual number of residents in each center). The bill maintains a resident number-based inspection scheme for those centers that prepare and serve food to residents or advertise food or drink for public consumption.

The bill has an insignificant positive fiscal impact on the DOH. The bill, signed by the Governor, will take effect July 1, 2010.

We spoke to Rep. Hukill numerous times and she politely refused our request to amend her fragile bill. Moving ahead to next Session, we believe our best plan of action is to create a standalone bill. If approved, we will begin our efforts to lock down sponsors.

FCAT (Standardized Testing) for the Ill:

HB 7053 relating to Public School Assessments by Pre-K Policy Committee – During the February Committee Week, we pinpointed HB 7023 as the most germane vehicle for our FCAT issue. Therefore, we discussed the issue (amendment) in depth with Rep. Legg and his staff. They seemed amendable at the time and asked us to send the issue to their *Pre-K Policy Committee* staff.

The committee/staff reviewed the amendment language and background information and determined our language was too broad. They wrote:

“Students with disabilities” is too board – disability is often physical not mental. The language will never fly in the Senate, ever.”

In response, we met with the MDC (Martin W. Sybblis and Jess McCarthy) staff to discuss alternative language. We worked swiftly to ready language before the bill was heard during the *Education Policy Council*. However, Rep. Legg and his *Pre-K Policy Committee* staff decided that our issue would be too controversial to amend to their fragile PCB.

That being said, committee staff found our issue valid and asked us to keep working with them moving forward. They asked that we meet with them after Session to discuss the workings of an Office of Program Policy Analysis and Government Accountability (OPPAGA) report dealing with comprehensive tests and FCAT. Specifically, we plan to find the possible consequences/rewards that may occur if we exclude specific students/schools from officially reporting their comprehensive tests/FCAT scores. Once we have received the report findings, we believe we will be able to create some concrete legislation for MDC during the 2011 Legislative Session. *Again, they admit a problem exists and something must be done to solve that problem.* We will keep MDC in the loop as we meet with the members and staff in early June.

Elections

During the February Committee Weeks, we met with Senator Thrasher, Chairman of the *Ethics and Elections Committee*, Wayne Rubinas, Staff Director of the *Ethics and Elections Committee*, and *Ethics and Elections Committee* staff on several occasions to discuss the County’s election priorities. Our main focus was to amend as many of our issues as possible to the ‘comprehensive elections bill’ which would later be filed by Sen. Thrasher as SB 900.

PASSED LEGISLATION:

Americans with Disabilities Act (ADA) Extension:

The above Committee Week discussions prompted Mr. Rubinas and Chair Thrasher to implant our ADA extension language into the ‘comprehensive elections bill.’

In February, we heard from House members that a “comprehensive elections bill” would be created in the *Governmental Affairs Policy Committee*. In discussion, Chair Schenck solidified the rumors by stating a similar bill to SB 900 would be forthcoming. He also added that the controversial ADA extension language would be a part of the House bill.

HB 7101 relating to Elections (ADA Extension) by the *Governmental Affairs Policy Committee*- We worked diligently to make sure the narrow ADA extension bill passed out of its only committee of reference, the *Governmental Affairs Policy Committee*. In a matter of two weeks, the bill passed through the House and was laid in Senate Messages. The House bill was much more condensed than SB 900. In fact, its only function was to extend the ADA voting machine deadline from 2012 to 2016. The Florida Association of Counties (FAC) estimated the extension would allow \$45 million in savings to local governments.

With the Governor’s veto of the leadership legislation (elections legislation), we felt the elections bill would also be susceptible to the Governor veto pen if it ever reached his office. Therefore, we discussed the issue in advance with the Governor’s office. They did not take a stance at the time, but said the issue was valid. Unfortunately, the bill later died in Senate messages.

Ultimately, the issue remained alive through an 11th hour move by leadership to pass comprehensive elections legislation (HB 131 / “elections train”).

SB 900 relating to Elections (ADA Extension) by Senator Thrasher - Meanwhile, SB 900 took much longer to make its way through the process. On February 17th, the Senate bill passed favorably in its first committee of reference, the *Ethics and Elections Committee*. The Senator’s rather lengthy elections bill was expected to make several provisions related to current election laws. Specifically, the extension was expected to allow counties until 2016 to switch to optical scan ballot machines. Essentially, the extension would have offered counties an additional four years to fund the mandated optical scanning machines (unfunded mandate) currently sold by a single vender.

Some of the other major provisions of the bill, as passed on February 17th, are listed below:

- Creation of a specific meeting time for canvassing council
- Allowed the Secretary of State to order recount
- Candidates would have been permitted to waive recount
- Changed fines for CCE’s and reporting
- Changed ballot mailing to 45 days

On March 8th, the Senate removed the bill from its last committee of reference, the *Rules Council*. Therefore, we stepped up our efforts to have the bill heard in its final committee of reference, the *Transportation and Economic Development Appropriations Committee (TED)*. We met several times with Chair Fasano and his staff to ensure the bill would be heard during his committee. Through our discussions, we found it would eventually be heard. On April 19th, the bill was finally agenda’ed and passed unanimously (6-0). A strike-all was adopted that shortened the bill drastically. Through our work, we ensured the ADA voting machine language was still included.

On April 26th, the bill was finally heard on 2nd Reading. Ultimately, in a plan to create another comprehensive elections bill, Sen. Thrasher amended his ADA elections language out of SB 900.

Subsequently, the identical language was amended to HB 131 relating to Absent Uniformed Services and Overseas Voters.

HB 131 relating to Absent Uniformed Services and Overseas Voters by Rep. Adams - The bill, before the Senate floor amendments, would have added the definition of "absent uniformed services voter" and change the current definition of "overseas voter" to conform to changes in federal law. The definitional change made it clear that uniformed services voters who are stateside, but away from their place of residence, are governed by the same Florida Election Codes as those voters who are overseas.

The bill passed through both the *Governmental Affairs Policy Committee* and *Transportation & Economic Development Appropriations Committee* unanimously. On March 18th, the bill then passed 113-0 on 3rd Reading. The narrow elections bill then waited in Senate Messages for over a month.

On April 26th, the bill was amended by Sen. Thrasher to include the ADA extension language, among other amendments, and later passed unanimously (38-0) during 3rd Reading in the Senate.

On April 29th, the House heard the greatly changed HB 131 again during 3rd Reading. House Democrats vehemently opposed the bill, claiming it was not properly vetted through the committee process. Ultimately, the House concurred with the Senate amendments and the bill passed 110-6.

Through our work with the Governor's office, Crist later signed off on the legislation, Chapter No. 2010-167.

As mentioned above, HB 131 will include the ADA extension. Further, the 2010 comprehensive elections bill is expected to accomplish the following:

Bill Analysis: The bill will redefine 'absent uniformed service voters' and amend the definition of 'overseas voters' to conform to the federal Military and Overseas Voter Empowerment Act (MOVE).

The legislation also clarifies changes to the elections code that puts overseas uniformed service voters under the same Florida election code as those voters who are stateside. Furthermore, the bill expands the supervisor of elections abilities to secure absentee ballot requests from overseas voters by using their email addresses. The email address will be used to confirm the receipt of the request and the estimated date the absentee ballot will be sent to the voter. Lastly, the email will notify the voter by email when the voted absentee ballot is received by the supervisor of elections. This information will be held in the absentee ballot record in the respective supervisor of elections office.

'Overseas absentee ballots' will also be sent 45 days before each election by the supervisor of election. The absent uniformed services voter may designate how they would like to receive the absentee ballot request. If the voter does not designate the method of transmission, the absentee ballot will be mailed standard mail.

Also, power was granted to the Secretary of State in order to request a manual recount for federal, state, and multicounty races. Other powers were granted to the county canvassing board and/or

local board responsible for certifying the election is responsible for ordering a manual recount for all other races.

Additionally, this bill adds stipulations to political advertisements circulated prior to elections that are paid for by the candidate. If the item is distributed, it must physically list who paid for the political advertisement, their party and office sought. However, the rule would not apply to a campaign message that is worn on a t-shirt, website or graphics that comply with campaign rules. This will make it easier to post political ads on social media sites such as Twitter, MySpace, and Facebook.

The bill would also regulate 527's that spend more than \$5,000 on advertisements 30 days before a primary, or 60 days before the general election to register with the state and turn in campaign finance reports. Any overages must be reported within 24 hours of the Florida Division of Elections. Further details show that each electioneering communications organization must file paper work with the Division of Elections to report all contributions and expenditures made on behalf of the organization.

FAILED LEGISLATION:

Expansion of Voting Sites:

Senate Efforts:

January and February Committee Weeks: During our early work with the *Ethics and Elections Committee* staff. We found that our 'expansion of voting sites' and 'flexibility in voting times' issues were being softly received. Therefore, we worked diligently in February to meet with the *Ethics and Elections* and *Governmental Affairs Policy committee* members and staff to push our early voting issues. As expected, the majority of the republicans were against the issues, while the democrats were completely on board. Specifically, in the Senate, we worked with Sen. Thrasher in hopes of amending our issues to his comprehensive elections bill (SB900). At the time, it seemed Sen. Thrasher considered the request.

On February 17th, during the Senate *Ethics and Elections Committee*, Sean Pittman spoke on behalf of the County. He suggested an amendment be added extending voting hours and facility provisions. During the committee, Chair Thrasher commented that committee members (Sen. Rich and Sen. Joyner) had suggested the idea and he would discuss the issue in detail with his committee staff. In response, we provided Sen. Thrasher with some additional information necessary to make his decision. During a later discussion, the Senator felt the language would hurt his bill if amended.

Sen. Diaz de la Portilla Meetings: On March 18th, we met with Senator Diaz de la Portilla (DLP) to discuss the 'early voting sites' and 'early voting hours' issues. As expected, he was very cold towards the 'expansion of hours' issue. However, he seemed amendable to a deviated version of the 'expansion of voting sites' issue. His major issue was that the biased supervisor of elections would place voting sites in strategic areas that would help their respective party. Therefore, Senator DLP asked that we draft new language that would regulate the voting areas to demographically political neutral areas.

Sen. Smith Amendments: Per Sen. DLP's suggestion, we worked with Sen. Smith of the *Transportation and Economic Development Committee* (TED) to draft an early voting amendment to Sen. Thrasher's SB 900. Our strategy was to propose an 'unfriendly amendment' in order to grab the attention of Sen. Thrasher and the media. Further, we contacted Broward and Miami-Dade legislative staffs to testify in favor of the amendment.

On April 19th, SB 900 passed unanimously in the *Transportation and Economic Development Committee* (TED). Sen. Smith's "early voting" amendment was heard and later withdrawn. In response to the amendment, Sen. Gardner asked Sen. Smith to create "less broad" language to bring up again at the next stop. Again, our strategy was to propose an unfriendly amendment to grab Sen. Thrasher's attention. We believe our objective was accomplished.

We went back to the drawing board with Sen. Smith and his staff to replicate the voting language used in current statute. When completed, we made sure to filter it through the County in order to find the most efficient language/compromise.

On April 22nd, we proposed our language onto both SB 900 and HB 131, which was rumored to be the new "comprehensive elections bill." However, the bill was TP'ed.

Finally, on April 26th, the bills were heard. Sen. Thrasher argued our amendment may have been harmful to the disabled, which we believed to be a false accusation. Further, we believe Sen. Thrasher was worried about the upcoming 2010 elections. We had discussed the issue with several Senate members who agreed to vote for the issue if we could get Sen. Thrasher on board. Unfortunately, as mentioned above, the Senator was not amendable. Ultimately, Sen. Smith's amendment failed on the floor and was subsequently withdrawn during the presentation of HB 131.

House Efforts:

January and February Committee Weeks: We worked with members of the House *Governmental Affairs Policy Committee* in order to amend our 'expansion of voting sites' and 'extension of voting times' amendments to bills moving through the House committees.

SB 256/ HB 57 relating to Early Voting by Sen. Aronberg and Rep. Gibbons – In response to the issue, we drafted an amendment with Rep. Gibbons's staff that would have expanded the early voting sites and extended the early voting hours. On February 10th, Rep. Gibbons offered our amendment during a workshop in the *Governmental Affairs Policy Committee*. The bill as amended would have expanded early voting times to a max of 12 hours during the weekday and an aggregate of 12 hours on the weekend. The bill would have also expanded the early voting sites in addition to the currently used local libraries, city halls and the supervisor of election offices. Rep. Randolph asked if the sponsor would be amendable to changing the language to allow for fewer days during the early voting process and more hours during the day. Rep. Gibbons said he would be "open" to that idea. Despite our efforts, the bill was never voted upon during the *Governmental Affairs Policy Committee*.

We continued to discuss the issue with members of the House *Governmental Affairs Policy Committee*. However, there were very few House elections bills, and of those bills, the sponsors were uncomfortable in amending our controversial language.

Community Development District (CDD) Elections Issue:

We worked the Community Development District (CDD) elections issue vehemently throughout the February Committee Weeks. The Developers and the Villages, whom we were working with, felt their bill would meet too much opposition without “optional language” (allowing counties and the CDD to agree on a mail out ballot opposed to a mandatory mail out for all). Unfortunately, we were unable to come to a compromise, allowing our language to be added to a very fragile standalone bill. At the urging of MDC staff, we chose not to add our issue with “optional language” and held off until another opportunity arose.

As the filing deadline passed, we found no additional filed CDD bills. This meant our amendment opportunities would be minimal. Therefore, we suggested that the “optional language” may be our only viable opportunity in 2010. With MDC’s approval, we went back to the Developers and the Villages and asked if they would be amendable to the previously tabled compromise. They were in fact amendable; however, they were told by the respective committee chairs that their bills (HB 991/SB 1990) were dead in the committee process.

HB 991/SB 1990 relating to CDD’s by Rep. Hays and Senator Baker - The House bill was referred to the *Military & Local Affairs Policy Committee, Civil Justice and Courts Policy Committee, Finance Tax Council, and the Economic Development & Community Affairs Policy Council*. The Senate bill passed unanimously in the *Community Affairs Committee* and was waiting to be heard in its final committee of reference, the *Judiciary Committee*.

We discussed MDC’s support of the bill and our CDD elections amendment with Chair Hukill of the *Military & Local Affairs Policy Committee*. She seemed willing to hear the bill; however, the issue was not important to her or House leadership. Unfortunately, she said there was not enough time left to hear our issue. Ultimately, the bill died because it was not heard in the House. At the time, it was the final CDD bill moving through the process. We also met with Senate Chair Negron who could not agenda our bill because of previous bill promises. However, he did agree to remove our bill from committee if the House bill began to move out of the *Military & Local Affairs Policy Committee*.

HB 7203/SB1866 relating to CDD’s by Finance & Tax Council and Sen. Altman – A final piece of CDD legislation was created during the final days of Session. The bill would have allowed CDDs without qualified electors to levy an optional tax of up to one percent on all commercial rental transactions occurring in the district that are subject to sales tax. Approval to levy such a tax will require the approval of four of the five members of the elected board of supervisors (board) of the CDD, and at least two-thirds of the landowners within the CDD.

During week 8, we met briefly with both sponsors (Rep. Bogdanoff and Sen. Altman) of the committee bills. As is the case with all CDD legislation, the sponsors were worried our language would ultimately hinder their fragile committee bills. They felt an amendment would ruin the chances of their “fragile” bills to pass. Ultimately, the bill was vetoed by the Governor.

On May 4th, 2010, the Developers and Villages contacted us to show their desire to work cohesively on future CDD bills. We have also discussed the possibility of creating a standalone bill next year.

Modification of Election Audit Rules: During the February Committee Weeks, we once again searched for members who would sponsor the issue as a standalone bill. While searching we sent the bill to drafting with Rep. Williams and Sen. Smith's office. Unfortunately, we could not find a House member who was willing to use one of their bill spots for the very controversial and unfavorable issue. We looked for places to amend, however we were unsuccessful in finding any sponsors willing to amend our issue. Specifically, Sen. Thrasher and his staff did not feel this year would be a good year to work the legislation (i.e. elections year). The 2010 election year was a bad year to change any regulations on voting or election auditing procedures for the republican leadership. Leadership was very critical of the issue and the unforeseen consequences it could have on the upcoming election.

HAVA Funds: Per our findings last year, we found through our meetings with the Governor's office that the State and County methodologies differed in what the HAVA funds were distributed to pay for. We found through conversation with the Governor's office that:

- The funds were distributed to each county in an amount to cover the replacement of one voting machine per precinct.
- The funds were never meant to allow the counties to recoup the cost of replacing all their voting machines.
- The numbers available on the distributions to Miami-Dade County did not match up with the numbers the County elections office gave us.

The Governor's office had the specific distributions by category and we had only the aggregate. Legislative leadership concurred with those findings.

Ultimately, the Governor's office informed us the money has run dry leaving none to compensate local governments.

Removal of Committeewoman and Committeeman Races from Election Ballot: We engaged in several conversations with members of both parties who did not want to bring the issue up during an election year. We plan to discuss the issue with those members again next year. Again, anything manipulating the previous elections process is not at the top of the majority party's priority list.

Chinese Drywall Relief

In early March, the Federal Emergency Management Agency (FEMA) turned down Florida's request to help Floridians with home damage caused by Chinese drywall. FEMA reported that Florida's problem does not meet the federal criteria for an "emergency or major disaster." However, there is currently a court case in New Orleans filed by Louisiana homeowners that could help set the standard for remediation of affected homes and how much repairs should cost.

PASSED LEGISLATION:

SB 2160/HB 965/SB 2160 relating to Real Property Assessment by Rep. McKeel and Sen. Storms – In short, the bill will require property appraisers to adjust the assessed value of affected single-family residential property by taking into consideration the presence of imported drywall and

the impact it has on the assessed value. If the building cannot be used for its intended purpose without remediation or repair, the value of the building shall be zero dollars.

The Senate bill passed unanimously through the *Community Affairs Committee, Finance and Tax Committee* and the *Policy & Steering Committee on Ways and Means*. The only debate in the Senate was in the *Policy & Steering Committee on Ways and Means*. Sen. Bennett, a developer, argued the issue was too complex for property appraisers to solve on their own. Sen. Storms fired back, claiming the bill is necessary to give relief and uniformity statewide to drywall policy. Ultimately, the bill passed and was placed on the Special Order Calendar.

Meanwhile, the House bill passed unanimously in *Military & Local Affairs Policy Committee, Finance & Tax Council; Economic Development and Community Affairs Policy Council*. The bill was then placed on the Special Order Calendar.

This bill was assigned to us late into Session (week 5). Throughout the process, we made sure to work closely with our good friend and House sponsor, Rep. McKeel. Further, we worked the counties support of the bill with all committee members before the House and Senate committee meetings. Also, when believed necessary, we sent follow-up letters to the members of our local delegation. We also followed up with the delegation members before the bill was heard on the respective floors.

On Friday, April 23rd, the House bill was rolled over with a “strike-all” on 2nd Reading. The amendment included “domestic drywall” to the types of harmful materials to be taken into consideration. On April 26th, the bill passed unanimously during 3rd Reading on the House floor.

On April 29th, the Senate bill was substituted for HB 965 and passed during 3rd Reading. Once Session ended, we continued to work with the Governors office to ensure the bill is not vetoed.

The bill, as approved by the Governor on June 1st, will do the following:

Bill Analysis: The legislation would require property appraisers to adjust the assessed value of single-family residential properties by taking the presence of imported or domestic drywall into consideration and the impact it has on the assessed value. Further, if the building cannot be used for its intended purpose without remediation or repair, the value of the building shall be \$0 dollars.

To qualify, a home must have imported or domestic drywall that has a significant impact on the just value of the property and the purchaser could not have been aware of the presence of tainted imported drywall at the time of purchase.

The bill provides that homestead property, to which the provisions of the bill apply, must be considered damaged by misfortune or calamity under the provisions resulting in the remediation and repairs not increasing the assessed value of the property, as long as the square footage limitations are followed. Moreover, the homestead property will not be considered abandoned if an owner vacates the property during repairs and does not establish a new homestead.

Once the remediation and repairs have been completed, affected properties will be assessed as if the imported drywall had never existed.

The *Revenue Estimating Impact Conference* found that the provisions of this bill would have an indeterminate negative impact on local government revenues.

The provisions of the bill will be repealed on July 1st, 2017, unless reviewed and reenacted by the Legislature before that date.

FAILED LEGISLATION:

Create and Fund a State Program to Assist Homeowners in Addressing Chinese Drywall in Florida: While House and Senate leadership sympathized with our issue, there was not enough money to fund a program like the one we're trying to create. We believe this issue may be possible in a year where the budget deficit is not so large.

FYI: Next years deficit is expected to be around \$6 billion.

HB 975/SB 500/SB1042/SB1044 relating to Reactive Drywall by Rep. Fetterman and Sen. Aronberg – Again, we received these issues around week five of Session. While we worked to get these issues heard in committee, our efforts were for not. We look forward to working these issues again next year. As evident by the passing of HB965, drywall legislation is currently favorable by the legislature.

Consumer Services

For-Hire Transportation Regulation/Preemption: Per our assignment, we opposed any legislation that would have impacted the local regulation of for-hire transportation, i.e. taxicabs and limousine service. Specifically, we kept our eyes open for any legislation (bills and amendment) that would have attempted to preempt local regulations governing for-hire transportation, prearrangement regulations, transfers and inheritance of taxicab medallions, or ambulance certificates.

During the final week of Session, Rep. Robaina filed two very harmful amendments to HB 1271 relating to Transportation for the second year in a row. The amendments would have restricted local governments from imposing any regulations on for-hire transportation vehicles or the licensed corporations which own the vehicles. Ultimately, with the assistance of the MDC team, we were able to persuade Rep. Robaina to withdraw his harmful legislation on the House floor.

Once again, we were successful in ensuring any such language passed during the 2010 Legislative Session. However, we expect additional legislation to be filed in the near future.

NCIC Background Checks for Hire Drivers: Per our assignment, we pinpointed moving bills that our issue could be amended upon. We considered HB 1271 by Rep. Horner the most logical fit. Unfortunately, our amendment was not favorable by the sponsor. He believed the issue would cause a large stir among leadership and lobbyist.

Ultimately, the issue was given to our team too late in the process to file a standalone bill. Moving forward, if desired, we could shop the issue to members in the off-season.

Office of Emergency Management

As we alluded to in the budget section, there was a \$2 million sweep of the *Emergency Preparedness and Assistance Trust Fund*.

Emergency Management Preparedness Act (EMPA) Trust Fund Policy Broadening: During Conference, we had the issue T'ed up with Rep. Rivera and his staff in the House. Per our discussion, the issue would be strongly considered as a route to raise additional money for the Trust Fund. Two days later, he and his staff communicated to us that other Miami-Dade County budget priorities took precedent over our request. We were not told what priorities exactly. However, he said he would try to help us if he could. We would look forward to working this issue again next year.

EMPA Trust Fund: There were no standalone bills moving to the process that we deemed germane to our issue. Further, we shopped the bill to some members as a standalone bill with little interest. That being said, we still believe a standalone bill will be necessary to pass this complete overhaul of the EMPA Trust Fund. The system as it currently stands has been morphed and amended over the years as a reaction to Florida's economy and climate changes. For that reason, it will be an uphill climb to pass this legislation. If necessary, we will start shopping this idea around to probable sponsors during the offseason.

2010 PERTINENT LEGISLATION / PASSED

Below are analyses and descriptions of our work done on the major issues passed by the Legislature during the 2010 Session. The issues were some of the most highly debated and lobbied issues as they traveled through the process.

SOVEREIGN IMMUNITY:

SB 2060/HB 1107 relating to Sovereign Immunity by Senator Bennett and Rep Nehr – Despite our early efforts, we were unable to stop the legislation from passing. We found that leadership and the trial lawyers had made a compromise that placed the bill on the fast track to the Governors desk.

Bill Analysis: The bill will increase the current waiver-of-liability limits for the state and its agencies and subdivisions to \$200,000 per individual claim and \$300,000 per aggregate claim. Further, the legislation will allow the state and its agencies to pay up to \$200,000 for any claim when the amount is totaled with all other claims and judgments paid in occurrence with the same incident.

The bill will also remove the provision to increase the liability limit annually in July 2012 (The adjustment would be based on the consumer price index).

On April 27th, the bill was approved by Governor, Chapter No. 2010-26.

SALES TAX HOLIDAY:

SB 514/HB 483 relating to the Sale Tax Holiday by Sen. Fasano, Rep. Rivera, and Rep. Flores - Two House bills were combined to create HB 483 which will establish a three day sales tax holiday from August 13th to August 15th, 2010.

Bill Analysis: The sales tax holiday will suspend taxes on books, clothing, and bags with a sales price of \$50 or less. Also exempted are school supplies purchased for less than \$10.

The sales tax holiday will not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. Experts suggest that this bill will have a negative impact on the states General Revenue (GR) of \$21.3 million, a negative impact on the state trust fund revenue and a negative impact on local government revenue of \$4.8 million.

On May 26th, the bill was approved by Governor, Chapter No. 2010-93

JOB CREATION/ECONOMIC DEVELOPMENT:

SB 1752/HB 1509 relating to Economic Development by Sen. Gaetz and Rep. Weatherford – The comprehensive economic development bill became a train for several failing job creation and growth management bills. The legislation would offer tax breaks, tax credits, grants, and anti-regulation to help stimulate the floundering economy/job market.

Bill Analysis: The comprehensive legislation would require local governments with private Economic Development Organizations (EDO) and Economic Development Agency (EDA) contracts to submit an annual report. The report is expected to show how the public funds were spent and what outcomes were achieved. The report must be submitted annually on January 15th, to the Legislative Committee on Intergovernmental Relations (LCIR). All counties and some municipalities with either annual revenues or expenditures of \$25,000 must report to the LCIR, regardless of the level of incentives granted.

The bill creates additional exemptions from the tax on admissions for certain sporting events.

- National Basketball Association All-Star Game and associated events
- National Hockey League All-Star Game
- Major League Baseball Home Run Derby
- National Football League Pro-Bowl.

Further, the legislation will allow local governments to extend previously adopted ordinances to grant ad valorem relief another 10 years. The extension will allow additional 10 year increments to be voted upon by referendum.

An amendment will allow for the “fractional aircraft ownership program,” to exempt rental/leasing of space at a convention hall, civic hall, or meeting space at public lodgings to a person providing telecomm, data systems management, or internet services from sales and use tax.

The bill will revise the current statute, capping the sales tax on boat purchases at \$18,000. The amendment also creates s. 212.0597, F.S., to cap the amount of sales and use tax and any discretionary sales surtax assessed on a fractional aircraft ownership interest at \$300.

Condominium parcels were removed from the listing of “real property” so they will not be eligible for the sales and use tax exemption for building materials used in an enterprise zone.

Film and entertainment tax credits were also worked into the bill as it will allow taxpayers to request a refund of previously paid sales and use taxes based on the credit from the Florida film and

entertainment incentive program. This provision establishes that the qualified production company is eligible for tax credits against its documented tax liabilities. These credits cannot be applied to tax returns filed for any tax period before 2011, regardless of when the credit is awarded.

The bill will implement the film and entertainment tax credit program that will repeal the MME tax credit beginning in 2012. It will also provide access to confidential tax records and unemployed tax credit. Each eligible business will receive a \$1,000 tax credit, for two tax years, for every qualified employee they hire while using the incentive program. Further language in this bill will re-establish a higher-wage job creation and diversification. Provisions directing the Florida's Office of Film & Entertainment (OFE) and its executive director to serve as liaisons between entertainment producers and labor unions were removed. The OFE will be updating the state's entertainment industry plan every 5 years and make technicality changes based on trends.

The economic development package will also change the permitting guidelines for engineers who will be working within the film industry in Florida.

Space Florida was also granted spending flexibility after appropriating over \$20 million in non-recurring general revenue geared toward space-related activities.

Finally, the "Florida Homebuyer Opportunity Program" will be extended for another 12 months at the availability of state funding. This program will continue to assist Floridians participating in the federal First-Time Homebuyer Program.

