

Tallahassee Weekly Report

March 12-16, 2012

Special Session

The Florida Legislature convened on Wednesday for a Special Session for the purpose of redoing the new Senate maps, after they were rejected by the Florida Supreme Court. The House maps were unanimously approved by the Court.

The Court had an issue with 8 of the Senate's 40 districts, and a redrawn map may end up pitting incumbents against each other. Senate President-Designate Don Gaetz, who chairs the Senate's Reapportionment Committee, has stated he hopes to have the new maps released by this weekend. The maps would then be taken up by the Senate this week, with a final vote at the end of the week. The House would then take up the maps during the week of March 26. At this time, none of the eight districts in question are found in Miami-Dade County, the closest issues reside in the Broward districts of incumbent Senators Chris Smith and Ellyn Bogdanoff.

The House convened in Tallahassee on Wednesday, recorded their presence, and then went back to their districts after an 11 minute session. House members will not be back until it is time to vote on the final Senate maps.

Medicaid Billing – HB 5301

Earlier this week, HB 5301 became the first major bill to pass this session to be sent to the Governor. This budget conforming bill became a priority for Miami-Dade County towards the end of session, as it comes with an estimated fiscal impact of \$31 million. The bill requires monthly deduction from county revenue sharing equal to 85 percent of unpaid county Medicaid billings. The number rises to 100 percent of the billings are appealed.

OIA participated in a webinar hosted by the Florida Association of Counties (FAC) earlier this week, as it has also taken a lead role in fighting this bill. Attached please find the presentation put out by FAC for the webinar.

The Governor has until March 29 to act on the bill, and has already heard from FAC, the Florida Tea Party Network, Flagler County, Indian River County, Manatee County, and Duval County.

House Speaker Dean Cannon said this is one of the first bills sent to the Governor due to its widespread implications. On May 1, the Agency for Health Care Administration (AHCA) must begin to generate monthly statements outlining the amount each county owes, and the

Department of Revenue (DOR) will reduce revenue-sharing distributions accordingly. After the first year, an updated formula would reduce the amount of money owed each year, stretching out the timeline for repaying a total backlog of over \$300 million.

The following link, will provide a 60-second video produced by FAC urging the Governor to veto HB 5301: http://youtu.be/aE5I7_U4HpA.

Preliminary Session Summary

Aside from HB 5301, mentioned above, please find a highlight of bills of importance to Miami-Dade County that were taken up this past session, in no particular order. As bills that have passed are sent to the Governor, and further action is taken, our office will report on them.

- **Deep Dredge** – The deep dredge project was included as a Critical Priority in the 2012 State Legislative Agenda, as passed by the Board of County Commissioners. Language that would expedite the administrative review process on the Port of Miami was included in SB 1998, a budget conforming bill that passed. The bill will now be sent to the Governor. <http://www.flsenate.gov/Session/Bill/2012/1998>
- **Budget** – The Legislature approved a \$70 billion budget this year. Several top priorities for the county, including: elderly meals programs, mental health and substance abuse services, the Miami-Dade Blue premium assistance program, and libraries were funded at normal levels. In terms of transportation projects, we must wait for the Governor to sign-off on the budget, and see what, if anything, he decides to veto in order to ascertain how the Department of Transportation needs to rework its Five-Year Work Plan. In terms of Jackson, the final budget cuts the Medicaid rate to hospitals by 7.5 percent, but one-time revenues mitigate the cut to 5.6 percent, reducing Jackson's cut to \$35 million, as opposed to the nearly \$250 million proposed by Governor Scott in his initial budget proposal. Jackson also has the potential to be reimbursed for overpayments on prior intergovernmental transfers (IGTs), further reducing the cut it is facing.
- **Scrap Metal/Copper Theft** – This issue also appeared as a Critical Priority, as per a resolution sponsored by Vice-Chair Edmonson, who traveled to Tallahassee to testify on this legislation. HB 885 by Rep. Ford (companion bill was SB 540 by Sen. Smith), as drafted, increases penalties for secondary metals recyclers who buy stolen copper and other metals without proper documentation, for cash or in violation of the law. While the bill preempts local ordinances, it grandfathers existing ordinances, and gives Miami-Dade County until July 1, 2013 to amend its ordinance. The bill will now be sent to the Governor. <http://www.flsenate.gov/Session/Bill/2012/0885>
- **Human Trafficking** – This issue also appeared as a Critical Priority, as per a resolution sponsored by Commissioner Diaz, who traveled to Tallahassee to testify on this bill, as well as appear with Attorney General Pam Bondi at a press conference on the issue. HB 7049 by Rep. Snyder (companion bill was SB 1880 by Sen. Flores) increases penalties for

people who engage in human trafficking from a second degree felony to a first degree felony, and provides additional powers to the Statewide Prosecutor to pursue human trafficking cases. The bill will now be sent to the Governor.
<http://www.flsenate.gov/Session/Bill/2012/7049>

- **Pretrial Release** – This issue, which also appeared as a Critical Priority, did not pass this session, the fourth year in a row it has been attempted. SB 1730 by Senator Garcia/HB 875 by Rep. Trujillo would have created a significant fiscal impact to the county by revising the criteria for pretrial eligibility.
<http://www.flsenate.gov/Session/Bill/2012/1730>
- **Destination Gaming** – The most high-profile issue at the beginning of session was put to an end early on during session. While the Senate version made it out of the Regulated Industries Committee, its first committee, the House version was temporarily postponed in its first committee, essentially killing the bill. This issue is sure to reappear once again, with stakeholders (Associated Industries of Florida and the various casino conglomerates in support; Florida Chamber of Commerce, Disney in opposition) making it a major