On May 28th, the bill was approved by Governor, Chapter No. 2010-147

TAX AMNESTY PROGRAM:

HB 5801 relating to Taxation by the *Finance & Tax Council* and Rep. Bogdanoff – The bill will create a State Tax Amnesty Program. The program will take effect on July 1st, 2010 and end on September 30th, 2010.

Bill Analysis: The bill will prohibit delinquent penalties on the participant while allowing interest due to be reduced to 75% of the outstanding tax amount and to 50% for those taxpayers making the initial contact with the department through the program.

Further, the taxpayer may participate in the amnesty program whether or not the taxpayer is under audit, inquiry, examination, or civil investigation by the department. However, they may not participate if under criminal investigation, indictment, or prosecution regarding a Florida revenue law. Late penalties will be waived on any tax paid pursuant to the amnesty program. Furthermore, the Department will not initiate a criminal investigation against a participating taxpayer who fails to pay on time.

The Department will be allowed to rescind a grant of amnesty on the basis of fraud, misrepresentation, or mutual mistake of fact. Any local option tax administered by a local government is not included in the amnesty program, unless the local government notifies the DOR by June 1, 2010.

Finally, this bill will authorize the department to publish a list of taxpayers who have current warrant and judgment lien certificates. This list is permitted to be publicized on the department's internet website that includes the name, amount of liability, and other publically available taxpayer information. This list shall be updated at least monthly. The department is authorized to adopt rules for the administration of this provision.

On May 28th, the bill was approved by Governor, Chapter No. 2010-166

STANDARDS OF CONDUCT:

SB 1980/ HB 1301 relating to Violations of County Ordinances by Sen. Aronberg and Rep. Radar – The bill sets forth standards of conduct for state and local government employees. The statutes also contain various disclosure requirements for state and local government employees.

Bill Analysis: Violations of county ordinances will be prosecuted in the same manner as misdemeanors and are punishable by a fine, not to exceed \$500 and/or by imprisonment in the county jail not to exceed 60 days.

The bill also authorizes counties to specify, by ordinance, that a violation of any provision of an ordinance imposing standards of conduct and disclosure requirements pursuant to s. 112.326, F.S., is punishable by a fine not to exceed \$1,000 or a term of imprisonment in county jail not to exceed one year.

On May 26th, the bill was approved by Governor, Chapter No. 2010-112

SOLID WASTE DISPOSAL:

SB 1052/HB 569 relating to Solid Waste Disposal by Sen. Gaetz and Rep. Poppell - The bill analysis is listed below:

Bill Analysis: The bill will provide an arrangement for using the exhaust (gas) from Class I landfills for a more beneficial use. The bill provides that a Class I landfill may also accept yard trash for the purpose of mulching and to provide landfill cover for the municipal solid waste disposed at the landfill. The Department of Environmental Protection (DEP) will have to develop and adopt a method to award a recycling credit for the use and disposal of yard trash at a Class I landfill that collects gas.

The bill retains the existing language that allows source separated yard trash to be accepted at a solid waste disposal area, if separate composting facilities are provided and maintained.

There are exemptions to those counties who own and operate a compost facility, waste-to-energy facility or biomass facility that sell renewable energy to a public utility. The DEP shall provide the county with notice and an opportunity for application into the recycling credit program. All local governments, municipalities, counties, and special districts are eligible for this program. However, the exception does not apply to a county that currently operates under a constitutional home rule charter authorized in 1956.

Ultimately, the Governor vetoed the bill on June 1st. Gov. Crist said the bill represents a step backwards in Florida's recycling efforts and it could cause landfills to fill up quicker.

RECYCLING LEGISLATION:

SB 570/HB 7243 relating to Environmental Inspection/Recycling by Sen. Constantine and the *General Government Policy Council* – The bill analysis is listed below:

Bill Analysis: The bill will delete a reporting requirement in the Florida Climate Protection Act and strengthen the provisions requiring a statewide recycling program for state agencies, K-12 public schools, institutions of higher learning, community colleges and state universities. Each entity will be required to report their recycling rates to the Department of Management Services (DMS), with certain exemptions for local governments meeting specific criteria set forth by the DMS. Recycling rates will be presented before the Legislature every 2 years.

The DMS will be responsible for tracking the state's purchases of green and recycled materials and creating a Recycling Business Assistance Center to develop new markets for recyclable materials. The requirements set forth in this bill will also delete previous provisions for county composting requirements. With these provisions removed, the DMS will be authorized to direct counties that have not met the recycling goals to expand their programs to commercial and multifamily dwellings.

Many of the provisions of this new legislation are expected to have a direct fiscal impact on the private sector as well as the state and local governments. The mandates in this bill require the counties to spend funds and reduce the authority of counties to raise revenues. However, the costs of structuring the new recycling program were not determined by a *Revenue Estimating Conference*.

Also, Waste Management services will have to create a technical advisory committee to develop rules and reports on the types of materials handled at disposal sites and waste facilities. The rules set forth will establish a new methodology to calculate and credit Waste Management production.

Finally, the bill will provide incremental recycling benchmarks for counties towards reaching the state's 75% recycling goal by 2020.

On May 27th, the bill was approved by Governor, Chapter No. 2010-143.

RETIREMENT LEGISLATION:

SB 1932 / HB 1193 relating to Retirement Sen. Altman and Rep. Plakon – On April 29th, the bill was substituted for HB 1193 and later passed (38-0) during 3rd Reading with a last minute “Firefighter Death Benefits” amendment adopted by the Senate. The amendment, by Sen. Baker, would provide benefits for firefighters who lost their life in the line of duty *or* training. The issue was not heard in the House until the amendment was added in the Senate and the bill was sent back to House Messages. The bill originated in Volusia County where Mr. John Curry was killed in a training exercise. His family will be the first to benefit if the bill is signed by the Governor. When the bill was received, the House concurred to the amendment and passed the bill unanimously (118-0).

Bill Analysis: The bill changes the nature of disability benefits under the Florida Retirement System. In addition to the “Firefighter Death Benefits” amendment, the bill will allow members of the ‘Special Risk’ Class employed in law enforcement, firefighting, or criminal detention position, whom suffer a disability in line of duty, to maintain his or her status in the ‘Special Risk’ Class. However, the disability must be a qualifying injury that prevents the member from being able to

perform the duties of his or her former Special Risk Class position. Further, the employee must be employed by the same employer.

To be eligible for continued Special Risk Class membership:

- The member must have already qualified for and be actively participating in Special Risk Class at the time of the qualifying injury and must not be receiving disability retirement benefits
- Two physicians, one of whom is a primary treating physician of the member, must certify the existence of the physical injury and medical condition that constitutes a qualifying injury and that the member has reached maximum medical improvement after August 1, 2008.

The certifications from the licensed medical physicians must include, at a minimum:

- The physical loss or loss of use is total and permanent, except in the event that the loss of use is due to a physical injury to the member's brain, in which, event the loss of use is permanent with at least a 75-percent loss of motor function with respect to each arm or leg affected.
- Physical loss or loss of use renders the member physically unable to perform the essential job functions of his or her 'Special Risk' Class position.
- Notwithstanding this physical loss or loss of use, the member must be able to perform the essential job functions required by the member's new position.
- Use of artificial limbs is either not possible or does not alter the member's ability to perform the essential job functions of the member's position.
- The physical loss or loss of use is a direct result of a physical injury and not of any mental, psychological, or emotional injury.

On June 1st, HB 1193 was signed into law by the Governor.

SB 202/HB 65 relating to Firefighter Death Benefits by Sen. Baker and Rep. Soto – During the final week of Session, the Senate bill passed unanimously (32-0) during 3rd Reading on the Senate floor and then died in House Messages. Meanwhile, the House bill died in committee.

As mentioned above, the bill language was amended to Sen. Altman's bill (HB 1193) relating to Retirement. HB 1193 later passed with the bill language in the House.

Amendment Analysis: The amendment, as adopted onto HB 1193, will expand the purposes for which an additional accidental death benefit of \$50,000 is payable by requiring payment of the benefit when a firefighter's death occurs due to participation in a training exercise.

The bill also expands the purposes for which a death benefit of \$150,000 adjusted for inflation, is payable by requiring payment of the benefit when a firefighter is injured by an unlawful and intentional act of another person while engaged in the performance of his or her firefighter duties and dies as a result of such injury.

Finally, the bill specifies that the act will take effect upon becoming a law and that it will apply to firefighter deaths occurring on or after November 1, 2003.

2010 PERTINENT LEGISLATION / FAILED

TABOR:

SB 2420 relating to Relating to State Revenues/Voter Approval New Taxes and Fees by Sen. Haridopolos – The bill would have proposed an amendment to the State Constitution to limit state revenues and require voter approval of new taxes and fees.

On March 4th, Senate Leadership showed its disfavor of the legislation by referring the bill to five committees of reference. However, on March 23rd, the bill was heard and passed (5-3) with an amendment during the Community Affairs Committee. The adopted amendment, proposed by Sen. Haridopolos, would have changed the affect of the legislation to the State instead of local governments. During public testimony, several speakers warned against Colorado's mistakes with and shortfalls under the revenue cap system. As expected, the legislation later died during in the committee process.

While the bill failed this year, we expect it will be back again next year as one of the Senate President's top priorities. We expect this bill to be a major fight over the next couple of years.

INMATE RE-ENTRY:

SB 2714 / HB 1587 relating to Inmate Re-entry by Sen. Rich and Rep. Bogdanoff – Generally, the bill would have required the Department of Corrections (DOC) to develop and implement a re-entry program that includes substance abuse or mental health treatment in the form of a 90 day in-prison treatment program, as well as a 12 month treatment program during their last year of imprisonment in the community.

Upon discussion with Senate staff, we found that Chair Crist of the *Criminal and Civil Justice Appropriations Committee* was not in favor of the legislation. Specifically, he had an issue with the "indeterminate fiscal impact" which would have ultimately affected the Senates budget. Per the revenue estimating impact conference, the bill could have had either a positive or negative fiscal impact. The Chair chose not to risk a negative fiscal impact. We also heard rumors that Senate Leadership was against all legislation that emptied prisons, because of the opening of the State's new private prison.

For the most part, the issue was well received and we expect the Senate Democratic Leader to file the bill again next year.

Pittman Law Group is happy to have been able to represent you and your interests in the Florida Legislature this Session. If you have any questions or would like any additional information, please don't hesitate to contact us.

Again, thank you for the opportunity to work on behalf of Miami-Dade County.

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MEMORANDUM

To: Jose Rasco (Via E-mail)

Copy To: Jess McCarty, Juan del Cerro, Ivette Arango

From: Rutledge, Ecenia & Purnell, P. A.

Date: May 14 2010

RE: **2010 End of Session Legislative Report**

Introduction

The 2010 Legislative Session was particularly difficult from both a fiscal and political perspective. Preparation for the 2010-2011 state budget began with a projected deficit of \$3.2 billion. Politics were heightened by the resignation of former Speaker Ray Sansom after ethics hearings by his peers. Accusations of corruption surrounded the Governor-backed Executive Director of the state Republican Party which resulted in his resignation and replacement by a sitting State Senator. The rivalry between Republican Governor Crist and former Republican House Speaker Marco Rubio for Mel Martinez' (now George Lemieux) U.S. Senate seat exploded over the Governor's veto of Senate Bill 6, an education policy bill. Strong reaction to the veto led Governor Crist to abandon the Republican Party and announce his intention to run as a "no party" candidate for the U.S. Senate seat.

With all the intrigue, the 2010 Legislature managed to pass 311 bills. The following reflects issues from the County's legislative agenda assigned to Rutledge, Ecenia & Purnell. In addition to these issues, we assisted our subcontractors on numerous issues assigned to them.

Pretrial Release Program

House Bill 445 by Dorworth and Senate Bill 782 by Thrasher as filed would have established pretrial release program eligibility criteria. The proposed criteria would have greatly reduced the number of defendants eligible for the program and increased the prison population for the County. Opposing the bill was particularly onerous as the House sponsor is expected to be

Speaker in five years and the Senate sponsor was newly appointed as Executive Director of the state Republican Party. The bill was intended to boost bail bondsman business under the guise of less government. We worked with FAC and other county representatives to strategize and to contact members prior to committee meetings. Committee meetings were quite intense with a number of opponents and proponents testifying. The House Bill died in its last committee. The Senate Bill was stopped in its first committee. During the last week of Session, an attempt was made to amend a modified version of the bill onto another bill on the Floor of the House. We identified the amendment and assembled the coalition to once again fight the issue which was not amended onto a bill. The County estimated that the bill, if passed, would have had an \$18.7 million adverse impact.

Appropriations

Although the state of the economy and the projected budget deficit did not permit funding of a number of County Department requests for water projects, the Agricultural Center, parks and planting of additional tree canopies, we did successfully lobby Representative Rivera, the House Appropriations Chairman for both beach funding and petroleum cleanup funding. The Legislature also was able to fund Florida Forever and the Everglades. The funding for these items includes the following:

Line Item 1769A provides \$15.5 million for statewide beach renourishment projects. Proviso language states that funds “shall be allocated in priority order in the amounts requested by the department to the Miami-Dade Beach Renourishment Project,” Miami-Dade County requested funding of \$6.7 million and that amount was allocated.

Line Item 1815 provides an appropriation of \$120 million for pre-approved petroleum contaminated sites. This was an excellent appropriation considering that last year the state borrowed \$90 million through bonding for the statewide program.

Line Item 1809 provides \$7 million for local government’s management of the pre-approved petroleum list.

Line Item 1686B provides \$15 million for Florida Forever.

Line Item 1686A provides \$10 million for Save Our Everglades and CERP funding.

Line Item 1690 provides an additional \$19.3 million for debt service for Everglades bonds.

Line Item 1693 provides an additional \$10 million for aid to local government for Everglades projects, including “Design Engineering and construction of the comprehensive Everglades Restoration Plan, Lake Okeechobee Protection Plan, the Caloosahatchee and St. Lucie River

Watershed Protection components and for the acquisition of lands for projects included in the plan.”

Growth Management

House Bill 7129 relating to Military Support, passed the Legislature on 4/30. This bill is a follow up to legislation passed in 2004 which provided various directives for local governments relative to land use actions and military base encroachment concerns and also implements some recommendations from the 2008 Florida House of Representatives Committee on Military and Veterans Affairs Interim Projects on Military Base Encroachment.

The Interim Study surveyed local government compliance with requirements from the 2004 legislation. The study provides a chart of local governments various stages of compliance. According to the chart, Miami-Dade County has taken no action to comply with provisions of the 2004 legislation. Local governments are required to amend the future language plan element of the comprehensive plan to address compatibility of future uses on lands adjacent or in close proximity to military installations. The due date for these amendments was originally June 30, 2006. It was later changed to June 30, 2012.

House Bill 7129 lists those military installations which have a greater potential for experiencing compatibility and coordination issues. Homestead Air Force Base is so listed. The bill sets out requirements of local governments to submit changes to the comprehensive plan to commanding officers. In addition, the bill requires a local government to participate in arbitration if they do not adopt the required criteria which addresses compatibility in the local comprehensive plan by June 30, 2012.

Senate Bill 1762, Economic Development by Gaetz, passed the Legislature on 4/30. Among the many provisions of this bill, section 46 stipulates that a development order issued by a local government, local government building permits and permits issued by the Department of Environmental Protection or a Water Management District pursuant to Part IV of Chapter 373, Florida Statutes, which have an expiration date from September 1, 2008 to January 1, 2012, are extended for a period of two years after their previously scheduled dates of expiration. The two year extension also applies to build-out dates. The bill stipulates that this extension is in addition to the two year permit extension provided under section 14 of Chapter 2009-96, Laws of Florida, which was Senate Bill 360. The bill provides exceptions to the extensions which include permits issued by the Army Corps of Engineers. It also requires that if a permittee is in significant non-compliance after a warning letter or other formal enforcement, then the extension does not apply. The extension does not apply if it would delay or prevent compliance with a court order. An extension has to comply with rules that were in effect at the time the permit was issued. Finally, section 46 states that it does not impair the authority of a county or municipality to require the owner of a property receiving an extension to maintain property in a safe and sanitary manner.

Sexual Offenders and Predators

House Bill 119 by Glorioso passed the Legislature on 4/30. This bill sets a 300 foot parameter around places where children congregate within which a sex offender cannot loiter or prowl. It prohibits sexual offenders from being on real property comprising a child care facility or kindergarten through grade 12 school without notice and supervision. The bill defines temporary and transient residences relative to required registration. Language in the bill which would have provided that the Legislature intended to establish a statewide residency restriction distance was removed from the bill.

Child Care Facilities Licensing Standards

Senate Bill 1234 passed in the Senate but died in Messages to the House. This bill would have provided minimum licensing requirements for window blinds and other window coverings for certain child care facilities. The bill was intended to prevent accidental strangulation by blind cords.

Off Highway Vehicles

Our firm has been working with County staff on planning and permitting for an RV park in cooperation with Collier County. Although there was no activity during Session, we will continue to work with the County on this issue.

In a related issue, House Bill 631 and Senate Bill 2226 were filed to increase the width and the weight of off highway vehicles according to definitions in Florida Statutes Chapters 261 and 317. If the definition is not changed, those vehicles cannot be titled and operate on public land designated as off highway vehicle riding areas which will be counter to the park proposed by Miami-Dade and Collier Counties. The Senate Bill passed but died in Messages to the House. The language, however, did pass in a Motor Vehicle Bill, SB 631 by Burgin. The language also passed in House Bill 971 relating to Highway Safety and Motor Vehicles by Aubuchon. The change in size is intended to capture vehicles currently on the market.

Mobile Home and Recreational Vehicle Parks

House Bill 197 by Gonzalez and Senate Bill 354 by Dean set out extension permitting and operation standards for mobile home and recreational vehicle parks to be enforced by the Florida Department of Health. The bill as filed had massive preemptions of local authority for environmental and planning issues. Assistant County Attorney Jess McCarty and our team met with Representative Gonzalez early in Session to explain the problems with the preemption language. Representative Gonzalez was very understanding and committed to working on the language. The bill was amended to be acceptable to local governments but died in committee and the Senate Bill died in Messages.

Public Notices by Local Governments

House Bill 1611 by Workman and Senate Bill 376 by Dean would have authorized local governments to use publicly accessible websites for legally required notices and advertisements. The bills died in committee. The main opposition was the newspaper industry whose advertising revenue is heavily dependent on public notices. The staff analysis reports that state corporate income tax receipts would decrease as a result of corporate profit reductions.

Mining

Two issues relative to mining emerged during this Session. The first was House Bill 617 by Bembry and the companion, Senate Bill 1338 by Dean. These bills would have authorized mine operators proposing to mine or extract limestone to apply for a life-of-the-mine permit. This provision was of concern to DERM. We met with Representative Bembry early in the Session. His intent was to incentivize a mining company interested in his Central Panhandle District. We worked with the Representative and a lobbyist for the mining company to develop some comfort language which would allow some flexibility for intervention by DERM if a situation arose near the wellfield. The language states, "Nothing herein shall remit or restrict the authority of a local government to approve, approve with conditions, deny, or impose a permit duration different than the permit duration issued by the department, pursuant to this subsection." Miners from other parts of the state lobbied to allow existing mines to also apply for such a permit. The stand alone bills did not pass. However, the language was amended onto numerous bills during the last week of Session. The language passed in Senate Bill 550 by Constantine which is a mega-environmental bill.

The second mining issue developed as the South Florida miners were dealing with the proposed increase in mitigation fees from the Corps of Engineers. They decided while they were dealing with that to eliminate the 15 cent per ton mitigation fee due to Miami-Dade Water and Sewer by court order. An established relationship with a Council Staff Director alerted us to the upcoming amendment language. The language was being proposed to a transportation bill, House Bill 1271 by Horner. We immediately met with Representative Horner and he agreed to abandon the 15 cent per ton amendment and directed the language to deal only with the Corps of Engineers mitigation fee.

Water

This Session, the House and Senate approached water issues differently. In the House, Chair Trudi Williams worked a number of water bills in her committee, Agriculture and Natural Resources. On the Senate side, Chair Constantine directed the Select Committee on Florida's Inland Waters and traveled around the state for input. The findings were funneled into his Environmental Preservation Conservation Committee which he also chaired. In the end, some

bills which passed the House were incorporated into a mega-environmental bill, Senate Bill 550 sponsored by Constantine.

The House Bills include the following:

House Bill 1109, Water Supply - This bill had been worked on over the last four years. It pulled various water provisions from Chapter 373, Florida Statutes, and created a new Part VII to Chapter 373. This was an initiative pushed by Tampa Bay Water. Over the years, interested parties have been concerned with the unintended consequences of this chapter rewrite. The greatest concern for Miami-Dade County was the provisions for the Local Sources First exemption. A number of years ago, on the County's behalf, we lobbied for language which gave an exemption to the Central and Southern Florida Flood Control Project which protected Miami-Dade County's potable water sources. The County wanted the language to stay in the Declaration of Policy section of the chapter, 373.701. While Tampa Bay staff who was writing the language wanted it moved in the end, over four years, we were able to maintain the language in the Declaration of Policy section of the bill. Throughout all of the revisions, the County Water and Sewer Department examined the bill in detail. The bill passed the House and was incorporated into Senate Bill 550.

House Bill 7177, Water Resources, deals with water conservation. The bill was supported by Miami-Dade Water and Sewer. It provides flexibility to public utilities when developing goal based water conservation programs. The bill also deals with the governing of the Water Management Districts. Last Session, legislation passed which allowed the Executive Director of the Water Management Districts to delegate authority for action on permits to staff. This turned out to be controversial. House Bill 7177 adds language which requires the governing board to provide a process for such referral providing more structure. The bill passed the House. The bill language is in Senate Bill 550.

House Bill 7207 Related to Drinking Water. This bill extends the duties of the Florida Water Pollution Control Financing Corporation which currently is responsible for the Clean Water Revolving Loan Fund to also include responsibility for the Drinking Water Revolving Loan Fund which currently is run by the Department of Environmental Protection. This allows the corporation to now authorize bonds for the Drinking Water Revolving Loan Fund as well as the Clean Water Revolving Loan Fund. The bill died on the House Calendar but the language is contained in Senate Bill 550.

House Bill 7175 Relating to Consumptive Use Permits died on the Calendar. While favored by Miami-Dade's Water and Sewer Department, the bill was opposed by DEP and the Water Management District. It increased from 5 to 10 years the duration for filing a consumptive use permit compliance report. The bill provided that water utilities that conserve water should not be punished by a decrease in their water allotment for the next consumptive use permit for which they apply. The language of this bill did not get into Senate Bill 550.

House Bill 1407 relating to Water Management Districts. This bill changes the appointment of Water Management District Governing Board Members; authorizes local governments to adopt and implement landscape irrigation restrictions and provides consequences for intentional destruction of canals. The bill died on the House Calendar but is contained in Senate Bill 550.

Petroleum Contamination

Senate Bill 2592 by Baker and House Bill 1385 by Poppell requires DEP to provide for natural attenuation monitoring strategies for certain petroleum contaminated sites. This bill was opposed by DERM. It proved to be difficult to alter. We worked with FAC and the League of Cities in trying to convince Representative Poppell to make some changes to the bill. However, he was adamant in his determination. Commissioner Katy Sorenson also met with Representative Poppell on two separate occasions and was not able to change his mind. House Bill 1385 did pass on 4/30.

Contamination Notification

Senate Bill 602 by Justice and House Bill 207 by Kriseman established a procedure for notification of sites within a certain distance of a major contamination area. This bill was favored by the Miami-Dade County Commission. The bill was also filed last year by the same sponsors who were responding to a major contamination in their districts. In 2009, the House Bill passed and the Senate Bill did not. In 2010, when the House Bill was heard in its first committee, it was attacked by committee members opposing the bill. It was temporarily postponed. Later in Session, it did pass out of one committee in the House as a courtesy to the sponsor. The Senate Bill passed that Chamber but died in Messages to the House.

Agriculture

House Bill 7103 by Williams and Senate Bill 2074 by Peaden have a number of agricultural land issues. The bills create an Agricultural Land Acknowledgment Act requiring applicants for certain development permits to sign and submit acknowledgment of proximity to agricultural land. Miami-Dade County has an ordinance which requires that acknowledgment at closing rather than at the time of permitting. We met with Representative Williams who was willing to accept an exemption of Miami-Dade County as long as the agricultural community was okay with it. We met with the agricultural lobby who was okay with that exemption as long as Representative Wood was okay with it. Last year when the bill was filed, the language did require signing at closing. The realtors objected and went to Representative Woods who on the Floor of the House last year rewrote the language to require signing at permit application time. We met with Representative Woods who was adamant about not allowing the exemption for Miami-Dade County. He went so far as to say that Miami-Dade County was not being

preempted because they could continue to have signing at both the closing and permitting. The bill passed.

We were also asked to pursue an increased penalty for dumping agricultural products inappropriately on agricultural land. This was an issue we pursued in great detail for the 2009 Session and tried again during the 2010 Session and found resistance again from both the Department of Agriculture and the Agricultural Coalition. The Department does not feel it is necessary and the Agricultural Coalition was concerned that one of their members would accidentally dump on the wrong land and receive a significant penalty.

Outfalls

Senate Bill 2354 by Sobel and House Bill 1225 by Gibbons were glitch bills for Hollywood. The bills require entities that divert wastewater from facilities discharging domestic wastewater into ocean outfalls to meet certain reuse requirements. The bill does not negatively impact Miami-Dade County and may in fact at some point be of assistance to the County. The County's Water and Sewer Department also had a few changes they would have liked to make but DEP asked that they not put changes on this bill but work with DEP over the interim to create a glitch bill for the 2011 Session. The stand alone bills did not pass but the language is in Senate Bill 550.

Docks

Senate Bill 1118 by Altman and House Bill 1239 by Patronis passed the Legislative Session. These bills would authorize the placement of roofs on certain residential single family docks. DERM initially had some concerns about the size of the roofs blocking sun to the water below. In the end, the size of the roof was decreased in the bill to allow boat coverage without extra overlap to block the sun from water below the docks.

It has been our pleasure to represent Miami-Dade County on these issues during the 2010 Legislative Session. We will continue to follow through with governmental affairs as the bills are acted upon by the Governor.

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**Gomez Barker
Associates, Inc.**

Memorandum

To: Gary Rutledge, Margaret "Margie" Menduni, Jess McCarty, Joe Rasco, Juan del Cerro, and Ivette Arango
From: Fausto B. Gomez
CC: Manny Reyes and Evan Power
Date: June 7, 2010
Re: End-of-Session Report

Following is this firm's End-of-Session Report. It describes those items entrusted to the Gomez Barker Associates team for the 2010 legislative session and their final disposition. As we previously communicated, this report had not been submitted earlier pending the Governor's actions on the budget and the transportation bill. And the latter was just approved this last Friday, June 4th.

Please do not hesitate to contact me or my associates, Manny Reyes or Evan Power if you have any questions or require additional information. We appreciate representing Miami-Dade County and are pleased to detail success on the majority of the tasks assigned to us.

BOARD OF COUNTY COMMISSION RESOLUTIONS

Marijuana Grow Houses (R-306-09)

Issue

Establish mandatory minimum sentence for those convicted of running marijuana grow houses

Disposition

We understand that there are no mandatory minimum sentences for those convicted of operating marijuana grow houses, but that current statutes already classify this offense in such a manner that the sentencing points are sufficient for incarceration. Notwithstanding that, we met with Sen. Paula Dockery, Chair of the Criminal Justice Committee, and Rep. William Snyder, Chair of the Criminal and Civil Justice Council, along with their professional staff who all stated that because of fiscal exigencies the legislative climate was not conducive to establishing new mandatory minimum sentences. In fact, Randy Havlicak, Staff Director of the House Criminal and Civil Justice Council, indicated that there were "standing orders" that anything dealing with mandatory minimums had to be examined for fiscal impact.

The organized business community of Florida espoused this new philosophy. Barney Bishop of Associated Industries of Florida and Dominic Calabro of Florida Tax Watch testified in front of the Senate Criminal and Civil Justice Appropriations Committee in support of OPPAGA Report Number 10-27 that recommended that mandatory minimum sentences not be imposed on non-violent offenders. The report outlined that some states have implemented policies to reduce criminal justice costs by reserving prison beds for the most dangerous criminals and using intermediate sanctions for others. OPPAGA estimated that by 2015 Florida's prison population is expected to grow to over 115,000 inmates, which would require building nine new prisons at a cost of over \$862 million. The report thus argued that the Legislature could consider creating pilot programs to use intermediate sanctions for non-violent offenders. These programs could produce significant cost savings by diverting some low-risk offenders to alternatives such as community supervision with electronic monitoring, probation and restitution centers, day reporting centers, and community residential substance abuse treatment.

Notwithstanding the above, we identified HB225 and SB2272 (relating to controlled substances) as viable vehicles for the amendatory process and secured the sponsorship of Rep. Eddy Gonzalez. Professional staff cautioned both us and the sponsor of the House bill that if the amendment was successful the legislation would be referred to appropriations where it would die. The sponsor understandably balked at the amendment being introduced.

Mr. Havlicak was cognizant of the grow house problem in Greater Miami (he is in South Florida often as his sister works for Miami-Dade County), was sensitive to the concern, and supportive of our efforts. He suggested that we revisit this issue when budget circumstances are more favorable.

Bishop Isaiah Williams Street Designation (R-1121-09)

Issue

Road designation for Bishop Isaiah Williams

Disposition

The Board of County Commissioners passed a Resolution calling for the State of Florida to co-designate N. W. 183rd Street from 57th Avenue to 27th Avenue as "Bishop Isaiah S. Williams, Jr." Boulevard. We therefore approached Rep. Oscar Braynon, who represents the area in question, and he agreed to sponsor an amendment to a road naming bill. In fact, he already knew about this request since he had been alerted by the Williams' family. The Representative informed us he was first going to call Miami Gardens Mayor Shirley Gibson for her concurrence and thereafter relayed that she had raised an objection to that particular street. Afterward, the lobbyist for Miami Gardens came up to us and said "you have a problem" with the designation and reiterated that Mayor Gibson did not want N. W. 183rd Street re-named. I was told that Mayor Gibson did not object to another street or to simply placing a plaque or marker, but she apparently did not want Miami Gardens Boulevard co-designated. This information was relayed to Jess McCarty, Joe Rasco, and other Miami-Dade County officials.

Subsequently, I understand that Commissioner Barbara Jordan and Mayor Gibson spoke and they agreed to the co-designation of N. W. 42nd Avenue from 167th to 199th Street as "Bishop Isaiah S. Williams, Jr." Boulevard. On March 2nd, the Board of County Commissioners approved such without need for state action.

Reallocate Revenue Generated from the I-95 Express Project (R-1186-09)

Issue

Reallocate Revenues generated on I-95 to implement the District VI work program

Disposition

Rep. Juan Carlos Zapata, in previous sessions, has attempted to maintain the revenues generated in Miami-Dade County from the extension of the Florida Turnpike. Representative Zapata has forcefully argued that for all intent and purposes the Turnpike extension serves as a local road and thus the revenues should be allocated for enhancements benefiting Miami-Dade's commuting public. His proposals have never had a committee hearing and have always been voted down on the floor or withdrawn.

Perhaps as a result of Rep. Zapata's efforts, currently all funds generated by the I-95 Express Project remain in FDOT District 6 and can only be utilized in South Florida. The Metropolitan Planning Organization, of which every member of the County Commission is a member, has oversight on the expenditure of those dollars.

Increase Criminal Penalties for Unlawful Slaughter of Horses (R-1215-09)

Issue

Increase Criminal penalties for the illegal killing and sale of Horses

Disposition

HB765 by Rep. Luis Garcia relating to animal protection passed the Legislature and was approved by the Governor. This bill was an initiative of Miami-Dade County which experienced a substantial increase in the unlawful slaughter of horses for the illegal sale of horse meat.

This new law increases the penalty for the illegal slaughter of horses to a third-degree felony. It also imposes a fine of \$3,500 and a period of incarceration of one year. The law also expands the scope of the statute to include any person who willingly transports, distributes, sells, purchases, or possesses horse meat that is not clearly stamped, marked, and described as horse meat for human consumption or horse meat that has not been acquired from a legally licensed slaughterhouse.

Additionally, local governments are now authorized to revoke or suspend local business licenses of restaurants, stores, or other businesses after being convicted of violating this statute. It further expands the scope of the law to include all horses, not just recognized breeds and hybrids. The bill also contains measures to expedite custody hearing of animals seized in cruelty cases and it removed individuals with animal cruelty convictions from exemptions under the Veterinary Practice Act.

Guardrails on Interstates (R-1270-09)

Issue

Implore agencies to install guardrails on interstates that adjoin waterways and canals

Disposition

The Florida Department of Transportation (FDOT) has developed policy that to the greatest extent possible it will install barriers between highways and water bodies. This action by FDOT obviated the

need for SB406 by Sen. Larcenia Bullard which would have required limited access facilities that are adjacent to a canal or other water body to have a system of guardrails, retention cables, or other barriers between the highway and the canal or water body. As such, said legislation did not receive a committee hearing and there was no House companion.

Tri-Rail (R-1294-09)

Issue

Find a new dedicated funding Source for Tri-Rail

Disposition

A new dedicated source of funding for Tri-Rail was secured during Special Session B on Commuter and High Speed Rail in December of 2009. HB1B stipulated that the South Florida Regional Transportation Authority would receive \$15 million annually for operations, maintenance, and dispatch plus an amount no less than the work program commitments equal to \$27.1 million for fiscal year 2010-2011, as of July 1, 2009, for operating assistance to the authority and corridor track maintenance of the South Florida Rail Corridor. If the Authority did not become responsible for maintaining and dispatching the South Florida Rail Corridor, then it would receive \$13.3 million annually for operations plus an amount no less than the work program commitments equal to \$17.3 million for fiscal year 2010-2011, as of July 1, 2009, for operating assistance to the authority.

Additionally, during this legislative session an extra \$1 million allocation for the South Florida Regional Transportation Authority was included in Line Item 2092 of the budget. The funds came from the "Rail Development Grants" category in the State Transportation Trust Fund and were allocated for operations, maintenance, and dispatching services. Governor Charlie Crist vetoed this additional allocation.

Thoroughbred Racing at Hialeah Park Race Track (R-71-10)

Issue

Allow thoroughbred Racing at Hialeah Park rather than just quarter horse racing

Disposition

Thoroughbred racing at Hialeah Park was never a serious part of the gaming discussions in Tallahassee and throughout the course of the legislative session we reported that it was doubtful that this was going to happen. Interestingly, we learned that prior to the legislative session the owners/operators of the track had supposedly approached some members of the Miami-Dade Legislative Delegation to help secure thoroughbred racing but that they had been allegedly rebuffed. Apparently the owners/operators were told to begin quarter horse racing under the state authority secured for Hialeah Park last year and to then seek legislative relief, if necessary. We further learned that subsequent to that the owners/operators made contact with Miami-Dade County to have this item included in the legislative package.

Underground Utility Marking (R-189-10)

Issue

Requiring the removal of underground utility markings within 30 days

Disposition

We faced a conundrum with regard the SB982 and HB691, both relating to underground facility damage prevention and safety. On the one hand CS/CS/SB982 which ultimately passed and was approved by the Governor, included the legislative relief sought by Miami-Dade but on the other hand the legislation incorporated a general local government pre-emption. We attempted to place the Miami-Dade language onto SB2363, the Senate version of the transportation bill, when it was considered in the Transportation and Economic Development Committee. Sen. Alex Diaz de la Portilla had agreed to sponsor such an amendment but he was called to handle another matter for the Senate President. We then approached Rep. Greg Evers to amend the house version of the transportation bill (HB1271) but by that time the bill was "closed." In fact, I was informed by the sponsor of the transportation bill that he had agreed to a number of items for Miami-Dade (on-demand transportation, a prohibition of camping under bridges, airport SAFE program) and he would prefer that we not push this item.

The provisions sought by Miami-Dade regarding non-permanent paint and low-impact marking practices are included in the legislation along with a requirement that Sunshine State One-Call of Florida, Inc. establish an educational program for the purpose of informing excavators and member operators about low-impact marking practices. But at the same time, the bill pre-empts local governments with regard to requiring operators of underground facilities to obtain permits from local governments in order to identify underground facilities, require pre-marking or marking, specify the types of paint or other marking devices that are used to identify underground facilities, and require removal of marks.

Transportation System Surtax for On-Demand Transit Services

Issue

Amend Florida Statutes to authorize the use of Charter County Transportation Surtax proceeds for on-demand transit services for low income seniors.

Disposition

Section 1 of CS/CS/CS/HB1271, which was passed by the legislature and approved by the Governor, allows that the proceeds of a discretionary transportation system surtax can be used for "planning, development, construction, operation, and maintenance of on-demand transportation services." The legislation further defines "on-demand transportation services" as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature."

Road Designation - Cuban-American Association of Cuban Engineers

Issue

Have the legislature designate N. W. 107th Avenue as Cuban-American Association of Cuban Engineers.

Disposition

Section 47 of HB5 which was passed by the legislature and approved by the Governor, designates "that portion of N.W. 107th Avenue in Miami-Dade County between Flagler Street and N.W. 7th Street as "Cuban- American Association of Civil Engineers Way" and directs the Florida Department of Transportation to erect suitable markers.

APPROPRIATIONS

I. PUBLIC WORKS

Venetian Causeway Bridge Replacement

Issue

Support an appropriation of \$1,000,000 for the complete replacement of the twelve bridges of the Venetian Causeway. This request from the Department of Public Works is for design and construction. There are no local funds available for this project.

Disposition

In 1998, the State of Florida offered to fully fund and replace the bridges that constitute the Venetian Causeway. Due to residents concerns about losing the historic character of these structures, the Florida Department of Transportation simply repaired them. Those repairs have not withstood the test of time since only twelve years later they must again be addressed.

Miami-Dade County requires \$1.8 million to perform the initial Planning, Design, and Engineering Work (PD/E) and without those results the Venetian Causeway is not eligible for any state and/or federal construction funds. Those dollars were not obtained this year, although in the past some token amounts have been secured to meet urgent repair needs. I understand that the Public Works Department is attempting to secure County Incentive Grant Dollars, appropriated by the legislature, so that the PD/E can be performed. I also suggested accessing XU discretionary funds from the Metropolitan Planning Organization for this task.

Tamiami Canal Historic Swing Bridge Replacement

Issue

Support an appropriation of \$2,000,000 for the design and construction of a replacement of the Tamiami Canal Historic Swing Bridge. The Department of Public Works estimates that the total cost of this project is \$40,000,000. There are local funds in the amount of \$19,000,000 through the General Obligation Bond program.

Disposition

The replacement of the Tamiami Canal Historic Swing Bridge was not funded this year. In prior years a total of \$1.5 million was obtained so that Planning, Design, and Engineering (PD/E) work could commence. This project is not incorporated into the Florida Department of Transportation's Five Year Work Program although a "place holder" of \$50,000 was included by the Metropolitan Planning Organization in the local Transportation Improvement Program (TIP). Funding may be available through the State Transportation Trust Fund's allocations for bridge replacement and repairs but this item must be enveloped within their funding criteria. In this environment securing an appropriation of \$21,000,000 as a member project is unrealistic. And the strategy of requesting \$2,000,000 a year for twenty years is, in my opinion, not workable.

Advanced Traffic Management System (ATMS)

Issue

Support an appropriation of \$92,000,000 to fund high-speed hybrid wireless and fiber optic communications, video surveillance, advanced detector system, software enhancements, signal re-timing, and a new traffic control center. These items are all associated with full implementation of the Advanced Traffic Management System.

Disposition

Transportation funding was a contentious issue all session. The House of Representatives originally swept the Transportation Trust Fund by \$600 million, including reinstituting a surcharge, while the Senate swept it of \$20 million. Ultimately, the Conference Report on the FY2010-11 Budget took \$160 million from the Transportation Trust Fund. This was subsequently vetoed by the Governor. We spoke to Florida Department of Transportation (FDOT) officials prior to the Governor's veto and they informed us that this significant a raid would endanger all transportation projects. Notwithstanding that, and prior to the Governor's action, the ATMS was funded in this year's budget:

| | |
|---|--------------|
| Miami-Dade Advanced Traffic Management System | \$ 1,957,125 |
|---|--------------|

II. AVIATION

Funding of Aviation Capital Projects

Issue

Protect the Aviation Grant Program in the Florida Department of Transportation (FDOT) Trust Fund. In particular, the Perimeter Terminal Access Road Rerouting and the Automatic Foreign Object Debris Detection System are included in the FDOT five-year work program.

Disposition

Transportation funding was a contentious issue all session. The House of Representatives originally swept the Transportation Trust Fund by \$600 million, including reinstituting a surcharge, while the Senate swept it of \$20 million. Ultimately, the Conference Report on the FY2010-11 Budget took \$160 million from the Transportation Trust Fund. This was subsequently vetoed by the Governor. We spoke to Florida Department of Transportation (FDOT) officials prior to the Governor's veto and they informed us that this significant a raid would endanger all transportation projects. Notwithstanding that, and prior to the Governor's action, the following Aviation Capital Projects were funded in this year's budget:

| | |
|--|--------------|
| Miami-Dade Aviation MIC/MIA Connector | \$11,434,000 |
| Miami International Airport Central Boulevard | \$ 1,855,624 |
| Miami International Airport 67 th Avenue Right of Way | \$ 1,443,217 |
| Miami International Airport Runway 8R/26L Resurfacing | \$ 1,262,776 |
| Miami International Airport MIC Central Station | \$17,500,000 |

25th Street Viaduct Infrastructure Project

Issue

Support an appropriation of \$106 million for the 25th Street Viaduct, which is designed for the movement of commercial air cargo truck traffic between Miami International Airport's west cargo area and State Road 826.

Disposition

Transportation funding was a contentious issue all session. The House of Representatives originally swept the Transportation Trust Fund by \$600 million, including reinstituting a surcharge, while the Senate swept it of \$20 million. Ultimately, the Conference Report on the FY2010-11 Budget took \$160 million from the Transportation Trust Fund. This was subsequently vetoed by the Governor. We spoke to Florida Department of Transportation (FDOT) officials prior to the Governor's veto and they informed us that this significant a raid would endanger all transportation projects.

The funding for the 25th Street Viaduct Project was slated for the 5th year of FDOT's Five Year Work Program and if the Governor had not vetoed the \$160 million Trust Fund raid it would have rolled-over to subsequent years. Because of the veto, the 25th Street Viaduct remains in this Five-Year Work program cycle.

Funding for Pilot Programs

Issue

Secure line item legislative support for the enhancement of security and safety at Miami International Airport.

Disposition

Requests for Community Issue Budget items were not allowed to be filed this year. And with the budget shortfall of \$3.2 billion scant member projects were funded, and fewer still survived gubernatorial review.

III. SOLID WASTE

Waste-to- Energy Ash

Issue

Obtain line item support of \$250,000 for the development of new construction materials for the beneficial use of waste-to-energy ash.

Disposition

Requests for Community Issue Budget items were not allowed to be filed this year. . And with the budget shortfall of \$3.2 billion scant member projects were funded, and fewer still survived gubernatorial review.

Local Solid Waste Program Grant Funding

Issue

Support reinstating funding generated from waste tire fees for illegal dumping and other solid waste programs on a pro-rata basis based on the counties in which the fees are generated.

Disposition

Senate Appropriations Chairman J.D. Alexander is a strong proponent of maintaining the waste tire current revenue stream to small counties. He represents a number of small and fiscally disadvantaged counties that are allocated these dollars. It will be impossible to obtain a more equitable distribution of

these funds while Sen. Alexander heads the Appropriations Committee. And although Rep. David Rivera, his counterpart in the House of Representatives is from Miami-Dade, this issue did not rise to the level of other matters such as funding for the Viaduct, Tunnel, and the District Cost Differential study.

POLICY

I. AVIATION

Secure Airports for Florida's Economy Program (SAFE)

Issue

Identify and secure a sustainable funding source for this program, established by the Florida Legislature in 2003, to fund passenger and cargo capital improvements.

Disposition

Section 17 of CS/CS/CS/HB1271, passed by the legislature and approved by the Governor, establishes a sustainable funding source from the United We Stand License Plate to fund security-related aviation projects pursuant to the "Secure Airports for Florida's Economic Act" (SAFE).

Quarter Horse Permit Application and Slots at Miami International Airport

Issue

Support approval by the Florida Department of Business and Professional Regulation of Miami-Dade's permit application for quarter horse racing at Miami International Airport (MIA) and oppose any effort to preempt or prohibit quarter horse racing or slot machines at MIA.

Disposition

The Board of County Commissioners voted to not pursue the approval of quarter horse racing or slot machines at Miami International Airport so no action was taken on this matter.

II. Solid Waste

Renewable Energy

Issue

Support the preservation and enhancement of existing initiatives that support the production of "renewable" energy produced at the county's Resources Recovery Facility from the combustion of municipal solid waste.

Disposition

HB7243, relating to Environmental Controls, was the solid waste recycling bill for this year. The legislation included all the items wanted by Miami-Dade County and every issue of concern expressed by the Solid Waste Department was removed. This subject monopolized our time for the last two days of session as Sen. Lee Constantine's SB570, which was objectionable to Miami-Dade and included provisions relating to composting, certification of recyclers, Waste-to-Energy recycling targets, and unreasonable recycling requirements for solid waste kept being amended onto other bills. Finally, the House of Representatives informed Sen. Constantine that either HB7243 passed or nothing would. He finally acquiesced.

Solid Waste Disposal

Issue

The Department of Solid Waste Management is concerned about SB1052 and HB569 that would authorize the disposal of yard trash at a Class I landfill if the landfill has a system for collecting landfill gas and arranges for the reuse of the gas. The concern centers on the impact of lost yard waste being diverted and the potential impact on the put-or-pay obligations.

Disposition

Working with other members of the Miami-Dade team, we were able to secure a "carve out" for Miami-Dade County so that the provisions of this bill would not apply. Miami-Dade was the only local government that the sponsors of the legislation agreed to exempt, perhaps because we had killed a similar bill on the last day of the 2009 legislative session. After a significant amount of interplay between Waste Management Services, Miami-Dade, and the legislative sponsors, the following language agreed to by Jess McCarty was amended onto the bill on the House floor "...does not apply to a county that currently operates under a constitutional home rule charter authorized in 1956 in a statewide referendum. The limited exception to the ban on disposing of yard trash in a Class I landfill is not intended to have a material impact on current operations at existing waste-to-energy or biomass facilities." Ultimately, the Governor vetoed the bill.

III. Public Works

Intergovernmental Transfers of Title to Roads

Issue

Amend Florida Statutes to permit transfers of right-of-way between local governments by deed or by right-of-way transfer map

Disposition

This provision was promoted by Miami-Dade County and the bills were sponsored by members of the Miami-Dade Legislative Delegation. SB1004 by Sen. Dan Gelber and HB829 by Rep. Steve Bovo both moved through the process. The Senate bill passed and was sent to the Governor.

The legislation would have authorized the board of county commissioners to negotiate the lease of real property for a term not to exceed five years, rather than having to go through the competitive bidding process. The bill would have also allowed government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located. Unfortunately, on June 1st, the Governor vetoed this legislation.

Eminent Domain

Issue

Support legislation that would approve multiple takings by eminent domain in a single item.

Disposition

A total of thirty-three bills (33) bills were filed that referenced Eminent Domain but only HB1343 and its identical companion SB244 were remotely germane to this issue. Neither of the bills was considered in their first committee of reference and they died. If Miami-Dade wishes to pursue this item next legislative session, I suggest that we identify sponsors and file stand-alone legislation.

IV. Transit

Privatization of Transit Services

Issue

A representative of MV Rail in California made a presentation of the Roads and Bridges Committee urging the legislature to mandate local transit systems privatize a percentage of their bus, rail, and STS services.

Disposition

The effort to have the legislature force local governments to privatize a part of their transit operations was defeated. The possibility of an interim study on privatization remains. We will closely monitor and keep you informed of any developments.

V. Metropolitan Planning Organization

Redesignation of a Metropolitan Planning Organization

Issue

SB2324 and HB1275 propose changes to the redesignation provisions of Metropolitan Planning Organization(s) to clarify that all applicable provisions, as required after each decennial census, are guided in statute.

Disposition

No legislation was approved that changes the redesignation provisions of a Metropolitan Planning Organization. Neither SB2324 nor HB1275 received a committee hearing and none of the other twenty-one bills that referenced Metropolitan Planning Organizations impacted the redesignation procedures.

In addition to the accomplishment detailed above, the following appropriations from the State Transportation Trust Fund were secured specifically for Miami-Dade County:

| | |
|----------------------|---------------|
| Port of Miami Tunnel | \$135,000,000 |
| Transit Support | \$ 30,975,185 |
| Resurfacing | \$ 27,378,406 |

| | |
|----------------|---------------|
| Right-of-Way | \$ 15,462,540 |
| Other Arterial | \$ 6,760,350 |



MIAMI-DADE COUNTY 2010 Session Summary

Below, please find a summary of Miami-Dade's issues for the 2010 Legislative Session.

What did pass:

Public Records Exemption/Public Transit: HB 393 by Bovo; SB 688 by Gelber

The bill creates a public record exemption for personal identifying information held by a public transit provider for the purpose of prepaying transit fares or acquiring a prepaid transit fare card or similar device. It provides for repeal of the exemption on October 2, 2015, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Film Tax Credit Incentive: SB 1752 by Gaetz (Jobs Bill)

On April 30th, the last day of session, lawmakers sent Governor Crist a comprehensive "Jobs Bill," which includes numerous tax credits and economic development provisions designed to help Florida's struggling economy. The legislation, SB 1752, provides \$30M to the state's space industry, and millions in tax breaks to companies who hire unemployed Floridians, manufacturers buying new equipment, boat and aircraft manufacturers, and building material used in enterprise zones around the state. Business groups applauded the legislation and feel as though this will undoubtedly help in combating the state's high unemployment rate.

One of SB 1752's most significant provisions is the film industry tax credit incentive. As many states across the country started offering lucrative tax credit incentives to entertainment industry businesses, Florida began losing its reputation as one of the world's premier locations to film movies, commercials, TV shows and the like. It was more apparent this year than ever that Florida needed to step up its game in order to remain competitive and attractive to the entertainment industry. This provision, also championed in stand-alone bills by Senator Haridopolos and Rep. Precourt, converts the current cash incentive to transferable tax credits that won't be redeemable until 2011. The most attractive element of this performance-based legislation is the requirement for the entertainment industry to invest in Florida's economy and have all payments verified before cashing in on the tax credits. This will guarantee that Florida's economy feels a great boost from the incentive before any credits are actually cashed in.

Prompt Pay: HB 1157 by Eisnaugle; SB 1056 by Baker

House Bill 1157 provides revisions to the current prompt payment law by requiring localities to designate a single point of contact to handle contract issues, specifying time periods processing invoice payments, and laying out a process for handling invoice disputes. Additionally, contractors would not be penalized for government delays in providing needed documentation. The sponsors and other stakeholders worked with Miami-Dade to pass floor amendments in the last days of session that made this bill more palatable to the County.

QTI: HB 7109 by Economic Development Policy Committee; SB 1856 by Commerce Committee

The bill makes a number of changes to the QTI program. The significant changes include:

- Extending the QTI program until June 30, 2020.
- Creating a definition of return on investment (ROI) for QTI projects.
- Allowing leased employees to be included in the job count.
- Directing OTTED to begin a review of terminated QTI projects.
- Requiring a review of the targeted industry list every three years in cooperation with economic development partners and universities.
- Exempting renewable-energy economic development projects from the requirement that qualified target industries must be independent of Florida resources and markets.

What did NOT pass:

Homestead Tax Deferral: SB 664 by Altman; HB 295 by Reagan

SB 664 and HB 295 were large tax packages, proposed by Senator Altman and Representative Reagan. Senator Altman and Rep. Reagan are leaders in their respective chambers, but because of the size of the legislation, and the number provisions included, they were slow to move through committee. Ultimately, Senator Altman's SB 664 made it to the calendar, but was never heard on the floor.

When meeting with members on the Homestead Tax Deferral provision, all were very supportive. Each member understood the importance of the issue to Miami-Dade and agreed to vote in favor of the legislation, but the small provision was not enough to push the bigger bill through the process. In the end, this was not the session for a large piece of tax legislation.

Online Travel Companies: HB 1241 by Patronis; SB 2436 by Gaetz / HB 335 by Long; SB 156 by Lynn

This session there were two versions of Online Travel Companies legislation filed. One was HB 1241/SB 2436, which said that taxes were only due on the original sale price of the hotel to Online Travel Companies, not the price that it was sold to the consumer. This meant that Miami-Dade, and many other counties, would not see additional revenues and/or taxes from the sale of hotel rooms on sites like Expedia and Orbitz.

The second version of the legislation – HB 335 and SB 156 – said that taxes were, in fact, due on the total amount paid by the consumer. This means that if the hotel sells a hotel room to Orbitz for \$75, but Orbitz then sells it to the consumer for \$100, taxes are due on that additional \$25; taxes that are not currently paid. The passage of this legislation would have brought in needed and deserved funds to high tourism counties such as Miami-Dade.

Last year, Attorney General Bill McCollum filed a law suit, asking for clarity on this issue. While a verdict has yet to be reached, supporters of HB 1241/SB 2436 framed the additional tax as a new tax or a service tax. Florida does not currently have a service tax, and Senate President Jeff Atwater had opened the 2010 Session by saying that under no circumstances would there be any new taxes passed this session. When meeting with members and discussing the legislation, we made clear, on behalf of Miami-Dade, that this was not a new tax. Many members heard and understood this argument, ultimately bottling up SB 2436, which was unable to pass its first committee of reference.

Although the legislation that Miami-Dade supported did not pass, the defeat of the opposing legislation was a victory.

TABOR: SB 2420 by Haridopolos; FTC13 by Finance & Tax Council

For the past few years, Dutko has successfully prevented TABOR legislation from reaching the House and Senate floors. TABOR, otherwise known as the Tax Payers Bill of Rights, would limit state and local revenues, which would have been very harmful to Miami-Dade County. Additionally, among other provisions, the legislation would have required advance voter approval for new taxes, fees, and assessments. Over the past few years, the TABOR legislation has been filed by "political heavy-hitters," but Dutko has successfully fought the bills and kept them bottled up. This past 2010 session, the legislation, filed by incoming Senate President Mike Haridopolos, was amended to only impact state revenues. Nevertheless, the bill did not make it out of committee. This was a big victory for Miami-Dade County.



2010 FLORIDA LEGISLATIVE SESSION SUMMARY

In addition to your respective session summary, below, please find additional highlights of the 2010 Legislative Session.

Budget

The 2010 Florida Legislative Session adjourned at 8:47pm on April 30, 2010, with the approval of a \$70.4B state budget. For the fourth straight year, this session was dominated by grueling budget cuts, the last installment of stimulus monies, the raiding of trust funds in order to sustain programs such as Medically Needy, and the anticipation of close to \$1B in enhanced federal Medicaid funds (FMAP), all in an effort to fill a \$3.2B budget deficit. As is usually the case, the budget passed the House on strict party lines, but managed to garner greater support from both sides in the Senate. Experts say we could be looking at a deficit of close to \$6B next year, so these budget woes are far from over.

Senate Bill 6

Senate Bill 6 set the tone for the 2010 session. Senator Thrasher was the sponsor of this controversial teacher merit pay legislation, which quickly became the most heavily lobbied bill since Crist became governor. The bill linked teacher pay to student results on standardized exams, an effort to reward and retain the best teachers in Florida and abolish teacher tenure. Opponents of the bill said that while they agree with the concept, the legislation as it was would create major problems for school districts, educators and administrators. Opponents also worried about teachers who teach those with special needs or bad family situations that may impact a child's ability to perform in the classroom. Teachers' unions and The Florida Education Association (FEA) came out in full force to oppose the legislation, while the business community emerged as its biggest supporter. Governor Crist's office received over ten thousand calls against the bill and over fifteen thousand emails against the bill in just one month's time. Governor Crist was swayed by the enormous outpouring of opposition and decided to veto SB6. This decision to veto created a division between the governor and legislative leadership, which irrefutably set the tone for the weeks leading to the adjournment of the 2010 session and ultimately, the separation of Charlie Crist from the Republican Party.

Seminole Gaming Compact

The Seminole Tribe, Governor Charlie Crist, and the Florida Legislature put to rest three years of negotiations with the signing and ratification of the Seminole Gaming Compact this session. Under

the leadership of Representative Bill Galvano and Senator Dennis Jones, the Compact passed the House and Senate on votes of 74-39 and 29-9, respectively. The Compact allows the Seminole Tribe to operate Las Vegas style slot machines at seven facilities throughout the state of Florida and banked card games (i.e. blackjack and baccarat) at five of their facilities. The Tribe will have exclusive rights to the banked card games for five years, and slots for twenty years. Over the next five years the Compact is expected to bring in over \$1B to the state of Florida, helping to fund the state's greatest needs. Additionally, three percent of the funds will be distributed to counties where the gaming facilities are located.

Medicaid Reform

The House and Senate devised two very different plans to tackle Florida's broken Medicaid system this year, but ultimately neither made it past the finish line. The Senate's plan would have extended the five-county Medicaid reform managed care pilot project to an additional nineteen counties. The House's plan went much further, steering all 2.7 million Medicaid patients, divided into six regions, into managed care programs over five years. Because it is notoriously known for housing the greatest amount of Medicaid fraud, Miami-Dade would have been the first county phased in under the House plan, starting in July of 2010.

While many lawmakers, namely Rep. Dean Cannon and Rep. Denise Grimsley, worked diligently to vet and craft this legislation, many members and stakeholders felt that wasn't enough. When the House bills made their way to the floor, members expressed concern that the bills were the product of, and only heard in, one council. Moreover, stakeholders felt as though the legislation would endanger the lives of Florida's most vulnerable citizens. But, when all boiled down, what seemed to have the most influence on the shelving of these bills was the fact that with such a dire budget deficit, the sweeping legislation did not result in significant savings. Despite the fate of this year's legislation, as a priority of both the incoming House Speaker and Senate President, the issue of Medicaid reform is sure to come up again next session.

Legal Reform

Transparency in Private Attorney Contracting - TIPAC, HB 437:

HB 437, a top priority of Attorney General Bill McCollum, limits to \$50 million contingency fees attorneys can collect when working with the state Attorney General in Florida. The measure also requires that contingency fee contracts signed by the attorney general's office be posted online. Many opponents of the legislation felt that this bill would tie the hands of future Attorney Generals, but AG McCollum insisted that the legislation would help prevent Florida from getting mired in pay-to-play scandals that have happened in other states.

"Slip & Fall," HB 689:

A 2002 court ruling, *Owen v. Publix*, stated that "the existence of a foreign substance on the floor of a business premises that causes a customer to fall and be injured is not a safe condition, and the existence of that unsafe condition creates a rebuttable presumption that the premises owner did not maintain the premises in a reasonably safe condition." This ruling has drawn many frivolous lawsuits against Florida businesses, which, under this ruling, are guilty until proven innocent. HB 689, passed this session, restores the burden of proof to a person who is injured in a slip and fall case. They will

now have to prove the business had knowledge of a dangerous condition and didn't fix it. The passage of this legislation was a major victory for retailers across the state of Florida.

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June 15, 2010

TO: Jess McCarty

Re: 2010 Legislative Session Report

Dear Mr. McCarty,

The 2010 Florida State Legislative Session ended Sine Die on April 30, 2010. The final act was the passage of the \$70.4 Billion Florida State budget. Going into the Session, the budget deficit was over \$3.2 Billion. In the end the deficit was closed using one time federal stimulus money (American Recovery Act), new revenue from the Seminole Compact, and sweeps of dozens of State Trust funds that were established for specific purposes.

MIAMI-DADE COUNTY LEGISLATIVE UPDATES

From a total of 2,680 bills filed, only 301 bills passed during the 2010 Legislative Session. We closely advocated and monitored legislation that were assigned by Miami-Dade County. The Governor has the sole discretion of signing the bills when they reach his desk, or apply his Constitutional powers by vetoing them.

The following legislation was supported by the County and passed by Legislators during the 2010 Regular Session:

COUNTY LEASES

Miami-Dade County supported legislation that would amend Florida Statutes to give counties the authority to enter into lease agreements that have a term that is five years or less without having to competitively bid the space.

Update: We worked with providing Delegation members and committee members with the County's talking points. We assisted both the House sponsor, Rep. Bovo and Senate Sponsor, Senator Gelber, in educating members on the positive impact this legislation would have for local governments. During the final weeks of Session, we worked with the Lobby team on a proposed amendment to the legislation. There was a late filed amendment added by The League of Cities added an amendment

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related to electioneering. This issue has been rejected by Senator Gardiner in the past. House Leadership wanted the amendment added to the House bill. We met with League of Cities lobbyist and they indicated they would make sure the bill was not jeopardized. Eventually, we were informed that if the language was added to the final bill, we would have problems in the Senate. The amendment was not added and the bill passed unanimous in the Senate on April 21, 2010. The House was passed unanimous in the House on April 28, 2010.

The Governor eventually vetoed the legislation on June 1, 2010. Explaining his veto, he states, "Competitive bidding by governmental entities protects the public's interest and assures the best use of taxpayers' dollars." Governor Crist added, "Local governments should strive to adhere to competitive bidding standards. Because we are elected officials, we have a responsibility to conduct business in the open for all to compete. We should not modify laws in the name of ease in exchange for the public's trust."

Below is the summary of the legislation that passed during the 2010 Session:

SB 1004 - Local Government

Governor Crist vetoed the bill on June 1, 2010.

The bill allows the county commission to lease county real property for less than five years without going through the competitive bidding process. The change provides greater flexibility in addressing issues that may be time sensitive. Expanding the use of temporary leases provides greater flexibility to manage emergencies, short term revenue generating ventures, and replace vendors in government buildings.

Additionally, the bill allows government entities to transfer title to a road by recording a deed with the county or counties in which the right-of-way is located. This change decreases the length of time that the transfer of title process requires under current law.

SEAPORT SECURITY/FLORIDA PORTS COUNCIL

Miami-Dade County wanted to monitor seaport security legislation, bills, rules, regulations and statewide policies affecting Florida's seaports. Miami-Dade County also supported Florida Ports Council's effort in securing dedicated funding sources for Florida's seaports.

Update: We set up the following meetings for Bill Johnson for his visit to Tallahassee on April 13-14, 2010; Chairman Will Weatherford, Paul Whitfield, Advisor to President Atwater, Chairman Rich Glorioso, and Chairman David Rivera. With the assistance of Miami-Dade and Broward Delegation staff, we were able to coordinate a Joint meeting of the Miami-Dade and Broward Legislative Delegations on April 13, 2010. We attended

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Florida Ports Council meetings that were held every Monday during the 2010 Session. We worked with Senator Ring, Rep. Ray, and Florida Ports Council staff in distributing the talking points to all Dade Delegation members. Prior to the bills' committee and council hearings, we met and spoke with committee members on supporting the legislation. We also testified in support of the legislation during committee hearings. HB 963 passed unanimous in all House committees and in both chambers. After Session, we attended the Florida Ports Council meeting on June 8, 2010 in Miami. At the meeting we discussed the 2010 Session and received updates on 2011 State Seaport Legislative and Funding Issues.

Below is the summary prepared by Florida Ports Council staff on the legislation that passed during the 2010 Session:

HB 963 - Seaports

Governor Crist signed the bill into law on June 3, 2010.

Representative Lake Ray (R-Jacksonville) and Senator Jeremy Ring (D-Margate) worked very, very hard to shepherd this significant piece of policy/regulatory relief legislation through the process. This legislation specifically addresses the following topics:

Port Conceptual Permits

Creates a priority permit review method that can be used by a seaport to "prequalify" sites for construction. During the duration of this conceptual permit, the seaport has agency assurance that the "engineering and environmental concepts upon which the designs of the port conceptual permit are based are likely to meet applicable rule criteria for the issuance of construction permits for subsequent phases of the project." DEP is required to develop rules delineating the specifics of this program. We envision this process to be "hands on" for the Florida Ports Council, staff, consultants and port representatives. The FSTED Council Seaport Environmental Management Committee may be the appropriate entity for this endeavor.

Stormwater Management Systems Serving Overwater Piers

Authorizes the use of alternative stormwater treatment and design criteria at seaports for the construction, operation, and maintenance of stormwater management systems serving overwater piers. DEP is required to develop rules delineating the specifics of this alternative process. "Hands on for those specifically affected."

Reduction of Match for Rehabilitation of Wharves and Piers

Reduces the seaport match required under the FSTED Program for projects involving the rehabilitation of "wharves, docks, berths, bulkheads, or similar structures" from 50 percent to 25 percent.

Flexibility Language for FSTED Program Funding Process

Requires the FSTED Council to identify specific seaport projects only for the current year of the Five-Year Tentative FDOT Work Program, but not for the subsequent four years. The FDOT must submit the total amount of funding to be allocated to seaport projects for the current year and the subsequent four years for inclusion in the FDOT Work Program.

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The legislation also creates an expedited process for the submission of work program amendments for seaport projects. Such amendments must be submitted to the Governor within 10 days after the later of the date the request is received by FDOT or the effective date of the amendment, termination, or closure of the applicable funding agreement between FDOT and a seaport as required to release the funds from the existing commitment. The process also allows for an expedited process for the transfer of prior year funds between projects, seaports, and districts. It also provides for the transfer of unexpended "budget" authorization between seaport projects as identified in the approved work program amendments.

Dredging Permits Issued by DEP

Directs DEP to specifically create by rule a supplemental permitting process for maintenance dredging and other dredging. Specifically increases the mixing zone for turbidity while maintenance dredging is ongoing and after such dredging is completed. Increases the presumption of post-storm permit compliance with this section from 2-years to 3-years. DEP is required to develop rules to implement these changes.

Public/Private Partnership Authority

Specifically authorizes seaports to "receive or solicit proposals from and enter into a public-private infrastructure project agreement with a private entity or consortium of private entities, to build, operate, manage, maintain, or finance a port-related public infrastructure project."

In addition to these statutory modifications, we also have spoken with FDOT about the status of the changes to eligibility criteria for SIS projects. At the request of FDOT, we did not continue to pursue statutory language which would have further clarified eligibility criteria for SIS seaport projects. It is our understanding that agency modifications to eligibility criteria with respect to wharves, docks, and berths will be announced very soon.

Despite an inordinate amount of "technical massaging" from agency and legislative staff, this legislation made it through a number of committee stops and the full House and Senate without negative debate or a single "no" vote. This is highly unusual. In a year with budget revenues so grim, this legislation speaks to the leadership of Representative Ray and Senator Ring and the desire of the Legislature to assist seaports in a way that they could – by offering policy/regulatory relief. In reality, this collaborative, cooperative effort by seaports, various state agencies, the Governor's Office, and the Legislature was as significant as the bill itself.

BUDGET UPDATE:

We advocated and monitored Seaport funding in the Budget Conference Committee on Transportation and Economic Development Appropriations during the last days of Session. The Seaports Access Program was allocated \$10 million in the 2010-11 State Budget. According to Florida Ports Council staff, the following are the specific line item appropriations for seaport issues:

Specific App 2075:

1996 FPFC Bond Program Debt Service Payment \$15 million

Specific App 2076:

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**1999 FPFC Bond Program Debt Service Payment \$10 million
Specific App 2077:
Chapter 311 FSTED Program and SIS Funds \$25,640,022**

BUILDING/ FLORIDA BUILDING CODE/PRODUCT APPROVAL PROCESS

Miami-Dade County urged the Florida Legislature to allow condominium associations the right to decide whether or not to incur the expense of retrofitting their condominium buildings with various life safety enhancements. Miami-Dade County also wanted us to monitor legislation regarding the statewide Florida Building Code and Product Approval Process.

Update: We met with Senator Bennett to discuss his legislation, SB 648/HB 663. We spoke to him about the County's concerns with the bill. He agreed to take a look at our proposed amendments to SB 648/HB 663. They informed us that the Senator will not be filing amendments because the House sponsor had objections. We met with Chairman Aubuchon and County staff regarding the language. The County decided not to pursue adding the proposed amendments. HB 663 passed (111-3) in the House on April 26, 2010. The Senate passed (39-0) HB 663 in the Senate on April 30, 2010.

Below is the summary of the legislation that passed during the 2010 Session:

HB 663 - Building Safety

Governor Crist signed the bill into law on June 1, 2010.

The bill revises various laws regarding building safety.

The bill provides that the expiration or revocation of a building permit issued to a property owner after a three-year period provided to commence repair or rebuilding constitutes abandonment of the property as homestead.

As to elevator safety, the bill limits requirements to retrofit elevators to comply with certain changes to the Florida Building Code and permits the use of a lock box to provide regional emergency elevator access.

The bill delays applicability of home inspector and mold assessor licensure and regulation until July 1, 2011, amends licensure requirements, and provides guidelines for practicing home inspectors and mold assessors to be licensed under a grandfather provision.

Regarding the Florida Building Code, the bill:

Authorizes the Department of Community Affairs to contract for administration of the inspection and certification of manufactured buildings and reinstates local jurisdiction over prototype buildings;

Amends authority of the Florida Building Commission to allow fees for nonbinding interpretations of the Building Code and amendments to the Florida Building Code addressing equivalency of standards, needs of state agencies facing federal mandates, and inconsistencies in federal and state law;

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Requires state agencies to contract for inspection services under the alternative plans review and inspection process or with a local governmental entity;
Exempts certain mausoleums and prisoner housing from the Building Code; and
Revises the calculation, collection and distribution of surcharges applied to certain building permits; and

Revises requirements as to carbon monoxide alarms, pool pump motors, air conditioner installation, certain mechanical equipment, classroom lighting and windstorm mitigation.

The bill also amends requirements for uniform mitigation verification inspections, providing that home inspectors meeting certain requirements may sign mitigation forms for such inspections. Furthermore, the bill requires signatories to personally perform such inspections, with exceptions, and provides for investigations into suspected fraud or misconduct.

Relating to Fire Prevention and Safety, the bill:

Provides guidelines for the State Fire Marshal to follow when issuing expedited declaratory statements;

Establishes a process for nonbinding interpretations of the Florida Fire Prevention Code;

Requires continuing education reciprocity between the Division of the State Fire Marshal and the Building Code Administrators and Inspectors Board;

Amends certification requirements for fire protection service contractors, fire equipment dealers and certain firefighters;

Provides exceptions from certain fire sprinkler or fire alarm requirements; and

Provides that public fire hydrants owned by a governmental entity to be inspected following standards adopted by the State Fire Marshal or equivalent standards.

As to condominiums, the bill repeals a five-year inspection requirement concerning the maintenance, useful life, and replacement cost of common elements.

The bill is expected to have a positive impact on state revenues of \$5.5 million in the first year.

SB 1196 & SB 1222 - Community Associations

Governor Crist signed the bill into law on June 1, 2010.

This bill lowers the cost of owning a condominium by repealing the requirement to purchase individual unit owner insurance coverage, providing that certain low-rise condominium buildings with exterior corridors need not install a central fire alarm system, amending provisions relating to fire sprinklers, providing for additional forms of bulk communications contracts, allowing associations to waive the requirement to provide alternative power supplies to elevators and alarms during emergencies, and

delaying retrofitting requirements related to the elevators.

Current law requires older multi-family residential structures, including condominiums, to retrofit units and common areas with fire sprinklers by 2012. Current law also allows condominium and cooperative associations (by unit owner vote) to forever waive retrofitting of sprinklers in unit interiors, forever waive retrofitting of common areas in shorter buildings, and delay retrofitting of

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common areas in highrise buildings until 2014. This bill allows the owners in a high-rise condominium to vote to forever waive retrofitting of the common areas with fire sprinklers, just like owners in shorter buildings are allowed to do under current law. Additionally, this bill provides that the time for condominium associations who do not vote to forego retrofitting of either unit interiors or the common areas to comply with retrofitting requirements is extended from 2014 to 2019, and requires such associations to complete planning and permitting by 2016.

As to delinquent assessments owed to a condominium association at the time of foreclosure, current law provides that the foreclosing lender is only liable for the lesser of 6 months or 1 percent of the original mortgage balance. This bill increases the limit to the lesser of 12 months or 1 percent.

This bill also amends condominium law to move new director certification from election qualifying to after the election, and provides a means by which a bulk buyer may purchase units owned by a financially troubled developer without having to assume all of the liabilities of such developer.

This bill updates portions of cooperative law in ch. 719 to match previous and current changes to the condominium law.

This bill amends all association laws to expand the list of records exempt from disclosure to members to include certain records containing personal identification information; allow an association to collect delinquent fees from a tenant (who deducts such payment from the rent owed to the delinquent unit or parcel owner); and allows an association to suspend common area use rights and suspend voting rights of delinquent owners.

This bill amends homeowners' association law to allow a homeowners' association the ability to direct where a flagpole may be erected and whether the flag may be lighted; allows a homeowners' association to purchase recreational facilities that are not located next to the neighborhood; limits compensation of directors of an association; and creates an absentee voting procedure.

RENEWABLE ENERGY/ENERGY

Miami-Dade County urged the Florida Legislature to pass legislation providing that in determining the assessed value of residential property, property appraisers may not consider improvements made for the purpose of improving a property's resistance to wind damage and solar and other renewable energy systems.

Update: We met with Senator Bennett to discuss the status of his legislation, SB 2322/HB 1179. He assured us that the legislation would pass. He was not confident any other Energy would pass as Session wound down and the Budget became the main focus for the Legislators.

Below is the summary of the legislation that passed during the 2010 Session:

HB 7179 - Qualifying Improvements to Real Property

Governor Crist signed the bill into law on May 27, 2010.

The bill authorizes a property owner to voluntarily enter into a financing agreement with a local government, which is defined in the bill as a county, a municipality, or a dependent special district, for the purpose of providing financing for qualifying improvements to residential, commercial, or industrial property. A local government may also partner with one or more local governments for the purpose of providing and financing qualifying improvements.

A "qualifying improvement" includes any:

Energy conservation and efficiency improvement, which is a measure to reduce consumption through conservation or more efficient use of:

- Electricity;
- Natural gas;
- Propane; or
- Other forms of energy on the property.

Renewable energy improvement, which is the installation of any system in which the electrical, mechanical, or thermal energy is produced from a method that uses one or more of the following fuels or energy sources:

- Hydrogen;
- Solar energy;
- Geothermal energy;
- Bioenergy; or
- Wind energy.

Wind resistance improvement, which includes, but is not limited to:

- Improving the strength of the roof deck attachment;
- Creating a secondary water barrier to prevent water intrusion;
- Installing wind-resistant shingles;
- Installing gable-end bracing;
- Reinforcing roof-to-wall connections;
- Installing storm shutters; or
- Installing opening protections.

A qualifying improvement must be affixed to a building or facility that is part of the property. Any work requiring a license must be performed by a properly certified or registered contractor, pursuant to Part I or Part II of ch. 489, F.S. The program does not cover wind resistance improvements in buildings or facilities under new construction.

Under the program, the local government would provide the upfront funding for the qualifying improvement project through proceeds of revenue bonds or other lawful debt, which would be repaid through voluntary non-ad valorem assessments on participating property owners' tax bills.

Without the consent of the mortgage holder or loan servicer, the total amount of any non-ad valorem assessment for a property cannot exceed 20 percent of the just value of the property, as determined by the county property appraiser. However, if an energy conservation and efficiency or a renewable energy qualifying improvement is supported by an energy audit, the amount financed is not limited to 20 percent if the audit demonstrates that the annual energy savings from the qualified improvement equals or exceeds the annual repayment amount of the assessment.

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The local government may enter into a financing agreement only with the record owner of the property and this agreement or a summary memorandum of the agreement must be recorded in the public records of the county within five days after the agreement is executed. The recorded document must give constructive notice that the assessment to be levied on the property constitutes a lien of equal dignity to county taxes and assessments.

The bill provides that, at least 30 days before entering into the financing agreement, the property owner must provide notice to the mortgage holder or loan servicer of the intent to enter into the agreement, the maximum amount to be financed, and the maximum annual assessment that will be required to repay the amount. The property owner must provide proof to the local government that this notice has been provided to the holders of the mortgage or loan.

The bill provides that "A provision in any agreement between a mortgagee or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note, or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is not enforceable." However, the bill recognizes that the mortgage holder or loan servicer may increase the required monthly escrow by an amount necessary to annually pay the qualifying improvement assessment.

The bill requires a participating local government to follow the uniform method for the levy, collection, and enforcement of non-ad valorem assessments, enumerated in s. 197.3632, F.S., which requires a resolution by the local government, public hearings, published notices in the newspaper, and individual mail notices to property owners informing them of the assessment and their right to attend a public hearing. Under current law, the special assessment process must be initiated prior to January 1 of each

year. The bill provides an exception to the provisions in s. 197.3632, F.S., allowing the process to start on or before August 15, if the property appraiser, tax collector, and local government agree. For purposes of bond repayment, the bill prohibits an early payment discount for the non-ad valorem assessment.

The bill provides that the authority is additional and supplemental to county and municipal home rule authority.

Loan Guaranty Program

The bill amends statutory provisions creating the Florida Development Finance Corporation (FDFC) (ss. 288.9602-288.9610, F.S.) and conforms cross-references to allow for the state's participation in the U.S. Department of Energy's 1705 Guaranteed Loan Program (s. 406 of the American Recovery and Reinvestment Act of 2009), which provides federal government loan guarantees for certain renewable energy systems, electric transmission systems, and leading edge biofuels projects.

The bill changes the definition of the term "guaranty fund" from the "Revenue Bond Guaranty Reserve Account" to the "Energy, Technology, and Economic Development Guaranty Fund," and authorizes the FDFC to issue revenue bonds or other evidence of indebtedness for the purpose of financing capital projects which promote economic development within the state. Specifically, the bill authorizes the FDFC to:

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Finance the undertaking of any project within the state that promotes renewable energy as defined in s. 377.803 or s. 366.91, F.S.;

Finance the undertaking of any project within the state that is a project contemplated or allowed under s. 406 of the American Recovery and Reinvestment Act of 2009; or If permitted by federal law, finance qualifying improvement projects within the state, pursuant to s. 163.08, F.S.

The bill allows the FDFC to accept funds from the state, a county, or other public agency. The bill authorizes the FDFC to guarantee debt service payments for bonds or other indebtedness and limits these guarantees to no more than five percent of the total aggregate principal amount of bonds or other indebtedness relating to any one capital project. It specifically authorizes the FDFC to use moneys deposited in the guaranty agreement fund to satisfy requirements to obtain federal loan guarantees for capital projects authorized under the section. It requires that all policies, procedures, and regulations of the program that are used in conjunction with the federal program comply with the federal requirements. The bill deletes obsolete language relating to the State Transportation Trust Fund with regard to the FDFC.

Energy Economic Zone Pilot Project Study

The bill directs the Department of Community Affairs (DCA) and the Office of Tourism, Trade, and Economic Development (OTTED), in consultation with the Florida Energy and Climate Commission, to make recommendations to the Governor, the Senate President, and the Speaker of the House of Representatives regarding appropriate incentives and statutory revisions necessary to provide the Energy Economic Zone Pilot Program (pilot program) communities with tools for accomplishing the goals of the program, which is established in s. 377.809, F.S. The deadline for the recommendations is February 1, 2011, and must include consideration of:

Fiscal and regulatory incentives;

A jobs tax credit and a corporate property tax credit; and Refunds and exemptions from sales and use taxes.

The bill directs the DCA and the OTTED to coordinate with the pilot program communities and clean technology industries to help attract those industries and investments to the state.

Renewable Energy

The bill adds "electrical energy produced using pipeline-quality synthetic gas produced from waste petroleum coke with carbon capture and sequestration" to the definition of "renewable energy" in s. 366.91, F.S.

ASSISTING FAMILIES IN AVOIDING FORECLOSURE

Miami-Dade County urged the Florida Legislature to pass legislation helping families to avoid foreclosures.

Update: We monitored all legislation that dealt with home foreclosures. We met with Senator Bennett to discuss the status of his legislation, SB 2270. He explained he was not sure if his bill will pass. He had been involved in lengthy talks with the bank industry to find language that would protect owners from banks taking their abandoned homes. He insisted that banks

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needed to have a process in place that notified owners in a timely manner before putting their home into foreclosure. Unfortunately, no deal was made between the two parties. The bill was never heard and eventually died during Session.

We did want include below a bill summary of passed legislation that dealt with foreclosure procedures as it relates to timeshares:

HB 1411 – Foreclosures

Governor Crist signed the bill into law on May 27, 2010.

It is common to borrow money and pledge an asset as security for a loan. If the loan is not timely paid, the creditor may take the property, sell it, and apply the proceeds of sale against the debt. Where personal property is pledged, a creditor has the option of judicial or nonjudicial process for taking the property and selling it. However, current law only allows for judicial process known as foreclosure to take a timeshare interest and sell it for the benefit of the creditor.

A timeshare is a vacation product that allows multiple persons to share ownership of a vacation property where each owner is entitled to use a vacation property for a short period of time each year.

Timeshare owners often pledge the timeshare interest, usually in order to pay the purchase price. All timeshare owners owe regular assessments to the managing entity to pay their share of the continuing expenses of operating the timeshare. Current law provides that the debt for regular assessments is a lien against the timeshare.

This bill provides a trustee process for the foreclosure of liens against timeshare interests. The bill creates separate but similar procedures for the foreclosure of liens based on unpaid assessments and for mortgage liens. Under either process, a trustee is appointed to give notice of the foreclosure to the owner and all other interested parties, conduct an auction sale, distribute the proceeds of the sale, and transfer title to the prevailing bidder. In either process, the timeshare owner may object to the trustee

foreclosure process and may contest the foreclosure through a judicial process.

A timeshare owner that does not object is not subject to a deficiency judgment.

This process is applicable to all timeshare interests in which a default in payment of assessments occurs after the effective date of the bill. In addition, the nonjudicial process is applicable only to mortgages that include specific language and that are executed after the effective date of the bill. A mortgage may be amended after the effective date of this bill to include the specific language allowing for trustee foreclosure.

The bill also requires a nonjudicial foreclosure fee and creates new third degree felony offenses applicable to a timeshare foreclosure trustee who intentionally fails to follow the required procedures.

| |
|--|
| <p>The following legislation was supported by Miami-Dade County but did not pass during the 2010 Regular Session:</p> |
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FLORIDA PORTS COUNCIL

Miami-Dade County supported Florida Ports Council's effort in securing dedicated funding sources for Florida's seaports.

Update: We worked with sponsors, Senator Ring and Rep. Ray, to pass legislation, SB 1992/HB 1169 Florida Ports Investments. We met with committee members and distributed County's talking points to them and their staffs. We also testified in committee on behalf of the Port of Miami. We also set up meetings with Port Director Bill Johnson and key budget leaders in the Senate and House. HB 1169 passed unanimous in the House (114-0) on April 6, 2010. The Senate refused to hear the bill and it eventually died in messages.

FALSE IMPERSONATION

Miami-Dade County supported amending Florida Statutes to prohibit the impersonation of firefighters including criminal penalties.

Update: We monitored legislation that would serve as a vehicle for the County's language. We met Rep. Burgin to request her to file the County's proposed amendment to HB 629 Firesafety Inspections. The Rep. was willing to file the amendment. Moments later, her staff called to inform us that Rep. Burgin would not be able to sponsor the amendment. She spoke with the City of Tampa and they felt the amendment would slow down the passage of HB 629. They added the language would not be germane and would cause the bill to be referred to an additional committee. We also spoke with the lobbyist representing the City of Tampa and he confirmed that we not go forward in adding the proposed amendment to HB 629. No other legislation would have been a suitable vehicle for the firefighter language.

CARBON MONOXIDE DETECTORS

Miami-Dade County urged the Florida Legislature, the Florida Insurance Regulation, and the Citizens Property Insurance Corporation to develop and implement a system for providing homeowners discounts on their property insurance if they install carbon monoxide detectors.

Update: We worked with sponsors with legislation addressing carbon monoxide detectors. There was not an appetite to provide property insurance discounts to homeowners that installed these detectors. In addition, legislation that would have included incentives to purchase carbon monoxide detectors during a Hurricane Sales Tax holiday was not heard at all during the 2010 Session.

SUPPORT PROGRAM FOR NOT-FOR-PROFIT AFFORDABLE HOUSING DEVELOPERS/CLEARINGHOUSE FOR NOT-FOR-PROFIT AND FOR-PROFIT DEVELOPERS

Miami-Dade County supported the establishment of a clearing house by the Florida Housing Finance Corporation of not-for-profit and for-profit developers

and related entities to facilitate joint ventures for affordable rental housing developments. The County also supported the creation by the Florida Housing Finance Corporation of a comprehensive, performance-based support program, for not-for-profit affordable housing developers that will increase their capacity to address affordable housing issues.

Update: We worked with Chairman Aubuchon to advocate on the passage of his affordable housing legislation, HB 665. We also met with Senator Bennett to discuss the status of the bill's passage. The bill were passed in both Houses, but was held up in the House when the Senate added an amendment to HB 665. The amendment would have reauthorized certain exemptions and would have added a two year permit extension for local government's comp plans. The House refused to accept the amendment and the Senate would not pass the legislation without it. The bills eventually died during the 2010 Session

LOCAL GOVERNMENT ACCOUNTABILITY

Miami-Dade County monitored legislation that provided minimum standards for budgeting by counties, county officers, municipalities, and special districts.

Update: We met with Senator Dean's staff regarding the status of the legislation. SB 690 Local Government Accountability was on the track to passing during the 2010 Session. It was passed unanimous in the Senate on April 27, 2010. Unfortunately, members filed amendments to the legislation which caused the bill to die in House messages.

CHILDREN'S ALLERGIES

Miami-Dade County urged the passage if legislation or adoption of rules providing guidelines and procedures for schools in managing children's food allergies.

Update: We monitored legislation that would address this issue; however no bills were filed during the 2010 Session.

SCHOOL SPEED ZONES

Miami-Dade County urged the Florida legislation to pass the "Shaye Patrick Marin Safety Act" or similar legislation providing for transitional speed limits before and after school zones during specified times and vehicle speed cameras to detect speeders in school zones.

Update: We attended the Committee's workshop on the bill, HB 475 School Speed Zones, on February 17, 2010. At the workshop, Rep. Gonzalez assured members he would work on a strike all to address concerns with his bill. We met with his staff and school officials to discuss the status of his bill. He submitted a strike all to the bill and asked Chairman Aubuchon to agenda the bill. Chairman Aubuchon did not place the bill on his agenda. We met with Senator Wilson's staff, who informed us that the Transportation Committee would not hear the bill because they were

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awaiting the status of Red Light Camera legislation. The bills eventually died during the 2010 Session.

The following legislation was monitored by Miami-Dade County and did not pass during the 2010 Regular Session:

CRANE REGULATION

Miami-Dade County wanted to monitor legislation that would preempt local regulation of construction cranes.

Update: We monitored the legislation for any amendments. HB 375 Regulation of Hoisting Equipment was only heard in one committee. The Senate bill, SB 1174, was heard in two committees before they eventually died during the 2010 Session.

PREDEVELOPMENT LOAN PROGRAM MATCHING GRANT

Update: We monitored legislation that would address this issue; however no bills were filed during the 2010 Session.

TOURIST RELATED TAXES FOR LAW ENFORCEMENT

Update: We monitored legislation that would address this issue; however no bills were filed during the 2010 Session.

The following legislation was opposed by Miami-Dade County and did not pass during the 2010 Regular Session:

EDUCATION PERSONNEL

Miami-Dade County opposed legislation that would tie teacher retention, certification and pay to student test scores on standardized tests.

Update: SB 6 Education Personnel was a very controversial bill during the 2010 Session. We attended Delegation meetings as members listened to Miami-Dade School Board Superintendent, Board members, teachers, and activists express their major concerns over the legislation. We spoke with Dade delegation members prior to the House vote to inform them of the County's opposition. The bill passed on mostly partisan lines in the Senate (21-17) and the House (64-55). The strong public lobbying against the bill resulted in the Governor's ultimate veto of SB 6 on April 15, 2010.

GOVERNMENT LIENS/PREEMPTION

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Miami-Dade County opposed legislation that would authorize counties or municipalities to provide by ordinance that certain property conditions are code violations subject to enforcement actions.

Update: We met with Senator Bennett's staff to discuss the County's opposition to SB 2248 Government Liens. Senator Bennett chaired the bill's second committee stop. We also met with the staff to Senator Negron, the bill's sponsor and Chairman of the bill's first committee. Their staff informed us the bill would not be considered on the Judiciary agenda. SB 2248 was not heard and eventually died during the 2010 Session.

We monitored that following legislation for Miami-Dade County that passed during the 2009 Regular Session:

TRANSPARENCY IMPLEMENTATION

Miami-Dade County wanted us to monitor the implementation of SB 1796 Governmental Financial Information sponsored by Senator JD Alexander.

Update: We attended meetings scheduled by the Joint Legislative Auditing Committee during Session. According to JLAC staff, School Board Districts would be the next phase for implementing their budget info to the Transparency website.

MIAMI CHILDREN'S INITIATIVE

Miami-Dade County monitor the implementation of elements of HB 381 Care of Children that establishes the Miami Children's Initiative in Liberty City.

Update: We attended a tour of the Parramore Kidz Zone in Orlando, FL and have attended meetings discussing the implementation of the Initiative in Miami-Dade County.

We have compiled a list of bills passed by the Legislature that may be of importance to Miami-Dade County:

ECONOMIC DEVELOPMENT

SB 1752 - Economic Development

Governor Crist signed the bill into law on May 28, 2010.

To continue encouraging the state's economic recovery and position the state for the future, the bill addresses several key issues: business expansion and retention; focused incentives for the space and film industries; assisting small and medium-sized businesses; providing incentives to hire the unemployed; encouraging and assisting local governments, including rural areas, with business retention and recruitment; and regulatory streamlining.

Business Expansion and Retention:

Entertainment Industry Financial Incentive Program

The bill creates a five-year, \$242 million transferable tax credit incentive program for Florida's film and entertainment industry. Generally, the credits are 20 percent of qualified expenditures, with additional amounts available in certain circumstances. The bill allows a wide range of production types to qualify.

Examples include motion pictures, television series, television pilots, and digital media projects. The bill provides that credits awarded may be used to offset corporate income tax or sales and use tax liabilities.

However, tax credits awarded may not be claimed for any tax period beginning before July 1, 2011, regardless of when the credits are applied for or awarded.

The total amount of tax credits authorized under this bill is \$53.5 million for FY 2010-11, \$74.5 million for FY 2011-12, and \$38 million per year for FYs 2012-13, 2013-14, and 2014-15.

Space Industry The bill appropriates \$29.8 million to Space Florida, including \$13.6 million to address financing, business development, and infrastructure needs; \$3.2 million for workforce development assistance; \$3 million for targeting and recruitment of new space-based enterprises. The bill also provides flexibility with a previous appropriation for space infrastructure needs.

Qualified Target Industry Tax Refund Program

The bill enhances the incentives provided through the Qualified Target Industry Tax Refund program by providing \$2,000 per-job tax refunds for high-impact businesses or businesses that increase exports of goods through Florida seaports or airports, and a \$1,000 per-job tax refund for businesses receiving matching support from a local government. In addition, the Office of Tourism, Trade, and Economic Development is authorized to waive wage requirements for new manufacturing jobs.

High Impact Performance Incentive Grants

The bill revises the High Impact Performance Incentive Grants to increase their effectiveness. The eligibility threshold for high impact businesses is reduced to a cumulative investment in the state of at least \$50 million and, at minimum, the creation of 50 new full-time jobs, which may qualify a business for a total performance grant of \$500,000 to \$1 million. The qualifying amount required for research and development facilities is also reduced from \$75 million and 75 jobs, to at least \$25 million and 25 new full-time jobs, which may qualify a business for a total performance grant of \$700,000 to \$1 million.

Quick Action Closing Fund

The bill appropriates \$15 million to the Quick Action Closing Fund contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate. Further, the bill streamlines the Quick Action Closing Fund approval process by allowing projects proposed at \$2 million or below to be approved by the Speaker and President in consultation with the Governor and through the 14 day budget amendment consultation process. Project awards over \$2 million will continue to require approval by the Legislative Budget Commission.

Sales Tax on Boats

The bill caps sales tax on boats at \$18,000.

Fractional Aircraft

The bill caps the tax on purchase of a fractional aircraft share at \$300. Additionally, the bill provides a tax exemption for aircraft purchased for use in large fractional aircraft programs.

Small and Medium-Sized Businesses:

Research Commercialization Matching Grant Program

The bill creates the Research Commercialization Matching Grant Program and provides \$3 million in grants to assist small businesses seeking federal research and development funding. These state matching grants will help Florida small businesses compete with other states for research and development funds available from federal agencies through the Small Business Innovation Research and Small Business Technology Transfer programs. Phase I grant applicants may receive up to \$50,000 per award, and Phase II grants up to \$250,000.

Early Stage Seed Capital

Through the State University Research Commercialization Assistance Grant Program, the bill dedicates \$2 million to increase commercialization of products and technologies that emerge from research taking place at state universities in Florida.

Export Finance

The bill provides \$4.9 million (\$2 million contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate) in access to capital to assist Florida small businesses in completing short-term export sales transactions.

Economic Gardening

The bill authorizes \$2 million (\$1 million contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate) to continue the Economic Gardening Pilot Program. The program assists qualified companies by providing specific services such as market information, leadership development, and assistance in digital media applications.

Manufacturing Machinery and Equipment

The bill provides for a two-year sales tax refund program for spaceport and manufacturing businesses.

The current sales tax exemption for machinery and equipment (M&E) used in an expanding spaceport or manufacturing business is modified by relaxing the method of measuring "expanding output" to make it easier to qualify. Further, the bill provides for refunds for M&E purchases in excess of amounts spent in 2008 by spaceport and manufacturing businesses, beginning July 1, 2010. Refunds, which are capped at

\$50,000 per business in a single year will be allocated on a first-come, first-served basis. The total amount available for the refund is \$19 million in FY 2010-11, and \$24 million in FY 2011-12. The program will be administered by the Office of Tourism, Trade, and Economic Development.

Assistance to Florida Residents:

Jobs for the Unemployed Tax Credit

The bill authorizes a first-come, first-served, Jobs for the Unemployed Tax Credit. The program provides \$10 million in total tax credits over the next two FYs to any new or existing qualified targeted industry business that hires a new employee who is unemployed. Businesses are eligible for a \$1,000 tax credit for hiring

persons unemployed at least 30 days, and that person would have to work at least 36 hours

per week for at least 12 months before the business could claim the tax credit.

Preference for Florida Residents

The bill requires public construction contractors to provide a preference in hiring Florida residents.

Florida Homebuyer Opportunity Program

The bill extends the Florida Homebuyer Opportunity Program to July 1, 2011. The extension of this program is contingent on the U.S. Congress reauthorizing the state-assisted federal program that expired April 30, 2010.

Regulatory Streamlining:

Permit Extension

The bill provides a two-year extension of permits issued by local governments, the Department of Environmental Protection, or a water management district that expire between September 1, 2008, and January 1, 2012.

Online Self-Certification

The bill directs the Department of Environmental Protection to expand the use of online self certification for certain exemptions and permits. A local government may not specify the method or form for documenting that a project qualifies for an exemption or meets the requirements for a permit under chs. 161, 253, 373, or 403, F.S. This limitation of local government authority extends to Internet based department programs that provide for self-certification.

Local Government Delegation

The bill creates a process for the Governor and Cabinet to review local government delegation requests that have been denied by the Department of Environmental Protection for environmental resource permitting.

Reenact Provisions of Chapter 2009-96, LOF

The bill protects those actions taken in good faith under the law created by SB 360 during the 2009 legislative session (ch. 2009-96, LOF) by reenacting the provisions relating to permit extensions, DRI exemptions, and comprehensive plan amendments relating to transportation concurrency exception areas.

Underground Fuel Tanks

The bill extends the date by which certain fuel service station facilities must upgrade their fuel tanks.

These facilities must be in compliance with Department of Environmental Protection standards by September 30, 2011.

Local Government:

Local Government Reporting of Economic Development Incentives

In order to better assess the state's economic development efforts, the bill requires local governments to report annually to the Legislature on their economic development incentives.

Economic Development Ad Valorem Tax Exemption

The bill allows local governments to extend economic development ad valorem tax exemptions in 10-year increments. This provision is subject to referendum for each 10-year period.

Admissions Tax

The bill re-enacts an admissions tax exemption for certain events sponsored by government and nonprofit entities. Further, the bill provides an admissions tax

exemption for certain professional sporting events if such events are held in the state.

Spring Training Franchises

The bill directs the Office of Tourism, Trade, and Economic Development (OTTED) and its partners to develop a strategic plan to help guide the future of spring training baseball in Florida. In addition, the bill expands the scope of the incentive, which is currently restricted to “retained” spring training franchises that were based in Florida prior to 2000, to include any spring training franchise. This allows the incentive to be used by local communities to attract Arizona-based teams to Florida, should additional state funding become available. It also recognizes the validity of an agreement certified under the existing spring training provisions of law and the continued release of funding by OTTED for a certified applicant under the current law governing spring training franchises.

Beach Restoration

The bill provides an appropriation of \$1 million nonrecurring funds from the General Revenue Fund to the Department of Environmental Protection for beach restoration.

Local Government Matching Grants

The bill funds a \$3 million local government matching grants program which provides a 50-percent match of local government expenditures, up to \$50,000, that are used to attract and retain businesses in Florida.

Defense Infrastructure Grants

The bill authorizes \$4 million (\$2 million contingent upon the enactment of federal law extending the enhanced Federal Medicaid Assistance Percentage (FMAP) rate) in Defense Infrastructure Grants to local communities for support projects associated with Florida’s military installations.

Regional Rural Development Grants Program

The bill authorizes economic development organizations to use regional rural development matching grants to provide technical assistance to businesses located in rural counties and communities.

Miscellaneous:

Sales Tax Exemption

The bill exempts from sales tax on rental of commercial property any percentage-based rental by persons providing certain telecom services at civic centers or public meeting places in public lodging establishments.

Enterprise Zones

For condominiums, the bill eliminates the enterprise zone building materials sales tax exemption.

Aircraft

The bill allows temporary visits to Florida by aircraft owners without triggering sales and use tax liability on the aircraft.

Office of Tourism, Trade, and Economic Development

The bill creates and funds one position in the Office to administer the provisions of the bill that affect the Office.

Studies:

The bill requires the Office of Program Policy Analysis & Government Accountability to conduct reviews of the Enterprise Zone Program and the Research Commercialization Matching Grant Program.

HB 7109 - Tax Refund Program for Qualified Target Industry Businesses

Governor Crist signed the bill into law on May 27, 2010.

The tax refund program for qualified target industry (QTI) businesses was designed to encourage the recruitment or creation of higher-paying, higher-skilled jobs for Floridians. The QTI program awards eligible businesses tax refunds on certain state or local taxes. The amount of the refund awarded is based on the wages paid, number of jobs created, and where in the state the eligible business chooses to locate or expand. The minimum is \$3,000 per employee over the term of the incentive agreement signed by the business and the Governor's Office of Tourism, Trade, and Economic Development (OTTED). The bill makes the following changes to the QTI program to increase its efficiency and maximize its value, including: extending the program until June 30, 2020; creating a definition of return on investment; allowing leased employees to be included in the job count; directing OTTED to begin a review of terminated QTI projects to determine the reason for termination; requiring a review of the targeted industry list every three years in cooperation with economic development partners and universities; extending to 2012 the date by which QTI businesses may request economic recovery extensions; and exempting renewable-energy economic development projects from the requirement that qualified target industries must be independent of Florida resources and markets. Unless reenacted by the Legislature, the QTI program sunsets on June 30, 2010.

HB 7033 - Unemployment Compensation

Governor Crist signed the bill into law on March 2, 2010.

Businesses are responsible for the cost of unemployment compensation and fund it through payments into the Unemployment Compensation (UC) Trust Fund for any employees the business has laid off. Due to the severe downturn in the economy and insolvency of the UC Trust Fund, UC tax rates were set to rise dramatically. To provide temporary relief from these tax increases, the bill suspends the positive adjustment tax rate factor for the next two years, amends portions of the UC statutes, and suspends changes made in the 2009 Legislative session.

The bill reduces the taxable wage base from \$8,500 to \$7,000 for two years. In 2012, the wage base returns to \$8,500, and then reverts back to \$7,000 in 2015 unless there are outstanding loan balances owed to the federal government. The bill allows employers to pay UC for 2010 and 2011 in quarterly installments, and provides for payment of interest on federal advances through an employer assessment. Tax payments to the UC Trust Fund will be reduced by an estimated \$942 million in FY 2009-10 and \$934 million in FY 2010-11. However, this will result in greater borrowing from the federal government to pay benefits, and more interest due to the federal government than under current law.

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The bill also provides for an extension of the "State Extended Benefits" (EB) program, effective January 2, 2010, through February 27, 2010. The federally funded program will cover up to 8 additional weeks for claimants, which could affect an estimated 15,000 Floridians. The total cost to state and local governments to implement EB is approximately \$612,633. (See CS/CS/SB 1736 for a further extension of the State Extended Benefits program.)

The bill appropriates \$903,642 to the Department of Revenue and \$643,862 to the Agency for Workforce Innovation for FY 2009-10 to implement the act.

The bill was effective upon becoming law March 2, 2010, except as otherwise provided, applied retroactively to June 29, 2009, and was codified as ch. 2010-1, Laws of Florida.

SB 1736 - Unemployment Compensation

Governor Crist signed the bill into law on May 17, 2010.

The bill makes several changes to laws related to unemployment compensation.

Temporary State Extended Unemployment Compensation Benefits

The bill extends temporary state extended benefits from February 27, 2010 through June 2, 2010. The extension will fund up to 14 additional weeks of benefits for claimants. Under this federal extension, temporary state extended benefits for former private sector employees are 100 percent federally funded (approximately \$128.1 million). Approximately 107,000 Floridians will be eligible to receive additional weeks through this extension.

Extended benefits for former state and local government employees do not qualify for federal funding and must be paid by the governmental entity. The cost is estimated to total \$3.6 million, of which approximately \$1.1 million is from state funds and \$2.6 million from local government funds.

Reemployment of Unemployment Compensation Claimants

To better link claimants with the state's job bank system and available job opportunities, the bill requires an unemployed person seeking benefits to register with the workforce information system (Employ Florida Marketplace) as part of the process for filing a claim. Claimants are also required to report to their local one-stop employment center.

Employer Response to Notice of Claim

When a claim for unemployment is first filed with the Agency for Workforce Innovation (AWI), employers of record are sent a notice of claim and an initial monetary determination of the amount of the claim. The bill requires employers to timely respond to the notice of claim within 20 days. Failure to respond will result in those benefits being charged to the employer's account. A claimant would not be required to repay any overpayments due to the employer's failure to respond, so long as there is no fraud involved. Such efforts may reduce overpayments to unemployed individuals, and in turn, reduce the burden of socialized costs on all employers' unemployment compensation tax rates.

Unemployment Compensation Trust Fund Trigger

The bill changes the trust fund balance date for the adjustment factor calculation from June 30 to September 30, which is closer to the beginning of the year to which the tax calculation applies.

Unemployment Compensation Tax Administration

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This bill includes several statutory changes that may improve tax administration and improve the Department of Revenue's (DOR) enforcement of UC tax laws such as updating enforcement provisions related to delinquent UC tax collections by conforming Florida's UC tax liens to federal law, and imposing reasonable disincentives on businesses that routinely submit erroneous, incorrect or incomplete quarterly reports to DOR, or that fail to comply with the current law to submit the information in the required format.

The bill also makes changes recommended by the Division of Statutory Revision including amending s. 443.141, F.S., to update a reference to the federal bankruptcy act, and amending s. 443.1715, F.S., to replace a reference to the former Florida Department of Labor and Employment Security.

RED LIGHT CAMERAS

HB 325 - Uniform Traffic Control

Governor Crist signed the bill into law on May 13, 2010.

The bill creates the "Mark Wandall Traffic Safety Act," expressly preempting to the state regulation of the use of cameras to enforce the provisions of ch. 316, F.S., and authorizing the Department of Highway Safety and Motor Vehicles (DHSMV), counties, and municipalities to use cameras to enforce violations of ss. 316.074(1) and 316.075(1)(c)1., F.S., for a driver's failure to stop at a traffic signal.

The bill defines a "traffic infraction detector" as a vehicle sensor and a camera, working in connection with a traffic control device, to record a series of images or video of motor vehicles failing to stop at an intersection. The detector must be capable of recording only the rear of the motor vehicle, and any notification or citation issued from a detector must show the license tag of the offending vehicle and the traffic control device.

The bill requires signage at intersections using traffic infraction detectors, and provides that traffic infraction detectors may not be used to enforce violations when the driver is making a right turn in a careful and prudent manner.

The bill provides processes regarding required notifications, the issuance of citations to registered owners of motor vehicles, and defenses available to vehicle owners. Notifications and citations must include the images indicating that the motor vehicle violated a traffic control device, and must offer a physical location or an Internet address where images or video may be reviewed. When a citation is issued, it may be challenged in a judicial proceeding in the same manner as other traffic violations. A contested citation upheld by the court may result in additional court costs and fees.

The bill increases the penalty for any violations of s. 316.074(1) or S. 316.075(1)(c)1., F.S., from \$125 to \$158, regardless of the method of enforcement, and provides for distribution of revenue collected as follows. When a citation is issued by a law enforcement officer:

\$60 is distributed to local governments and to various law enforcement, healthcare, and other areas as provided in s. 318.21, F.S.;

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\$65 is distributed to the Department of Health Administrative Trust Fund;

\$30 is distributed to the General Revenue Fund; and

\$3 is distributed to the Brain and Spinal Cord Injury Trust Fund.

When a notification or citation is issued by the Department of Highway Safety and Motor Vehicles:

\$100 is distributed to the General Revenue Fund;

\$10 is distributed to the Department of Health Administrative Trust Fund;

\$3 is distributed to the Brain and Spinal Cord Injury Trust Fund; and

\$45 is distributed to the local county or municipality in which the traffic infraction detector is located.

When a notification or citation is issued by a county or municipality:

\$70 is distributed to the General Revenue Fund;

\$10 is distributed to the Department of Health Administrative Trust Fund;

\$3 is distributed to the Brain and Spinal Cord Injury Trust Fund; and

\$75 is distributed to the local county or municipality in which the traffic infraction detector is located.

Points may not be assessed against a driver's license for infractions enforced by the use of a traffic infraction detector, and violations may not be used for purposes of setting motor vehicle insurance rates.

The bill provides a transitional period for those counties and municipalities instituting a traffic infraction detector program on or before July 1, 2011. These counties and municipalities may continue to use equipment acquired under an agreement entered into on or before July 1, 2011.

The bill provides that an individual may not receive a commission or per-ticket fee from any revenue collected from violations detected through the use of a traffic infraction detector, and provides that a manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

Each governmental entity that operates a traffic infraction detector must submit an annual report to DHSMV which details the results of the detectors and the procedures for enforcement. DHSMV must subsequently submit an annual summary report to the Governor and Legislature. The report must include a review of the information submitted by the counties and municipalities and any recommendations or necessary legislation.

The bill provides a severability clause.

PROPERTY ASSESSMENTS

HB 965 - Real Property Assessment

Governor Crist signed the bill into law on June 1, 2010.

The bill requires property appraisers to take into consideration the presence of tainted imported or domestic drywall in single family residential properties and the impact it has on the assessed value. If the tainted drywall was used in construction of, or improvements to, the home and it has a significant negative impact on the just value of the property or improvement to the property, the appraiser must adjust the assessed value. In addition, the purchaser must have

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been unaware of the presence of the tainted drywall at the time of purchase. If the building cannot be used for its intended purpose without remediation or repair, the value of the building shall be \$0.

Imported or domestic drywall covered in this act is defined as drywall that contains elevated levels of elemental sulfur that results in corrosion of certain metals.

If the affected property is homestead property, it will not be considered abandoned if the owner vacates the property during repairs and does not establish a new homestead.

The bill contains a provision that the law will be repealed on July 1, 2017, unless reviewed and reenacted by the Legislature before that date.

HB 927 - Real Property

Governor Crist signed the bill into law on May 26, 2010.

The Florida Constitution contains a provision that limits the assessment of homestead properties for property tax purposes. The provision is commonly referred to as Save Our Homes (SOH). Under SOH, annual increases in valuation for tax purposes on homestead property are limited during the period that a person maintains the homestead exemption. However, upon a change in ownership, the valuation must be increased to full value for tax purposes. Current law provides that certain types of real property transfers, including transfers between legal and equitable title, are not considered a change in ownership that would require an increased valuation when, subsequent to the transfer, the same person is entitled to the homestead exemption as was previously entitled. Individuals commonly transfer their homestead from legal ownership to various forms of equitable ownership as part of their estate planning. This bill provides that transfers between different forms of equitable title are similarly not considered a change in ownership. Also, a transfer to a certain form of long-term leasehold interest will not be considered a change in ownership.

Similar to Save Our Homes, current law limits increases in property tax assessments applicable to property that is not homestead property. Because a change in ownership is not apparent when only ownership interests in a business entity are transferred, current law requires business entities to notify the property appraiser upon the sale of a majority interest in a business entity. This bill requires the Department of Revenue to create a standard notification form, provides that a recorded deed serves as the required notice, and provides that a cumulative sale of a majority of the stock of a publicly traded stock is not considered a change in ownership unless such sale is part of a merger or acquisition.

HB 1279 - Assessment of Property for Back Ad Valorem Taxes

Governor Crist signed the bill into law on May 12, 2010.

The bill provides that the requirement to assess and collect for three years of back ad valorem taxes, if such taxes may have been lawfully assessed and have not been collected, is not applicable if:

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The owner of a building, structure or improvement that has not been previously assessed complied with all necessary permitting requirements when the improvement was completed; or

The owner of real property voluntarily discloses to the property appraiser the existence of the property before January 1 of the year the property is first assessed.

SENIOR SERVICES

SB 814 - Lifeline Telecommunications Service

Governor Crist signed the bill into law on June 3, 2010.

Lifeline Assistance is a program under the federal Universal Service Fund that, among other things, provides credits against the cost of basic local telecommunications service to qualifying low-income customers to encourage those customers to subscribe to telephone service. Carriers that are designated as eligible telecommunications carriers (ETCs) are eligible to participate in and receive benefits from the federal Universal Service Fund. All ETCs in Florida that are local exchange telecommunications companies with more than 1 million access lines must provide Lifeline services to qualifying customers or potential customers if the customer's income is 150 percent or less of the federal poverty income guidelines (the "income eligibility test").

The bill authorizes commercial mobile radio service providers (e.g., wireless service providers) designated as ETCs to utilize the income eligibility test to qualify customers for the Lifeline program.

The bill also authorizes the Department of Children and Family Services (DCF), the Department of Education (DOE), the Public Service Commission (PSC), and the Office of Public Counsel (OPC) to exchange sufficient information with appropriate ETCs, such as a person's name, date of birth, service address, and telephone number, so that the carriers can identify and enroll an eligible person in the Lifeline and Link-Up programs. The bill provides that this information will remain confidential and may only be used for purposes of determining eligibility and enrollment in Lifeline.

The bill extends until December 31, 2010, the deadline for development of procedures by DCF, DOE, PSC, and telecommunications companies to promote Lifeline participation. The bill amends the requirement for development of such procedures to specify that the telecommunications companies participating in development of these procedures are those that are "designated eligible telecommunications carriers" providing Lifeline services.

The bill also provides that by December 31, 2010, the PSC, DCF, OPC, and each eligible telecommunications carrier offering Lifeline and Link-Up services must convene a "Lifeline Workgroup" to discuss how eligible subscriber information will be shared, the obligations of each party with respect to that information, and the procedures to be implemented to verify eligibility in these programs.

HB 91 - Adult Protective Services

Governor Crist signed the bill into law on May 7, 2010.

HB 91 changes several definitions used in ch. 415, F.S., relating to adult protective services. The bill replaces the terms "disabled adult" and "elderly persons" with the term "vulnerable adult," and adds "sensory" to the term "vulnerable adult." The bill creates a definition for "activities of daily living" that conforms the phrase with its use in Part II of ch. 429, F.S., relating to adult family-care homes.

The bill provides that the central abuse hotline must transfer to the appropriate county sheriff's office reports of known or suspected abuse of a vulnerable adult involving a person other than a relative, caregiver, or household member. This change aligns the abuse of vulnerable adult reporting requirements with the abuse of children reporting requirements.

The bill authorizes the Department of Children & Families (Department), upon a good faith belief that a vulnerable adult lacks the capacity, to file a petition to determine capacity in emergency and nonemergency adult protective proceedings, pursuant to s. 744.3201, F.S. A copy of a petition for appointment of a guardian or emergency temporary guardian can be filed along with a petition to determine capacity. The bill prohibits the Department from serving as guardian or providing legal counsel to the guardian once such petition has been filed.

The bill provides the Department with access to records of the Department of Highway Safety & Motor Vehicles for use in conducting protective investigations. The bill has no impact on state or local government.

HB 945 - Automated External Defibrillators in Assisted Living Facilities

Governor Crist signed the bill into law on June 3, 2010.

An assisted living facility (ALF) is a residential establishment for adults that provides housing, meals, and one or more personal services relating to the activities of daily living. Activities of daily living include:

ambulation, bathing, dressing, eating, grooming, toileting, and other similar tasks. Automated external defibrillators (AEDs) are computerized devices that are used by healthcare providers and by lay rescuers to revive victims who are thought to be in cardiac arrest.

The bill amends s. 429.255, F.S., effective July 1, 2011, to provide that an ALF with 17 or more beds must have on the premises at all times a functioning AED. The bill encourages the location of the AED to be registered with the medical director of the local emergency medical service.

The bill directs that facility staff may withdraw or withhold the use of an AED if presented with an order not to resuscitate in the same manner as they can now withdraw or withhold cardiopulmonary resuscitation. The civil immunity provisions of the Cardiac Arrest Survival Act and the Good Samaritan Act will apply to both the ALF and the facility staff.

The bill provides that the Department of Elder Affairs may adopt rules relating to the use of an automated external defibrillator in an ALF.

The bill provides an appropriation of \$11,200 in nonrecurring revenue and \$22,447 in recurring revenue in FY 2010-2011 and \$113,030 in recurring revenue in FY 2011-2012 from the General Revenue Fund to the Agency for

Health Care Administration for two Health Facility Evaluators (two FTEs) to implement the provisions of the bill.

HEALTH CARE

HJR 37 - Health Care Services

The constitutional amendment was filed by the Secretary of State on May 20, 2010. It will appear on the November 2, 2010 ballot.

HJR 37 proposes to amend Section 28 of Article I of the Florida Constitution. The joint resolution prohibits any person, employer, or health care provider from being compelled to participate in any health care system. The joint resolution authorizes any person or employer to pay directly for health care services and provides that persons or employers shall not incur a penalty or fine for direct payment.

The joint resolution authorizes a health care provider to accept direct payment and prohibits penalties and fines for providers accepting direct payment.

The joint resolution permits reasonable regulation but bans any law or rule which prohibits private health insurance sales or purchases.

Nothing in the joint resolution will affect:

Which health care services a provider is required to perform;

Which health care services are permitted by law;

Worker's compensation care as provided by general law;

Laws or rules in effect as of March 1, 2010;

Negotiated provisions in any insurance contract, network agreement, or other provider agreement contractually limiting co-payments, coinsurance, deductibles, or other patient charges; and

Any general law passed by a two-thirds vote of the membership of each house, provided that the law states with specificity the public necessity justifying the exemption.

The joint resolution provides definitions and usage of its terms and includes a ballot summary.

The joint resolution was approved by three-fifths vote of the membership of each house; thus it will be presented to the electors of Florida at the November 2, 2010 general election. Approval requires a favorable vote from 60 percent or more of the electors voting on the measure.

The joint resolution has a negative, non-recurring fiscal impact on state government of \$90,800. The Department of State must expend funds to meet constitutional publishing requirements for the proposed constitutional amendment.

If approved by the voters, the joint resolution would take effect January 4, 2011.

SB 742 - Public Safety Telecommunicators/E911

Governor Crist signed the bill into law on June 3, 2010.

SB 742 creates a mandatory certification program, effective October 1, 2012, for 911 public safety telecommunicators, whose job duties include answering,

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receiving, and transferring 911 calls, or dispatching emergency services throughout the state. The bill provides for education and training standards, continuing education, discipline, fees and rulemaking authority.

After October 1, 2012, individuals seeking certification must complete a 232-hour training program approved by the Department of Education, and pass an examination administered by the Department of Health. The bill creates several exceptions to these requirements:

Persons employed as 911 public safety telecommunicators, sworn state-certified law enforcement officers or state-certified firefighters before April 1, 2012, who pass the examination, are not required to complete the training program.

Trainees who work under the direct supervision of a certified dispatcher and are enrolled in a public safety telecommunication may be employed by a public safety agency, without certification, for no more than 12 months.

Individuals with three years of full-time employment as 911 public safety telecommunicators since 2002 may qualify for certification without completing an approved training program and passing an examination; however, this exemption expires October 1, 2012.

The bill requires all certified 911 public safety telecommunicators to complete 20 hours of additional training for biannual certification renewal. The Department of Health may waive the 911 public safety telecommunicator certification requirements when the Governor declares a state of emergency pursuant to s. 252.36, F.S.

The bill may require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill is not a prohibited local mandate because it applies to all persons similarly situated (including the state) and includes a statement of public interest pursuant to s. 18 of art. VII of the Florida Constitution. The bill will have an indeterminate negative fiscal impact on local governments.

The bill authorizes the Department of Health to charge fees for certification, certification renewal, examination, and training program approval, which must be deposited into the Emergency Medical Services Trust Fund. The bill authorizes the use of funds in the Emergency Communications Number E911 System Fund to cover dispatching functions and the certification and renewal fees for 911 public safety telecommunicators. According to the Department of Management Services, the bill will have a negative fiscal impact on that Fund. The fiscal impact to other state agencies is indeterminate.

PROPERTY INSURANCE

SB 2044 - Insurance

Governor Crist vetoed the bill on June 1, 2010.

This bill makes numerous changes to insurance laws, primarily property insurance laws. Specifically, the bill makes the following changes:

Florida Hurricane Catastrophe Fund

Exempts medical malpractice insurance from assessments levied by the Florida Hurricane Catastrophe Fund for another three years, until May 31, 2013.

Surplus for Property Insurance Companies to Maintain an Insurance License

Increases surplus for residential property insurance companies licensed after July 1, 2010 to maintain an insurance license from \$4 million to \$15 million; and
Increases surplus for residential property insurance companies licensed before July 1, 2010 to maintain an insurance license from \$4 million to \$15 million over a ten-year period.

Additional Regulation of Residential Property Insurance Companies by the Office of Insurance Regulation (OIR)

Provides the OIR with additional regulatory authority to require residential property insurance companies to provide financial information to the OIR regarding the insurer's business with affiliates and to provide a risk-based capital plan to the OIR if the insurance company loses more than 15 percent of surplus on any quarterly or annual financial report or cumulatively for the calendar year.

OIR Regulation of Affiliates

Allows domestic property insurance companies to enter into management agreements, service contracts, and cost-sharing arrangements with affiliates only if the insurer gives notice to the OIR and the OIR does not disapprove the agreement, contract, or arrangement within a specified time period.

Managing General Agents

Allows the OIR to examine all managing general agents as if they were the insurer.

Annual Statement Preparation by Insurance Companies

Prohibits any insurer from using the same accountant or partner of an accounting firm to prepare the insurer's audited financial report for more than five consecutive years.

Crop Insurance

Changes how certain crop insurance is included in the calculation of an insurance company's writing ratio.

Exemption from Examination for Customer Representative Licensure

Exempts applicants from the examination required for licensure as a property insurance customer representative if the applicant is designated a Certified Insurance Representative from the National Association of Christian Catastrophe Insurance Adjusters.

Public Adjusters

Provides specific statements that are deceptive or misleading if the statements are contained in advertising or solicitation of public adjusters such that if a public adjuster uses these statements in advertising or solicitation, the adjuster commits an unfair and deceptive trade practice;

Requires any written advertisements by public adjusters to contain a specific disclaimer in bold print and capital letters in a specific typeface that identifies the advertisement as a solicitation for business;

Specifies certain actions a public adjuster and an insurance company must take in residential property and condominium unit owner property insurance claims, primarily relating to inspection of the damaged property, meeting with the policyholder, and notifying the insurance company of the claim;

Requires continuing education in claims adjusting for public adjuster apprentices;

Specifies additional contents for public adjuster contracts;

Adds a fee cap of 20 percent of the claim payment obtained on reopened or supplemental residential and condominium unit owner claims involving public adjusters; and

Forbids contractors from adjusting property insurance claims but allows contractors to submit bids to the policyholder to repair or replace damaged property.

Timeframe for Filing A Property Insurance Claim

Requires a notice of an initial, supplemental, or reopened personal lines residential property insurance claim resulting from windstorm or a hurricane event to be filed with the insurance company within three years after the hurricane first made landfall or the windstorm caused the damage which forms the basis of the claim; and

Precludes the timeframe for filing a property insurance claim from affecting any statute of limitations applying to initial, supplemental, or reopened claims.

Insurance Company Report Card

Requires the Insurance Consumer Advocate to publish a report card each year setting forth a letter grade for each personal residential property insurance company based on valid consumer complaints and other specified information.

OIR Action Relating to Insurance Agent Costs

Prohibits the OIR from directly or indirectly interfering in an insurance company's payment of specified costs to their insurance agents, acquisition of policyholders, advertisement, or appointment of insurance agents.

Use and File Rate Filing

Extends the prohibition on use of a "use and file" rate filing for one more year, to December 31, 2011 (from December 31, 2010).

Expedited Rate Filing

Allows more types of costs than under current law to be included in an expedited rate filing – any reinsurance costs, costs for financing products used to replace reinsurance, and an inflation trend factor can be included, rather than only reinsurance costs and costs related to the Florida Hurricane Catastrophe Fund;

Deletes the current prohibition against including any expense or profit load in costs included in an expedited rate filing;

Keeps current law limiting the use of an expedited rate filing by an insurance company to once every 12 months;

Limits the expedited rate filing to increasing premiums a maximum of ten percent per policyholder in a policy year, but allows the premium to increase more than ten percent if the additional increase is due to coverage changes made by the policyholder or due to surcharges on the policy; and

Requires the OIR to annually publish an inflation trend factor for residential property insurance for use in an expedited rate filing.

Medical Malpractice Insurance Language Repeal

Repeals obsolete language requiring the OIR to establish a presumed factor for the impact the 2003 medical malpractice law changes would have on medical malpractice insurance and requiring medical malpractice insurance companies to submit a rate filing reflecting a rate decrease at least as great as the presumed factor; and Repeals current law requiring the OIR to allow medical malpractice insurance companies to adjust medical malpractice rates if any provision of the 2003 medical malpractice law changes are invalidated by a court.

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Actuarial Certification of a Property Insurance Rate Filing

Provides the actuarial certification of an initial property insurance rate filing is not rendered false if the insurance company provides additional or supplementary information to the rate filing at the request of the OIR.

Mitigation Discounts

Allows debits (i.e. surcharges) for property that is not mitigated;

Allows a property insurance company to raise its base rates if the company's aggregate amount of mitigation discounts reduces the company's revenue in an amount that exceeds the company's reduction in aggregate loss expected from the mitigation features and includes legislative intent relating to the issue; and

Repeals the requirement that mitigation discounts be correlated with the uniform home grading scale.

Uniform Mitigation Verification Form (Mitigation Discount Form)

Allows home inspectors with certain training in hurricane mitigation to sign the mitigation discount form;

Allows insurance companies to accept a mitigation discount form signed by any person with qualifications and experience acceptable to the insurance company;

Requires mitigation discount forms to be signed only by those who personally inspect the home for the existence of mitigation features, except contractors are authorized to allow direct employees to inspect a home;

Prohibits misconduct in completing the mitigation discount form or conducting the inspection and defines misconduct;

Allows the licensing board of the inspector to discipline the inspector if misconduct occurs;

Allows discipline of the supervising contractor for the misconduct of a direct employee if a direct employee of a contractor does the inspection;

Requires any fraud relating to a mitigation discount inspection and the completion of a mitigation discount form to be reported to the Division of Insurance Fraud with immunity from liability given to the person reporting the fraud;

Requires the Division of Insurance Fraud to issue an investigative report if the Division of Insurance Fraud finds probable cause of intentional mitigation inspection fraud;

Requires the Division of Insurance Fraud to notify the OIR and the licensing agency of the mitigation inspector if a finding of probable cause of mitigation inspection fraud is made; and

Allows insurance companies to require mitigation inspection forms be independently verified before accepting the mitigation discount form as valid.

Website for Property Insurance Comparison

Requires the OIR to implement a website for property owners to compare various information about property insurance companies and property insurance products if an appropriation is given to the OIR for the website; and

Appropriates \$263,200 in nonrecurring funds and \$47,500 in recurring funds from the Insurance Regulatory Trust Fund and one FTE to the OIR for the website.

Citizens Property Insurance Corporation (Citizens)

Changes the name of the "high risk account" in Citizens to the "coastal account";

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Directs the Division of Statutory Revision to prepare a reviser's bill next Session changing the term "high risk account" to "coastal account" to conform with the changes in the bill;

Requires a Citizens Policyholder Surcharge to be paid upon cancellation, termination, or renewal of an existing Citizens' policy or upon issuance of a new Citizens' policy within 12 months after the surcharge levy or within the period of time needed to fully collect the surcharge;

Requires Citizens to fully levy the Citizens Policyholder Surcharge before levying a regular assessment;

Makes members of the Citizens Board of Governors exempt from the conflicting employment or contractual relationship provisions for public officers and agency employees;

Requires members of the Citizens Board of Governors to abstain from voting on any measure before the Board that would provide the member a gain or loss, would provide the member's principal with a gain or loss, or would provide a family member or business associate of the member a gain or loss. Provides procedures to be followed when a voting abstention occurs; and

Extends for two years (until December 1, 2012) the time period Citizens has to reduce its 100-year probable maximum loss or be required to reduce its wind-only coverage area.

Notice of Nonrenewal or Cancellation

Allows Citizens to give 45 days' notice of nonrenewal, rather than the notice of nonrenewal under current law (generally, 100 days' notice), if the policyholder's property insurance policy issued by Citizens is being assumed by a private insurance company; and Allows property insurance companies to give 45 days' notice of nonrenewal or cancellation, rather than the notice of nonrenewal or cancellation under current law (generally, 100 days' notice), if the OIR finds the insurer's policy count needs to be reduced to protect the best interests of the public or policyholders, in part, because of the inadequate financial condition of the insurance company.

Changing Insurance Policy Terms

Allows insurance companies to change the terms of an insurance policy by providing notice to the policyholder of the change of policy terms with the policy renewal notice.

Replacement Cost Coverage

For partial dwelling losses insured for replacement cost: requires the policyholder to be paid actual cash value up front less the applicable deductible with the remaining amount (up to the replacement cost) paid as the repair/replacement work is done pursuant to a repair contract.

Prohibits the policyholder from being required to advance any moneys for repair by the insurance company, the contractor, or the subcontractor, but requires the policyholder to pay any incidental expenses to mitigate further damage to the dwelling. Allows the policyholder one year after actual cash value is paid to make a claim for replacement cost;

For total dwelling losses insured for replacement cost: requires the policyholder to be paid full replacement cost (i.e., policy limits) up front and does not require the policyholder to rebuild the dwelling to obtain such payment; and

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For partial or total personal property losses insured for replacement cost: maintains current law, meaning the policyholder is paid replacement cost up front whether or not the policyholder repairs or replaces the personal property.

Time Period for Insurance Company to Pay Property Insurance Claims

Clarifies insurance companies must pay or deny an initial or supplemental property insurance claim within 90 days of receipt of notice of the claim and maintains the same exceptions under current law.

LOCAL GOVERNMENT

HB 1157 - Local Government Prompt Payment Act

Governor Crist signed the bill into law on May 26, 2010.

The bill revises provisions in Florida's Local Government Prompt Payment Act relating to the timely payment for purchases of construction services, the notification and completion of the list of items required to satisfactorily complete the construction services purchased by a local government (generally known as a "punch list"), and the resolution of disputes.

The bill requires local governments to provide notification to contractors to facilitate the payment for construction services. The local government must provide notification of:

The person or office to which a contractor should submit payment requests or invoices;

The date the local government will provide a single punch list of items to be completed;

The dispute resolution process to be used in the event of a disputed payment request or invoice;

A payment request or invoice rejected as improper, due in writing within 10 days of receipt; and

A payment request or invoice rejected for failure to meet contract requirements, due within 20 business days of receipt of the payment request or invoice.

The bill requires that a single punch list be compiled by the local government. The bill provides that the final contract completion date must be at least 30 days after the delivery of the punch list. If the punch list is not provided to the contractor by the agreed upon date for delivery, the contract time for completion is extended by the number of days the local government exceeded the delivery date. In addition, damages may not be assessed against a contractor for failing to complete a project within the time required by the contract, unless the contractor failed to do so within the contract period as extended.

Under this bill, items not included in the punch list may not be used to withhold final payment of retainage. Unless the local government has provided a written notice specifying the failure of the contractor to meet contract requirements in the development of the punch list, the final, undisputed retainage payment is due within 20 business days after receipt of a proper invoice or payment request, less any amount withheld for incomplete or uncorrected work.

The bill provides that contractors may trigger a four-business-day response by local governments by issuing a notice that the local government is overdue on a

payment or has failed to begin dispute resolution within the timeframes provided by law or contract.

This bill removes language related to court proceedings, which broadens the ability of the prevailing party to be awarded court costs and attorney's fees.

SB 2060 - Sovereign Immunity

Governor Crist signed the bill into law on April 27, 2010.

Sovereign immunity is a doctrine that prohibits lawsuits against the government without the government's consent.

In 1973, the Florida Legislature enacted a limited waiver of sovereign immunity in s. 768.28, F.S. This section provides that the state and its agencies and subdivisions shall be liable for tort claims in the same manner and to the same extent as a private individual under like circumstances. The statute imposes a \$100,000 limit per person and a \$200,000 limit per incident on the collectability of any tort judgment based on the government's liability.

The bill amends s. 768.28(5), F.S., to raise the limited waiver of sovereign immunity applicable to the state, its agencies, and subdivisions from \$100,000 per individual claim and \$200,000 per aggregate claims to \$200,000 per individual claim and \$300,000 per aggregate claim on the collectability of any tort judgment.

The effective date of this bill is October 1, 2011.

GAMING

SB 622 - Gaming

Governor Crist signed the bill into law on April 28, 2010.

This bill addresses gaming in two major ways:

Seminole Tribal Compact

It ratifies the Compact executed between the Governor and the Seminole Tribe of Florida (the Tribe) on April 7, 2010, and requires the Governor to cooperate with the Tribe in seeking approval of the ratified Compact by the Secretary of the United States Department of Interior.

It also amends the Governor's authority to negotiate future tribal gaming compacts, as well as the procedures for transmitting such documents to the Legislature.

Pari-Mutuels

It changes the effective date of specific pari-mutuel provisions that were enacted in the 2009 Regular Session but which have not yet taken effect; it makes those provisions effective July 1, 2010.

The Ratified Compact (Compact)

Covered Games

The Compact grants the Tribe the right to offer Class III slots (Vegas-style slots) at their facilities in Broward and the exclusive right to offer Class III slots at their tribal facilities outside Broward and Miami-Dade. The Tribe would also have the exclusive right to offer banked card games at five of its seven tribal facilities,

specifically its three facilities in Broward County, its facility in Collier County, and its facility in Hillsborough County. The tribe would receive the right to offer banked card games at its remaining facilities if the State authorizes banked card games for any person for any purpose, except for another federally-recognized tribe that has land in federal trust as of February 1, 2010. Additionally, the Tribe is granted the right to offer raffles and drawings and any new game authorized by Florida law for any person for any purpose.

Term of the Compact

The Compact grants the Tribe the right to operate slot machines for 20 years and the right to operate banked card games at its facilities in Broward, Collier, and Hillsborough Counties for the first 5 years of the Compact. If the Legislature does not affirmatively renew the banked card games, the Tribe must cease operating banked card games within 90 days of the expiration of the five-year term. If the Tribe does not cease operations, the State is entitled to seek immediate injunctive relief in court.

Tribal Payments

The Compact provides that the Tribe agrees to make payments to the State from the Tribe's net win in consideration of the substantial exclusivity accorded to the Tribe by the State. Net win is defined in the Compact to mean the "total receipts from the play of all covered games less all prize payouts and free play or promotional credits issued by the Tribe."

The Compact also provides that the State shall be reimbursed for the cost of regulation in an amount not to exceed a \$250,000 annual oversight assessment. Additionally, it requires the Tribe to contribute \$250,000 per facility per year to the Florida Council on Compulsive Gambling.

Finally, the Compact requires the Tribe to continue making payments to the State prior to the Compact taking effect so long as the Tribe continues operating Class III gaming and provides that moneys paid by the Tribe prior to the Compact going into effect are released by the Tribe without further obligation or encumbrance.

The Compact does not designate where revenue sharing is to be deposited; however, the bill directs their deposit into the General Revenue Fund (GR). The Compact specifies that 3 percent of the Tribe's revenue share payment to the State is to offset impacts to local government as provided by the Legislature. In accordance with the ratified Compact, the bill details a schedule for the distribution of 3 percent of the revenue share payment from GR to local government.

Exclusivity & Reduction of Revenue Sharing

Under the Compact, the tribal exclusivity is considered breached and tribal revenue sharing ceases if Florida law is amended or interpreted to authorize Class III gaming or "other casino style games" not in operation on February 1, 2010. The phrase "other casino style games" is defined to include slot machines, electronically assisted bingo or electronically assisted pull tab games, table games, and VLTs or similar games.

Under the Compact, if the discontinuance of revenue share provisions is triggered by legislative act or constitutional amendment (i.e., new gaming is authorized) then revenue sharing will cease when the newly authorized gaming begins. If the discontinuance of revenue share provisions are triggered by

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judicial ruling or administrative act and the new gaming begins, the Tribe will continue to make payments into an escrow account. The Legislature will have 12 months to act to remedy the breach of exclusivity. If the gaming is stopped or the Legislature makes the activity illegal, the moneys will be released to the State. If the Legislature fails to act or the gaming continues beyond 12 months, then the moneys will be released to the Tribe.

The Compact further provides exceptions that would not be considered a breach of exclusivity and,

therefore, would not result in a complete discontinuance in revenue sharing.

These exceptions include the operation of the following games or activities:

Slot machines at the eight presently operating licensed pari-mutuel facilities in Broward and Miami-Dade Counties provided the licenses are not transferred or moved to operate slot machines at another location;

Pari-mutuel wagering activities at pari-mutuel facilities licensed by the State;

Poker, including no-limit poker, at card rooms licensed by the State;

Lottery games of the type authorized by law and operated by the Florida Department of Lottery (DOL) as of February 1, 2010, excluding any:

Player-activated or operated machines or devices *other* than up to a maximum of 10 electronic lottery vending machines at any one facility which dispense:

Instant paper tickets (i.e., scratch-offs);

Paper tickets where the winner is selected at a later drawing conducted by DOL; or Electronic instant tickets where a winning ticket is selected by touch screen; however, electronic instant ticket machines may not be installed at licensed pari-mutuel facilities. Banked or banking card or table games.

Games authorized by ch. 849, F.S., as of February 1, 2010, which would include bingo, penny ante poker, dominoes, et cetera;

A combined total of not more than 350 restricted Historic Racing Machines and restricted Electronic Bingo Machines, as authorized by law, at each pari-mutuel facility licensed as of February 1, 2010, except for pari-mutuel facilities in Broward County or Miami-Dade County; or Class III games authorized by a State compact with another federally-recognized tribe with land in federal trust in Florida as of February 1, 2010.

Therefore, additional exceptions in the Compact that would not trigger a complete discontinuance or cessation of revenue sharing but could have the effect of reducing revenue sharing payments.

Authorization of the following gaming activities could reduce revenue sharing payments under certain conditions:

Authorization of Class III or other "casino style games" (except slots) at the eight presently operating licensed pari-mutuel facilities in Broward and Miami-Dade Counties would entitle the Broward Tribal facilities to reduce their payments by an amount equal to 50 percent of any decline in their revenues. In addition, the Tribe would no longer be subject to paying the guaranteed minimums, but instead would make payments in accordance with the percentage revenue sharing schedule.

Authorization by law or constitutional amendment of any new Class III or other casino style games at a facility in Broward or Miami-Dade Counties—other than at any of the eight presently operating licensed pari-mutuel facilities in those counties—would trigger a cessation of the revenue share derived from the

Broward tribal facilities. The Tribe would also be released from making the guaranteed minimum payments; however, they would still be obligated to make payments based on the percentage revenue sharing schedule and the net win generated from the Tribe's facilities outside of Broward.

Authorization of Internet/online gaming by the State would relieve the Tribe from making the guaranteed minimum payments if the Tribe's net win declines more than 5 percent. However, the Tribe would still be required to make payments based on the percentage revenue sharing schedule. Also, the Tribe would not be relieved from paying the guaranteed minimums if the Tribe itself engages in Internet gaming or the decline in Tribal net win is actually due to acts of God, war, terrorism, fires, floods or accidents causing damage to or destruction of one or more of the Tribe's facilities.

State Oversight and Independent Audits

Under the Compact, regulatory responsibility belongs to the Tribe; however, the State has an oversight role to ensure compliance with the Compact's terms. The Tribe is responsible for ensuring that facilities and covered games are operated in compliance with the Seminole Tribal Gaming Code, the rules, regulations, procedures, specifications and standards adopted by the National Indian Gaming Commission and the Compact. The bill statutorily designates the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation as the state agency to carry out oversight responsibilities. The Compact authorizes the State to conduct a random inspection each month which

shall not last for more than two days or 10 hours, except when substantial noncompliance is discovered, and additional time is deemed necessary by the Department. There is an annual cap of 1200 on-site hours for all random inspections and audits across all facilities. Although the Department may have access to the public areas without notice, the Department must notify the Seminole Tribe Gaming Commission at the commencement of an inspection, and at least one-hour notice is required when the inspection will include non-public areas of the facility. Additionally, the State may secure an annual independent audit of the operation of covered games and the revenues connected with covered games.

Patron Disputes and Waiver of Immunity in Tort

Under the Compact, all patron disputes related to covered games will be handled pursuant to tribal policies in the Seminole Tribal Gaming Code. Workers' Compensation claims are handled in accordance with the Tribe's Worker's Compensation Ordinance.

A patron who is injured in a facility where covered games are played must provide written notice to the Tribe of the claim. The Tribe has 30 days to respond and begin to resolve the claim. If the Tribe does not respond, the patron may seek relief in any court of competent jurisdiction. If the Tribe does respond, they have a year to resolve the claim. After one year the patron may seek relief in any court of competent jurisdiction. Patron tort claims are subject to a 4-year statute of limitations, but the patron must give notice to the Tribe within 3 years of the incident or the claim is barred.

In the Compact, the Tribe waives its sovereign immunity for tort claims in the same levels waived by the State: up to a \$100,000 per person and \$200,000 per occurrence. The Tribe must maintain insurance coverage sufficient to pay

covered claims made by patrons up to the immunity waiver limits. Patron claims against the Tribe or its subordinate governmental or economic units or agents must be made solely against the Tribe as the only party in interest.

State/Tribal Dispute Resolution

The Compact provides that if either party believes the other has breached the terms of the Compact or a dispute otherwise arises, the party asserting noncompliance or seeking an interpretation shall notify the other party in writing. The State and the Tribe shall meet within 30 days of such notice to attempt to resolve any dispute. If the matter is not resolved, the parties must seek resolution through mediation;

however, the duration of the mediation is limited to no more than 60 calendar days, unless the parties negotiate an extension. If there is no resolution after mediation, the parties may seek relief in federal court. If the federal court declines to exercise jurisdiction or if precedent exists that denies a federal court jurisdiction over the matter, the parties may seek relief in state circuit court in Broward County.

The Tribe waives its sovereign immunity from suit under the Compact, but the waiver does not extend to any third party who is joined or intervenes. If a third party's participation would result in the waiver of sovereign immunity as to that third party, the Tribe may revoke its waiver of sovereign immunity entirely.

Amendment of the Compact or Tribal Rules & Regulations

The Compact states that any amendment of the Compact must be by "written agreement of the parties" subject to approval of the Secretary of the Interior; furthermore, any amendment that alters the provisions relating to the covered games, the amount of revenue payments, the suspension or reduction of revenue payments, or the exclusivity of gaming operations must be ratified by the Florida Legislature.

Miscellaneous

The Compact requires the Tribe to maintain a minimum payout of 85 percent per facility for slot machines. The Tribe must also provide non-smoking gaming areas at all facilities within five years. The Tribe must also maintain its programs related to prevent problem gaming, drunk driving and underage drinking.

The Pari-mutuel Provisions

The bill changes the effective date of certain pari-mutuel provisions that were enacted in the 2009 Extended Regular Session. The legislation made those provisions effective only if a Seminole gaming Compact was negotiated in accordance with the legislation, was ratified by the Legislature, and then approved at the federal level. Since those contingent events never occurred, the pari-mutuel provisions have not taken effect yet. The bill specifies July 1, 2010, as the date for them to take effect and removes the contingencies related to the approval of a gaming Compact.

The major pari-mutuel provisions enacted in the 2009 Extended Regular Session contained in ch. 2009-170, Laws of Florida, which this bill makes effective July 1, 2010, include:

Reducing the tax rate on slot machine revenue from 50 percent to 35 percent but requiring the payment of tax revenue in an amount no less than the amount collected in FY 2008-2009;

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Gradually reducing the slot machine annual license fee from \$3 million to \$2 million;

Allowing for slot machines to be linked using a progressive system;

Providing that the payout percentage of a slot machine facility shall be no less than 85 percent;

Authorizing Class III slot machines in a county that has had a referendum approving slots or has a referendum approving slots that was approved by law or the Constitution provided that such facility has conducted two years of racing and complies with other requirements for slot licensure;

Providing that an initial cardroom license shall not be issued unless the permitholder has a facility and has begun racing;

Allowing for the conduct of no limit poker in cardrooms;

Extending the hours of cardroom operation from 12 hours per day to 18 hours per day Monday through Friday and 24 hours per day Saturday and Sunday.

Gradually increasing the number of performances that comprise a full schedule of live racing for quarter horses;

Allowing quarter horse permitholders to run thoroughbred races up to 50 percent of the time;

Authorizing a quarter horse permit to convert to a limited thoroughbred permit;

Restricting quarter horse permit holders to a 35-mile lease restriction;

Authorizing a jai alai permit to convert to a greyhound permit if certain requirements are satisfied;

Streamlining regulatory procedures for the pari-mutuel industry by:

Changing the term "year" to FY instead of calendar year;

Requiring monthly payment of taxes instead of weekly payments beginning on July 1, 2012;

Providing a consistent definition of the term "conviction" for purposes of licensure;

Providing flexibility for occupational license renewal and fees;

Providing enhanced fingerprint regulations;

Expanding the current cruelty to animal prohibitions; and

Providing for greater flexibility in the payment of breeders' and stallion awards.

PUBLIC SAFETY

HB 11 - Crimes Against Homeless Persons

Governor Crist signed the bill into law on May 12, 2010.

Currently, s. 775.085, F.S., provides that the penalty for any felony or misdemeanor offense must be reclassified if the commission of the offense evidences prejudice based on the race, color, ancestry, ethnicity, religion, sexual orientation, national origin, mental or physical disability, or advanced age of the victim. This is commonly known as the "hate crime" statute.

HB 11 provides that the penalty for any felony or misdemeanor offense must be reclassified if the commission of the offense evidences prejudice based on the homeless status of the victim.

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HB 33 - Selling, Giving, or Serving Alcoholic Beverages to Persons Under 21 Years of Age

Governor Crist signed the bill into law on May 12, 2010.

Section 562.11(1)(a)1., F.S., provides a second degree misdemeanor penalty for a person who sells, gives, serves, or permits to be served alcoholic beverages to a person under 21 years of age or permits a person under 21 years of age to consume such beverages on the premises of an alcoholic beverage licensee.

CS/HB 33 amends s. 562.11(1)(a)1., F.S., to make a second or subsequent violation of the statute a first degree misdemeanor if committed within one year of a prior conviction.

The bill creates a complete defense for any person charged with a violation of s. 562.11(1)(a), F.S., if:

The buyer or recipient of the alcoholic beverage falsely evidenced that he or she was 21 years of age or older;

The appearance of the buyer or recipient was such that a prudent person would believe him or her to be 21 years of age or older; and

The person carefully checked the buyer or recipient's identification card, acted in good faith and relied upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 years of age or older.

HB 119 - Sexual Offenders and Predators

Governor Crist signed the bill into law on May 26, 2010.

HB 119 creates restrictions for a person convicted of an offense listed in the sexual offender statute where the victim was under the age of 18 as follows:

The bill makes it a first degree misdemeanor if a person convicted of such an offense commits loitering or prowling within 300 feet of a place where children were congregating;

The bill makes it a first degree misdemeanor for a person convicted of such an offense to knowingly approach, contact or communicate with a child under 18 years of age in any public park building or on real property comprising any public park or playground with intent to engage in conduct of a sexual nature or to make a communication containing content of a sexual nature;

The bill also makes it a first degree misdemeanor for a person convicted of such an offense to:

Knowingly be present in any child care facility or pre-K-12 school or on real property comprising any child care facility or pre-K-12 school when the child care facility or school is in operation unless the offender has provided written notification of his or her intent to be present to the school board, superintendent, principal or child care facility owner;

Fail to notify the child care facility owner or the school principal's office when he or she arrives and departs the child care facility or school; or

Fail to remain under the direct supervision of a school official or designated chaperone when present in the vicinity of children.

CS/CS/HB 119 adds a definition of the term "transient residence" to the sexual predator and sexual offender registration statutes and requires an offender to

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provide information regarding his or her transient residence during the registration process.

The bill specifies that an offender may not be forced to move if he or she is living in a residence that complies with the statutory sex offender residency restrictions and a child care facility, park, playground or school is subsequently established within 1,000 feet of the offender's residence.

The bill specifies that a person convicted of s. 827.071, F.S. (sexual performance by a child), may be considered for removal of the requirement to register as a sexual offender or sexual predator if the person was no more than four years older than the victim and the victim was at least 14 years of age.

The bill prohibits offenders on supervision for specified sexual offenses from visiting schools, child care facilities, parks and playgrounds without prior approval of the offender's supervising officer. The bill also prohibits such offenders from distributing candy to children on Halloween, wearing specified costumes, or entertaining at children's parties without prior approval of the sentencing authority.

SB 150 - Athletic Coaches

Governor Crist signed the bill into law on May 26, 2010.

SB 150 requires an independent sanctioning authority to annually conduct a background screening of each current and prospective athletic coach of an independent youth athletic team. Such a screening must be conducted by searching a coach's name against federal and state registries of sexual predators and sexual offenders available via the Internet.

The bill requires the sanctioning authority to disqualify any athletic coach or prospective coach appearing in either registry. The bill requires the sanctioning authority to provide, within 7 business days following the background screening, written notice to the person disqualified advising him or her of the results of the background check and of disqualification. The independent sanctioning authority must maintain documentation of the results of each person screened, and the written notice of disqualification provided to each person disqualified.

In any civil suit brought against an independent sanctioning authority for harm caused by the intentional tort of an athletic coach that relates to alleged sexual misconduct, the bill creates a rebuttable presumption that the independent sanctioning authority was not negligent in authorizing the athletic coach if the sanctioning authority complied with the background screening requirements prior to authorizing a person to act as an athletic coach.

The Legislature encourages sanctioning authorities to participate in the Volunteer and Employee Criminal History System program authorized under the National Child Protection Act and s. 943.0542, F.S.

SB 768 - Luis Rivera Ortega Street Racing Act

Governor Crist signed the bill into law on June 3, 2010.

Section 316.191(2)(a), F.S., provides that a person may not:

Drive any motor vehicle, including any motorcycle, in any race, speed competition or contest,

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drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record on any highway, roadway, or parking lot;

In any manner participate in, coordinate, facilitate, or collect moneys at any location for any such race, competition, contest, test, or exhibition;

Knowingly ride as a passenger in any such race, competition, contest, test, or exhibition; or

Purposefully cause the movement of traffic to slow or stop for any such race, competition, contest, test, or exhibition.

A person who violates s. 316.191(2)(a), F.S., commits a first degree misdemeanor. In addition, the person must pay a fine of not less than \$500 and not more than \$1,000, and the person's driver license is revoked for one year. A person who commits a second violation of this section within five years after the date of a prior violation that resulted in a conviction commits a first degree misdemeanor, must pay a fine of not less than \$500 and not more than \$1,000, and the person's driver license is revoked for two years.

CS/SB 768, entitled the "Luis Rivera Ortega Street Racing Act," increases the amount of the fine a person who commits a second violation of 316.191(2), F.S., within five years of a prior violation must pay to not less than \$1,000 and not more than \$3,000. The bill provides that a person who commits a third or subsequent violation within five years of the date of a prior violation must pay a fine of not less than \$2,000 and not more than \$5,000 and shall have his or her driver license revoked for four years.

RETIREMENT BENEFITS

HB 1193 - Retirement

Governor Crist signed the bill into law on June 1, 2010.

The bill revises the definition of "special risk member" to include members of the Florida Retirement System (FRS) who suffer from a qualifying injury and are no longer capable of being employed in a Special Risk Class eligible position. Any member employed in a law enforcement, firefighting, or criminal detention position who suffers a qualifying injury in the line of duty could continue membership in the FRS Special Risk Class. However, such member must continue to work for the same employer for whom they were working when they sustained the qualifying injury. In addition, the bill defines the term "qualifying injury" as the physical loss, or loss of use, of two or more limbs. This provision of the bill applies to members reaching maximum medical improvement after August 1, 2008.

This bill also revises firefighter death benefits and expands the activities that qualify firefighters to receive death benefits to include training sessions. An additional death benefit is authorized when a firefighter is injured by an unlawful and intentional act of another in the performance of his or her duties and dies as the result of such injury. Both benefit payments are adjusted to the Consumer Price Index. This provision of the bill applies to deaths of firefighters occurring on or after November 1, 2007.

CAMPAIGN FINANCING

HB 1207 - Campaign Financing

Governor Crist vetoed the bill on April 6, 2010.

On May 22, 2009, portions of ch. 106, F.S., regulating "electioneering communications," were held unconstitutional by the United States District Court for the Northern District of Florida in *Broward Coalition v. Browning*.

The bill reenacts and amends provisions related to electioneering communication and electioneering communications organizations (ECOs) to redefine:

"Electioneering communication" to remove reference to issues, remove reference to a specific number of persons who must be targeted in a geographic area to only refer to targeting to relevant electorate in the geographic area the candidate would represent if elected, specify the allowable communication formats, regulate advocacy that is the functional equivalent of express advocacy, and provide timeframes for the communications;

"Electioneering communications organization" to clarify that it includes only those organizations with election-related activities that are limited to electioneering communications and that its activities would not require the group to register as a political party, political committee, or committee of continuous existence; and

"Political committee" to remove the requirement that an ECO conform to specified requirements of a "political committee" when it is specifically exempt from the definition.

The bill provides separate registration and reporting requirements for ECOs. It requires an organization to register as an ECO upon receipt or expenditure of an aggregate amount exceeding \$5,000, rather than when it anticipates receipt or expenditure of money. The bill also increases the amount an individual can expend before being subject to regulation from \$100 to \$5,000. It removes provisions identified as an impermissible burden on speech.

Additionally, the bill authorizes the leader of each political party conference of the state House of Representatives and Senate to establish a separate, affiliated party committee to support the election of candidates of the leader's political party. Payment of assessments for candidates for state senator and member of the House of Representatives must be paid to the respective affiliated party committee of the Senate or House of Representatives. The bill provides that specified requirements and exemptions for political parties and state executive committees apply to an affiliated party committee.

Finally, the bill removes the 28-day time limitation prior to a general election for contributions from political parties and affiliated party committees to candidates.

EDUCATION

HB 483 & HB 469 - Tax on Sales, Use, and Other Transactions

Governor Crist signed the bill into law on May 26, 2010.

The bill establishes a three-day sales tax holiday occurring August 13-15, 2010. During the sales tax holiday, the following items that cost \$50 or less are exempt from the state sales tax and county discretionary sales surtaxes:

Books (defined as a set of printed sheets bound together and published in a volume, but does not include newspapers, magazines, or other periodicals);

Clothing and Footwear (defined as an "article of wearing apparel, including all footwear, except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body," but excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs);

Wallets; and

Bags (including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags).

During the sales tax holiday, the bill also exempts school supplies that cost \$10 or less per item. School supplies exempted during the sales tax holiday are "pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators, binders, lunch boxes, construction paper, markers, folders, and poster board."

The bill provides that the sales tax holiday does not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. Thus, sales in these locations will be subject to taxation during the sales tax holiday.

The bill authorizes the Department of Revenue to adopt emergency rules to administer the sales tax holiday.

SJR 2 - Class Size Requirements for Public Schools

The constitutional amendment was filed by the Secretary of State on May 19, 2010. It will appear on the November 2, 2010 ballot.

The Joint Resolution provides voters with the opportunity to amend Section 1, Article IX of the State Constitution, relating to class size. This constitutional section currently specifies that the maximum number of students who may be assigned to a teacher in public school classrooms, by the beginning of the 2010 school year, is: (a) 18 students in prekindergarten (PreK) through grade three; (b) 22 students in grades four through eight; and (c) 25 students in grades nine through 12.

The Joint Resolution, if approved by the voters, would modify the class size requirements so that compliance, beginning with the 2010-2011 school year, would be calculated as follows:

PreK–Grade 3: The maximum number of students who could be assigned to each teacher in an individual classroom would be 21, but the average number of students assigned per class to each teacher within each public school could not exceed 18 students;

Grades 4–8: The maximum number of students who could be assigned to each teacher in an individual classroom would be 27, but the average number of students assigned per class to each teacher within each public school could not exceed 22 students; and

Grades 9–12: The maximum number of students who could be assigned to each teacher in an individual classroom would be 30, but the average number of

students assigned per class to each teacher within each public school could not exceed 25 students.

Additionally, the Joint Resolution proposes revisions that would: expand the current exemption of extracurricular classes from class size requirements to also exempt virtual classes; require the Legislature to provide sufficient funding to maintain the average number of students that would be required under the modified class size requirements; and delete obsolete language that currently requires the Legislature, beginning 2003-2004, to provide sufficient funds to reduce the average number of students in each classroom by at least two students annually.

The Joint Resolution would take effect upon approval by the voters and would operate retroactively to the beginning of the 2010-2011 school year.

SB 2126 - Florida Tax Credit Scholarship Program

Governor Crist signed the bill into law on April 22, 2010.

The Florida Tax Credit Scholarship Program provides private school scholarships to students from families that meet specified income limitations. The program is funded with contributions from corporations and insurance companies. The contributors receive a tax credit to be used against their corporate income tax or premium tax liability equal to 100 percent of their contribution. The bill makes the following changes to the program:

Tax credit cap: The bill increases the cap on the amount of credits that may be approved in a FY from \$118 million to \$140 million for FY 2010-11. For FY 2011-12 and thereafter, the cap will increase by 25 percent whenever tax credits approved in the prior FY are equal to or greater than 90 percent of the tax credit cap amount for that year.

Tax credits: The bill expands the revenue sources against which tax credits may be granted for contributions to the program to include: (1) severance taxes on oil and gas production; (2) self-accrued sales tax liabilities of direct pay permit holders; and (3) alcoholic beverage taxes.

Scholarship amount: For FY 2010-11, the bill replaces the maximum scholarship amount of \$3,950 with a variable amount stated as a percentage of the Florida Education Finance Program (FEFP) unweighted full-time equivalent (FTE) amount for that FY. For FY 2010-2011, the percentage will be 60 percent.

Beginning in FY 2011-12, the percentage increases by 4 percentage points in each FY when the tax credit cap increases, until it reaches a maximum of 80 percent.

Eligibility for certain students: The bill increases the maximum household income threshold for renewing scholarship recipients and their siblings from 200 percent of the federal poverty level to 230 percent, but reduces the maximum scholarship award available to the newly eligible scholarship recipients.

Private school accountability: The bill adds new accountability measures that:

Require each private school receiving more than \$250,000 in scholarship payments in one year to submit a financial report, referred to as an agreed-upon procedures report. The report must be completed by an independent certified public accountant and must address the adequacy of the school's accounting system and financial controls;

Require student learning gains to be published for each private school that has at least 30 scholarship students with norm-referenced test scores for two consecutive years; and
Authorize the Commissioner of Education to deny, suspend, or revoke a private school's participation in the program if an owner or operator has operated an educational institution in a manner contrary to the public's health, safety, or welfare.

REAPPORTIONMENT

SB 2284 - Legislature

Governor Crist signed the bill into law on May 17, 2010.

This bill provides that the 2012 Regular Session of the Legislature will convene on January 10, 2012.

The next regular apportionment would occur in 2012. Traditionally, the Legislature fixes an early start date for the regular session in apportionment years—years in which the Legislature redistricts Florida's state legislative and congressional district boundary lines.

For example, ch. 2001-128, Laws of Florida, provided that the 2002 Regular Session convene on January 22, 2002. ch. 91-90, Laws of Florida, provided that the 1992 Regular Session convene on January 14, 1992.

The Legislature advances the commencement of session in apportionment years in order that the redistricting plans can be timely submitted to and reviewed by the Florida Supreme Court and the United States Department of Justice, in adequate time prior to qualifying for state and federal offices in June 2012.

The bill will help reduce the possibility of voter confusion in the 2012 election cycle. The bill does not have a fiscal impact.

HJR 7231 - Standards for Establishing Legislative and Congressional District Boundaries

The constitutional amendment was filed by the Secretary of State on May 18, 2010. It will appear on the November 2, 2010 ballot

The Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the United States Census, to apportion state legislative districts (redistricting). The United States Constitution requires the reapportionment of the United States House of Representatives every ten years, which includes the distribution of the House's 435 seats between the states and the equalization of population between districts within each state.

Two citizen initiatives, related to redistricting, have already secured placement on the 2010 General Election ballot. Amendments 5 and 6, promoted by FairDistrictsFlorida.org, would add standards for state legislative and congressional redistricting to the Florida Constitution. Those standards include a prohibition against intending to favor or disfavor incumbents or political parties, protections for minority voters, compactness, adherence to political and geographical boundary lines, and others.

However, Amendments 5 and 6 do not provide definition or instructions for most of the proposed new standards, which may have the effect of restricting the range of redistricting choices available under the federal Voting Rights Act (VRA). Furthermore, the amalgamation of standards in Amendments 5 and 6 is such that they are conflicting and appear to be mutually exclusive. The proposed joint resolution would create a new Section 20 to Article III of the Florida Constitution.

The new section would add new state constitutional standards for establishing legislative and congressional district boundaries. The proposed standards in the joint resolution would complement the proposed standards in Amendments 5 and 6 and provide for a balancing of the various constitutional redistricting standards.

Background on federal Voting Rights Act

The VRA protects minority communities in which a single minority group is a majority of the community (minority-minority districts). Additionally, Section 5 of the VRA also gives special protection to minorities in five Florida counties, based on very specific evidence of past voting requirements that disfavored minorities (poll taxes, literacy tests, etc.). In those cases, the courts would interpret the VRA to mandate that secondary criteria like compactness and political and geographical boundaries cannot supersede the protections provided in federal law for minority-majority districts and Section 5 counties. However, federal law also allows states to create districts that give minorities the opportunity to elect a candidate of their choice, even though the minority community is less than a majority of the district (minority access districts), but only if no other state standard exists that would impede the creation of that district. Therefore, the courts have interpreted the VRA to mean that where other state standards exist, those state standards can be read as a priority over minority access districts. In regards to Amendments 5 and 6, standards like compactness and political and geographical boundaries could prohibit what is a purely discretionary authority, the creation of a minority access district.

For Florida, minority access districts have been a fundamental building block over the last 18 years to increase opportunities for minorities to be elected. For example, two of Florida's three African-American congressional districts are minority access districts, and none of the three districts existed for the 125 years prior to the current redistricting practices. Additionally, five of the seven African-American state senate districts are minority access districts. In all, the establishment of minority access districts has doubled African-American and Hispanic representation in the Florida Legislature and in Florida's Congressional delegation since 1992.

For the courts, an essential ingredient to establishing a legally valid minority access district is "communities of interest." The courts have accepted the creation of minority access districts when states marry that goal with the creation of districts that preserve other identifiable communities of interest. These communities of interest allow the Legislature to expand allowances for race beyond the minimum obligations of the VRA. In other words, communities of interest allow the Legislature to justify a minority district for non-racial reasons, so that the state can avoid a claim that it engaged in racebased redistricting, which would violate federal law.

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Amendments 5 and 6 do not address "communities of interest." Therefore, minority access districts cannot be protected by the language contained in Amendments 5 and 6, because by their very nature nothing can conflict with something that is purely a matter of discretion. Furthermore, creating such districts without observing other standards in the state constitution, therefore for purely race-based reasons, would violate federal law.

Impacts of Legislation

First, HJR 7231 would require that the state apply federal requirements in its balancing and implementing of the redistricting standards in the Florida Constitution. Second, both the equal opportunity of racial and language minorities to participate in the political process and communities of interest are established as standards that may not be subordinated by any other standard in the Florida Constitution. Finally, the joint resolution asserts that districts and plans are valid if the standards in the Florida Constitution were balanced and implemented rationally and consistent with federal law.

As a result, the joint resolution ensures that communities of interest may be utilized to maximize the Legislature's discretion to preserve and enhance minority voting rights to the greatest extent permissible under the U.S. Constitution. The joint resolution also makes Amendments 5 and 6 workable by explaining that the Legislature must balance and implement the standards as a whole. Lastly, the joint resolution clarifies the standard of review that the court must use to assess the validity of the Legislature's plans.

Upon approval of 60 percent of the voters at the 2010 general election, this amendment to the constitution will take effect January 4, 2011.

Please feel free to contact our office for any additional information regarding any item contained in this report. All legislation from the 2010 Regular Session may be viewed on <http://www.leg.state.fl.us>.

We thank you again for the opportunity to represent Miami-Dade County.

Sincerely,

Yolanda Cash Jackson
For the Firm
YCJ/cm

CC: Joe Rasco
Juan del Cerro
Ivette Arango

Miami-Dade County Legislative Delegation Bills Approved By the Governor

SENATE MEMBERS

SB 50, Claims/Relief, Madonna Castillo/City of Hialeah, Sen. Rich (HB 1155 by Rep. Gonzalez): Provides for an appropriation to compensate her for injuries and damages that she sustained as a result of the negligence of the City of Hialeah, provides a limitation on the payment of fees and costs. CLAIM: \$500,000. EFFECTIVE DATE: Upon becoming a law.

Governor Crist signed the bill into law on May 26.

SB 92, Statutes of Limitations/Wrongful Death Actions, Sen. Rich: Eliminates the statute of limitations for wrongful death actions for intentional torts resulting in death from acts described in specified provisions relating to murder or manslaughter, provides for application. EFFECTIVE DATE: Upon becoming law.

Governor Crist signed the bill into law on May 11.

SB 688, Public Records Pub. Rec./Public Transit Provider, Sen. Gelber (HB 393 by Rep. Bovo): Provides an exemption from the public records law for personal identifying information held by a public transit provider for the purpose of facilitating the purchase of prepaid fare cards. Provides for future repeal and legislative review of the exemption under the Open Government Sunset Review Act. Provides a statement of public necessity. EFFECTIVE DATE: 07/01/2010

Governor Crist signed the bill in law on June 3.

SB 1666, Unemployment Compensation, Sen. Garcia: Establishes temporary state extended benefits for weeks of unemployment. Provides for state extended benefits for certain weeks and for periods of high unemployment. Provides for a suspension of lowering the amount of exempt wages under certain circumstances. Provides for an assessment on employers to pay the forecasted interest on advances received from the Federal Government to pay unemployment benefits, etc. APPROPRIATION: \$1,547,324. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

Governor Crist signed the bill into law on March 3.

SB 1114, International Commercial Arbitration, Sen. Gelber: Cites this act as the "Florida International Commercial Arbitration Act." Defines the scope of application of said act. Provides intent that the act be applied and interpreted with respect to its

purpose. Limits the ability of a court to intervene in an arbitral proceeding. Designates the circuit court in which arbitration is or will be held as the court that may take certain actions authorized by the act, etc. EFFECTIVE DATE: 07/01/2010.

Governor Crist signed the bill into law on May 11.

SB 1736, Unemployment Compensation, Sen. Garcia: Provides for retroactive application. Establishes temporary state extended benefits for weeks of unemployment. Provides for state extended benefits for certain weeks and for periods of high unemployment. Specifies the duration of liens securing the payment of unemployment compensation tax obligations. Provides for the treatment of a single-member limited liability company as the employer for purposes of unemployment compensation, etc. EFFECTIVE DATE: Upon becoming law except as otherwise provided.

Governor Crist signed the bill into law on May 17.

SB 1824, Misrepresentation of Military Status, Sen. Gelber: Prohibits a person from falsely representing himself or herself as a member of or representing the U.S. Armed Forces or the National Guard for the purpose of solicitation of charitable contributions or participation in a charitable or sponsor sales promotion. Provides criminal penalties, etc. EFFECTIVE DATE: 10/01/2010.

Governor Crist signed the bill into law on June 1.

SB 2576, Export of Goods of Value to Foreign Countries, Sen. Gelber (HB 1401, Rep. Rivera): Prohibits state agencies from issuing certain forms of documentation for any good, commodity, or thing of value to be exported to certain foreign countries, etc. EFFECTIVE DATE: Upon becoming law.

Governor Crist signed the bill into law on May 27.

HOUSE MEMBERS

HB 53, License Plates, Rep. Lopez-Cantera: Creates St. Johns River license plate; establishes annual use fee for plate; provides for distribution of use fees received from sale of such plates. Effective Date: October 1, 2010.

Governor Crist signed the bill into law on May 14.

HB 195, Claims/Relief -Pierreisna Archille/DCFS, Rep. Flores: Provides for relief of Pierreisna Archille, a mentally disabled person, by & through her limited guardian of property; provides appropriation to compensate her for injuries & damages sustained as result of negligence of employees of DCFS; provides for reversion of funds; provides limitation on payment of attorney's fees, lobbying fees, costs, & other similar expenses. Effective Date: upon becoming a law.

Governor Crist signed the bill into law on June 3.

HB 263, Department of Highway Safety and Motor Vehicles, Rep. Llorente: Requires application form for motor vehicle registration or renewal of registration to include language permitting applicant to make voluntary contribution to Prevent Child Sexual Abuse; requires application form for original, renewal, or replacement driver's license or identification card to include language permitting applicant to make voluntary contribution to certain nonprofit organizations; requires such forms to include language permitting applicant to make voluntary contribution to Prevent Child Sexual Abuse & to Prevent Blindness Florida; provides for distribution of funds collected from such contributions; provides that such contributions are not considered income of revenue nature; removes provisions requiring application form for renewal of driver's license to include language permitting applicant to make voluntary contribution to Prevent Blindness Florida & to Family First. Effective Date: October 1, 2010.

Governor Crist signed the bill into law on May 14.

HB 409, Garnishment, Rep. Brisé: Increases amount of wages of head of family that is exempt from garnishment; provides form that must be used for agreement to waive exemption from garnishment. Effective Date: October 1, 2010

Governor Crist signed the bill into law on May 26.

HB 449, Sanction for Certain Court Pleadings, Rep. Steinberg: Prohibits monetary sanction against represented party for claim that is presented as good faith argument but that is found to not be supported by application of then-existing law to material facts; prohibits sanctions against party or its attorneys by court on its own initiative if case has already been settled or voluntarily dismissed by that party. Effective Date: July 1, 2010.

Governor Crist signed the bill into law on May 27.

HB 483, Tax on Sales, Use, and Other Transactions, Rep. Flores and Rep. Rivera: Specifies period during which sale of books, clothing, & school supplies is exempt from tax. Effective Date: upon becoming a law.

Governor Crist signed the bill into law on May 26.

HB 651, Department of Agriculture and Consumer Services, Rep. Rivera: Exempts department's Division of Licensing Trust Fund from legislative authorization for unappropriated cash balances in fund to be transferred to General Revenue Fund or Budget Stabilization Fund. Effective Date: upon becoming a law.

Governor Crist signed the bill into law on March 30.

HB 765, Animal Protection (Horse Slaughter), Rep. Garcia: Revises veterinary licensure exemption pertaining to certain persons practicing temporarily in state; provides circumstances that render inapplicable veterinary licensure exemption pertaining to part-time & independent contractors; prohibits specified acts relating to horsemeat for human consumption; provides penalties; increases classification of offenses related to horsemeat for human consumption, etc. Effective Date: July 1, 2010.

Governor Crist signed the bill into law on May 14.

HB 813, Juvenile Justice Facilities and Programs, Rep. Garcia: Defines term "ordinary medical care"; requires that DJJ adopt rules to ensure effective delivery of services to youth in facilities or programs operated or contracted by it; requires DJJ to coordinate its rule-adoption process with DCFS & APD to ensure that its rules do not encroach upon substantive jurisdiction of those agencies. Effective Date: July 1, 2010.

Governor Crist signed the bill into law on May 27.

HB 907, Child Support and Alimony, Rep. Flores: Allows for award of more than one type of alimony; revises factors to be considered in whether to award alimony or maintenance; provides principles for implementing support guidelines schedule; creates rebuttable presumption of census-level wages if information about earnings level is not provided; provides that burden of proof is on party seeking to impute income to other party; prohibits imputation of income for out-of-date records or unprecedented earnings, etc. Effective Date: January 1, 2011.

Governor Crist signed the bill into law on June 3.

HB 1073, Persons with Disabilities, Rep. Llorente: Revises provisions relating to licensure & standards for facilities & programs for persons with developmental disabilities; requires minimum training for child care personnel to include identification & care of children with developmental disabilities; provides requirements for use of seclusion & restraint on public school students with disabilities; requires Commissioner of Education to develop recommendations to incorporate instruction relating to developmental disabilities into continuing education or inservice training requirements for instructional personnel, etc. Effective Date: July 1, 2010.

Governor Crist signed the bill into law on June 4.

HB 1075, Office of Supplier Diversity of the Department of Management Services, Rep. Braynon: Revises duties of OSD with respect to requirements for certification & recertification of minority business enterprises. Effective Date: July 1, 2010.

Governor Crist signed the bill into law on May 26.

HB 1279, Assessment of Property for Back Ad Valorem Taxes, Rep. Rivera: Provides for nonapplication of retroactive assessment & collection of ad valorem taxes on property under specified circumstances; provides criteria. Effective Date: July 1, 2010.

Governor Crist signed the bill into law on May 11.

HB 1303, Claims/Relief - Lois Lacava/Munroe Regional Health System: Provides for appropriation to compensate her for injuries sustained as result of negligence of Munroe Regional Medical Center; provides limitation on payment of fees & costs. Effective Date: upon becoming a law.

Governor Crist signed the bill into law on June 3.

HB 1377, Telecommunications Companies, Rep. Fresen: Repeals provisions relating to: rates, tolls, contracts, charges, rules, regulations, performance of service, & maintenance of telecommunications facilities; fixing rates by PSC; consideration of directory advertising revenues when establishing rates; changing rates, tolls, rentals, contracts, or charges; schedule for implementation of price regulation; procedures for interim rates; PSC to compel by order or rule adjustment of rates, charges, tolls, rules, or regulations or changes to practices or service or installation of equipment or facilities; forms prescribed by PSC; & inspection by PSC of accounts & records. Effective Date: July 1, 2010

Governor Crist signed the bill into law on May 7.

HB 1505, Education Programs for Children with Disabilities, Rep. Flores: Revises provisions relating to John M. McKay Scholarships for Students with Disabilities Program; authorizes Commissioner of Education to deny, suspend, or revoke private school's participation in scholarship program if owner or operator of such school has operated educational institution in this state or another in manner contrary to health, safety, or welfare of public, etc. Effective Date: July 1, 2010

Governor Crist signed the bill into law on June 4.

HB 1619, School Food Service Programs: Creates Florida Farm Fresh Schools Program within DOE, Rep. Bush III: requires program to comply with regulations of National School Lunch Program & meet specified requirements; requires DOE to work with DACS to develop policies that encourage school districts to buy fresh & local food & select foods with maximum nutritional content; requires departments to provide outreach services regarding benefits of fresh food products from state. Effective Date: July 1, 2010

Governor Crist signed the bill into law on June 3.

HB 5101, Prekindergarten through Grade 12 Education Funding, Rep. Flores: Deletes requirement that district school board imposing school capital outlay surtax implement freeze on noncapital local school property taxes; deletes provisions relating to transfer of certain funds for class size reduction; extends duration of provision specifying methods to calculate salary of district school board member; revises provisions relating to appropriation of funds for regional consortium service organizations, etc. Effective Date: July 1, 2010, except as otherwise provided.

Governor Crist signed the bill into law on May 28.

HB 7157, Taxation, Rep. Fresen: Revises & creates various provisions of law relating to DOR's authority & duty to collect state taxes & administer & enforce state's tax laws; revises provisions excluding certain sales of tangible personal property to contractors from application of exemption for sales made to governmental entities under certain circumstances; repeals provisions relating to monitoring & reporting on use of tax deduction claimed by international banking institutions. Effective Date: upon becoming a law.

Governor Crist signed the bill into law on May 27.

HB 7193, OGSR/Voluntary Prekindergarten Education Program, Rep. Braynon: Saves from scheduled repeal under Open Government Sunset Review Act exemption from public records requirements for records of children in Voluntary Prekindergarten Education Program. Effective Date: October 1, 2010

Governor Crist signed the bill into law on May 7.

2009-2010 MIAMI-DADE COUNTY LEGISLATIVE DELEGATION

Chair: Representative Juan C. Zapata
Vice Chair: Representative Luis R. Garcia

Delegation Office
Stephen P. Clark Center
111 NW 1st Street, Suite 1032
Miami, FL. 33128-1994

Delegation Director: Alex Dominguez
aad@miamidade.gov
786-473-1686 M
305-375-5639 F

FLORIDA SENATE

| Name and District | District Office | Tallahassee Office | Committee Assignments |
|---|---|---|--|
| Sen. Frederica Wilson 33rd District wilson.frederica.web@flsenate.gov Staff: Patricia Lightfoot Shaquita Rahming | (305) 654-7150 Fax: (305) 654-7153 18425 NW 2 nd Avenue Suite 310 Miami Gardens, FL 33169 | (850) 487-5116 202 Senate Office Building 404 South Monroe Street Tallahassee, FL 32399 | <i>Criminal and Civil Justice Appropriations, Vice Chair</i> <i>Criminal Justice, Vice Chair</i> <i>Education Pre-K - 12, Vice Chair</i> Policy and Steering Committee on Social Responsibility Reapportionment Florida Legislative Committee on Intergovernmental Relations Policy and Steering Committee on Ways and Means |
| Sen. Nan H. Rich 34th District rich.nan.web@flsenate.gov Staff: Erica Ortiz Kristin Carter Ellen Navarro | (954) 747-7933 Fax: (954) 747-7935 777 Sawgrass Corporate Pkwy Sunrise, FL 33325 | (850) 487-5103 214 Senate Office Building 404 South Monroe Street Tallahassee, FL 32399 | <i>Policy and Steering Committee on Energy, Environment, and Land Use, Vice Chair</i> <i>Children, Families, and Elder Affairs, Vice Chair</i> <i>Health and Human Services Appropriations, Vice Chair</i> Policy and Steering Committee on Ways and Means Commerce Environmental Preservation and Conservation Ethics and Elections Joint Legislative Sunset Committee |

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| Sen. Dan Gelber 35 th District gelber.dan.web@flsenate.gov Staff: Alexis Moseley Debra Schwartz Cameron Sisser Sen. Gelber continued: | (305) 535-5485 1920 Meridian Avenue 3 rd Floor Miami Beach, FL 33139 | (850) 487-5121 226 Senate Office Building 404 South Monroe Street Tallahassee, FL 32399 | <i>Commerce, Vice Chair</i> <i>Higher Education Appropriations, Vice Chair</i> Policy and Steering Committee on Social Responsibility Policy and Steering Committee on Ways and Means Joint Committee on Public Counsel Oversight Communications, Energy, and Public Utilities Judiciary Select Committee on Florida's Economy |
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FLORIDA SENATE

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| Sen. Alex Diaz de La Portilla 36 th District portilla.alex.web@flsenate.gov Staff: Pat Gosney | (305) 643-7200 Fax (305) 643-7202 1481 NW 22 nd Street Miami, FL 33142 | (850) 487-5109 330 Senate Office Building 404 South Monroe Street Tallahassee, FL 32399 | <i>Communications, Energy, Public Utilities, Chair</i> Policy and Steering Committee on Energy, Environment, and Land Use Policy and Steering Committee on Ways and Means Children, Families, and Elder Affairs Ethics and Elections Joint Legislative Auditing Committee, Alternating Chair Regulated Industries Transportation and Economic Development Appropriations |
| Sen. Alex J. Villalobos 38th District villalobos.alex.web@flsenate.gov Staff: Vicky Romaguera-Garcia Norma Ledesma Sonia Castro | (305) 222-4160 Fax: (305) 222-4162 9766 Coral Way, Suite 18 Miami, FL 33165 | (850) 487-5130 400 Senate Office Building 404 South Monroe Street Tallahassee, FL 32399 | <i>Rules, Chair</i> Policy and Steering Committee on Energy, Environment, and Land Use Policy and Steering Committee on Ways and Means Banking and Insurance Criminal and Civil Justice Appropriations Criminal Justice Military Affairs and Domestic Security Joint Administrative Procedures Committee |

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| Sen. Larcenia Bullard 39 th District bullard.larcenia.web@flsenate.gov Staff: Jennifer Rojo Merdochey LaFrance Ralph McCloud Jasmin Grant | (305) 668-7344 Fax: (305) 668-7346 8603 S. Dixie Highway, #304 Miami, FL 33143 | (850) 487-5127 218 Senate Office Building 404 South Monroe Street Tallahassee, FL 32399 | <i>Agriculture, Vice Chair</i> <i>Transportation, Vice Chair</i> Education Pre-K - 12 Education Pre-K - 12 Appropriations Higher Education Select Committee on Florida's Inland Waters |
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Florida Senate

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| Sen. Rodolfo "Rudy" Garcia 40 th District garcia.rudy.web@flsenate.gov Staff: Susie Martin David Marin Ana Pereira | (305) 364-3191 Fax: (888) 284-8594 7475 West 4 Avenue, Suite B Hialeah, FL 33014 | (850) 487-5106 414 Senate Office Building 404 South Monroe Street Tallahassee, FL 32399 | <i>Commerce, Chair</i> Policy and Steering Committee on Commerce and Industry Policy and Steering Committee on Ways and Means Policy and Steering Committee on Social Responsibility Children, Families, and Elder Affairs Community Affairs Joint Committee on Public Counsel Oversight Education Pre-K - 12 Appropriations Rules Joint Legislative Budget Commission, Alternating Chair Select Committee on Florida's Inland Waters |
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FLORIDA HOUSE OF REPRESENTATIVES

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|---|--|---|--|
| Rep. Eduardo "Eddy" Gonzalez 102 th District eddy.gonzalez@myfloridahouse.gov Staff: Manny Cid Victoria Llerena | (305) 364-3066 Fax (305) 364-3055 10001 NW 87 Avenue Hialeah Gardens, FL 33016 | (850) 488-1683 209 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | <i>Government Operations and Appropriations Committee, Vice Chair</i> Civil Justice and Courts Policy Committee Criminal and Civil Justice Policy Council Education Policy Council Pre K-12 Policy Committee Rules and Calendar Council |
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| Rep. Oscar Braynon, II 103 rd District Oscar.braynon@myfloridahouse.gov Staff: Oneca Lowrey Mone Holder | (305) 654-7100 Fax: (305) 654-7102 Suite 204 610 NW 183 St Miami Gardens, FL 33169 | (850) 488-0766 209 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | Joint Administrative Procedures Committee Government Operations Appropriations Committee Governmental Affairs Policy Committee Economic Development & Community Affairs Policy Council |
| Rep. Yolly Roberson 104 th District yolly.roberson@myfloridahouse.gov Staff: | (305) 650-0022 Fax: (305) 650-0024 633 NE 167 St Suite 600 North Miami Beach, FI 33162 | (850) 488-7088 210 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | Health Care Regulation Policy Committee Health Care Appropriations Committee Economic Development Policy Committee Select Committee On Seminole Indian Compact Review |

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| Rep. Richard L Steinberg 106 th District Richard.steinberg@myfloridahouse.gov Staff: Marlene Taylor Amber Roth | (305)535-5445 Fax: (888)-864-7580 767 Arthur Godfrey Road Miami Beach, FI 33140-3413 | (850) 488-0690 1401 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | Elder and Family Services Policy Committee Pre K-12 Appropriations Committee Roads, Bridges & Ports Policy Committee |
| Rep. Luis R. Garcia 107 th District luis.garcia@myfloridahouse.gov Staff: Mathew Monica Domingo Ginory | (305)325-2501 Fax: (305) 325-2503 1225 SW 8 th Street Miami, FL. 33135 | (850) 488-9930 405 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | Joint Legislative Committee on Everglades Oversight Criminal & Civil Justice Policy Council Public Safety & Domestic Security Policy Committee State Universities and Private Colleges Appropriations Committee |
| Rep. Ronald Brisé 108 th District ronald.brise@myfloridahouse.gov Staff: Pamela Paultre McKenzie Fleurimond | (305) 623-3600 Fax: (305) 623-3602 Suite 107 915 NE 125 th Street North Miami, FI 33161 | (850) 488-4233 1003 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | Full Appropriations Council on Education & Economic Development State Universities and Private College Appropriations Committee Full Appropriations Council on General Government and Health Care State Universities & Private Colleges Policy Committee Select Policy Council on Strategic and Economic Planning |

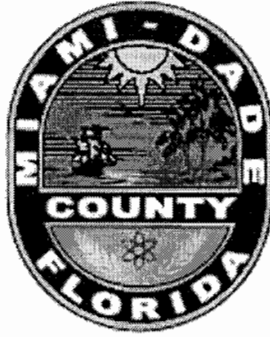
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| Rep. James Bush III 109 th District james.bush@myfloridahouse.gov Staff: Carolyn McTier Shelli Harrison | (305) 571-2100 Fax: (305) 571-2102 Regions Bank Building Suite 309 3550 Biscayne Boulevard Miami, FL 33137 | (850) 488-0625 1401 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | Joint Committee on Public Council Oversight Health Care Regulation Policy Committee Government Accountability Act Council |
| Rep. Esteban Bovo 110 th District esteban.bovo@myfloridahouse.gov Staff: Gigi Bolt Anamary Pedrosa | (305) 364-3113 Fax: (305) 364-3115 3794 West 12 Aveue Hialeah, FL 33012 | (850) 487-2197 210 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | Energy & Utilities Policy Committee Transportation and Economic Development Appropriations Committee Elder and Family Services Policy Committee, Vice Chair Military & Local Affairs Policy Committee |
| Rep. Erik Fresen 111 th District Erik.fresen@myfloridahouse.gov Staff: Jon Janeiro Alicia Araya | (305)663-2011 6255 Bird Road Miami, FL 33155 | (850) 488-4092 308 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | Health Care Regulation Policy Committee Pre K – 12 Appropriations Committee Education Policy Council <i>PreK-12 Policy Committee, Vice Chair</i> Finance and Tax Council |
| Rep. David Rivera 112 th District david.rivera@myfloridahouse.gov Staff: Alina Garcia, Maria Armenteros John Norman | (305) 227-7630 Fax: (305) 227-7632 Suite P – 2 nd floor 1460 NW 107 th Avenue Miami, FL. 33172 | (850) 488-7897 223 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | <i>Full Appropriations Council on Education & Economic Development, Chair</i> <i>Full Appropriations Council on General Government and Health Care, Chair</i> <i>Joint Legislative Budget Commission, Alternating Chair</i> Rules & Calendar Council |
| Rep. Carlos Lopez-Cantera 113 th District carlos.lopez-cantera@myfloridahouse.gov Staff: Joseph Ruiz Lourdes Gonzalez | (305) 442-6877 Fax: (305) 442-6879 2300 Coral Way Suite 111 Miami, FL 33145 | (850) 488-4202 323 Capitol 402 South Monroe Street Tallahassee, FL 32399 | Rules & Calendar Council Select Committee On Seminole Indian Compact Review |

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| Rep. Anitere Flores 114th District anitere.flores@myfloridahouse.gov Staff: Maria Chamorro Jennifer Gaviria | (305) 227-7626 Fax: (305)227-7629 1405 SW 107 th Ave, Suite 205C Miami, FL 33174 | (850) 488-2831 324 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | <i>PreK-12 Appropriations Committee, Chair</i> Education Policy Council PreK-12 Policy Committee Insurance, Business, and Financial Affairs Policy Committee Full Appropriations Council on Education & Economic Development Full Appropriations Council on General Government and Health Care Civil Justice and Courts Policy Committee |
| Rep. Juan Carlos "J.C." Planas 115th District jc.planas@myfloridahouse.gov Staff: Betsy Mesa Paige Lapointe | (305) 442-6800 Fax: (305) 4426802 8532 SW 8 th Street Suite 280 Miami, FL 33144 | (850) 488-3616 1101 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | <i>Joint Committee on Public Counsel Oversight, Alternating Chair</i> Elder and Family Services Policy Committee Criminal & Civil Justice Appropriations Committee Government Accountability Act Council Select Committee on Seminole Indian Compact Review |
| Rep. Marcelo Llorente 116th District marcelo.llorente@myfloridahouse.gov Staff: Michael Cantens Daniella Bacigalupo | (305) 273-3200 Fax: (305)273-3202 13701 SW 88 th Street Suite 201 Miami, FL 33186 | (850) 488-5047 222 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | <i>Policy Council, Chair</i> Rules & Calendar Council |
| Rep. Julio Robaina 117th District julio.robaina@myfloridahouse.gov Staff: Grethel Aguiar Helen Matas | (305) 442-6868 Fax: (305) 442-6870 6262 Bird Road Suite 2E Miami, FL 33155 | (850) 488-6506 214 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | <i>Joint Legislative Committee on Everglades Oversight, Chair</i> Criminal and Civil Justice Policy Council Public Safety and Domestic Security Policy Committee Roads, Bridges, and Ports Policy Committee Government Accountability Act Council Select Committee on Seminole Indian Compact Review |

FLORIDA HOUSE OF REPRESENTATIVES

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| Rep. Dwight M Bullard 118th District Dwight.bullard@myfloridahouse.gov Staff: Mario Bailey Venusmia Lovely | (305) 234-2208 Fax: (305) 234-2210 16201 SW 95 th Avenue Suite 214 Miami, FL 33157 | (850) 488-5430 1401 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | Agriculture & Natural Resources Policy Committee Economic Development Policy Committee PreK-12 Appropriations Committee |
| Rep. Juan C. Zapata 119th District juan.zapata@myfloridahouse.gov Staff: Thais Asper Maria Lombard | (305) 273-3288 Fax: (305) 273-3290 13550 SW 88 th Street Suite 150 Miami, FL 33186 | (850) 488-9550 Fax: (850) 921-2484 212 The Capitol 402 South Monroe Street Tallahassee, FL 32399 | <i>Florida Legislative Committee on Intergovernmental Relations, Alternating Chair</i> Health and Family Services Policy Council Health Care Services Policy Committee Criminal and Civil Justice Appropriations Committee Military and Local Affairs Policy Committee Policy Council Select Committee on Seminole Indian Compact Review |
| Rep. Ron Saunders 120 th District ron.saunders@myfloridahouse.gov Staff: Elaine Higgins Holly Merrill Sue Ellen Spencer | (305) 853-1947 Fax: (305) 853-1949 Suite A-90311 Overseas Highway Tavernier, FL 33070 P.O. Box 699 Tavernier, FL 33070 | (850) 488-9965 203 House Office Building 402 South Monroe Street Tallahassee, FL 32399 | Governmental Accountability Act Council Full Appropriations Council on Education & Economic Development Full Appropriations on General Government and Health Care Joint Legislative Budget Commission Rules and Calendar Council |

Revised 070910



2010 Elections

Below, please find the candidates that will appear on the ballot for seats on the Florida Cabinet and in the Miami-Dade County Legislative Delegation:

Florida Cabinet

Governor (Governor Charlie Crist not seeking re-election to run for U.S. Senate)

- Peter Allen (IDP)
- Michael Arth (NPA)
- Karl Behm (WRI)
- Bud Chiles (NPA)
- Daniel Imperato (NPA)
- Farid Khavari (NPA)
- Jose Larose (WRI)
- Mike McCalister (REP)
- Bill McCollum (REP)
- Brian Moore (DEM)
- C.C. Reed (NPA)
- Rick Scott (REP)
- Alex Sink (DEM)
- John Wayne Smith (LIB)

Attorney General (Attorney General Bill McCollum not seeking re-election to run for Governor)

- Dave Aronberg (DEM)
- Holly Benson (REP)
- Pam Bondi (REP)
- Dan Gelber (DEM)
- Jeff Kottkamp (REP)
- Jim Lewis (NPA)

CFO (CFO Alex Sink not seeking re-election to run for Governor)

- Jeff Atwater (REP)
- Lorraine Ausley (DEM)
- Ken Mazzie (NPA)
- Tom Stearns (NPA)

Commissioner Of Agriculture (Commissioner Charles Bronson is term limited)

- Ira Chester (TEA)
- Thad Hamilton (NPA)
- Scott Maddox (DEM)
- Adam Putnam (REP)

Florida Senate

District 34

- Senator Nan Rich re-elected without opposition

District 35 (Senator Dan Gelber resigned to run for Attorney General)

- Kevin Burns (DEM)
- Gwen Margolis (DEM)
- Corey Poitier (NPA)

District 36 (Senator Alex Diaz de la Portilla is term limited)

- Luisa Artiles (WRI)
- Miguel Diaz de la Portilla (REP)
- Albert Fortes (WRI)
- J. Nillo (REP)
- Julio Robaina (REP)

District 38 (Senator Alex Villalobos is term limited)

- Anitere Flores (REP)
- Les Gerson (DEM)
- David Nelson (REP)

District 40 (Senator Rudy Garcia is term limited)

- Alexis Dominguez (WRI)

- Rene Garcia (REP)

Florida House of Representatives

District 102

- Eddy Gonzalez (REP) *incumbent*
- Cali Vallejo (WRI)

District 103

- Representative Oscar Braynon re-elected without opposition

District 104 (Representative Yolly Roberson is term limited)

- Michael Etienne (DEM)
- Michael Hepburn (DEM)
- John Patrick Julien (DEM)
- Dominique Simon (DEM)
- Matthew Tisdol (DEM)

District 106

- Representative Richard Steinberg re-elected without opposition

District 107

- Gus Barreiro (REP)
- Luis Garcia (DEM) *incumbent*
- Tony Japour (REP)

District 108 (Representative Ronald Brise was appointed to the Public Service Commission on July 14)

- Daphne Campbell (DEM)
- Alix Desulme (DEM)

District 109 (Representative James Bush not seeking re-election to run for Congress)

- Bernadine Bush (DEM)
- Roy Hardemon (DEM)
- Bess McElroy (DEM)
- Cynthia Stafford (DEM)

District 110

- Representative Esteban Bovo re-elected without opposition

District 111

- Christina Albright (DEM)
- Erik Fresen (REP) *incumbent*

District 112 (Representative David Rivera is term limited)

- Juan D'Arce (REP)
- Johnny Farias (DEM)
- James Guerrero (REP)
- Jeanette Nunez (REP)
- Sandra Ruiz (DEM)
- Robert Van Name (NPA)

District 113

- Alex Cruzet (DEM)
- Waldo Faura (NPA)
- Carlos Lopez-Cantera (REP) *incumbent*

District 114 (Representative Anitere Flores not seeking re-election to run for Senate)

- Robert Blanco (DEM)
- Millie Herrera (DEM)
- Ana Rivas Logan (REP)
- Denny Wood (NPA)

District 115 (Representative JC Planas is term limited)

- Carla Ascencio Savola (REP)
- Christopher Blau (TEA)
- Jose Felix Diaz (REP)
- Jeffrey Solomon (DEM)

District 116 (Representative Marcelo Llorente is term limited)

- Francisco Amador (REP)
- Whilly Bermudez (REP)
- Alex Diaz (WRI)

- Carlos Manrique (REP)
- Mauricio Montiel (WRI)
- Carlos Trujillo (REP)

District 117 (Representative Julio Robaina is term limited)

- Ana Alliegro (REP)
- Michael Bileca (REP)
- Lisa Lesperance (DEM)
- Ernie Martinez (REP)
- Jose Pazos (REP)
- Marcus Rivchin (REP)
- Juanky Robaina (REP)
- Ralph Rosado (REP)

District 118

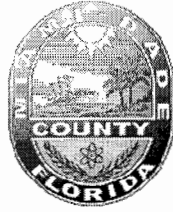
- Dwight Bullard (DEM) *incumbent*
- Charles Lopez (REP)
- Kionne McGhee (DEM)

District 119 (Representative Juan Zapata is term limited)

- Frank Artilles (REP)
- Graziella Denny (NPA)
- Katie Edwards (DEM)

District 120

- Matt Gardi (REP)
- Henry Llorella (TEA)
- Morgan McPherson (REP)
- Ron Saunders (DEM) *incumbent*



Summer 2010 Special Session

Governor Crist called for a Special Session of the Florida Legislature, to be held the week of July 20, for the purpose of placing before the voters in the November election a constitutional amendment banning offshore oil drilling off the Florida coast.

As of the printing of this report, the Legislature has shown reluctance to pass such an amendment. Instead, Senate President Jeff Atwater and House Speaker Larry Cretul are in agreement that a Special Session is needed for September, once the issue has been better studied, to address the economic impact of the BP oil spill on Florida's communities.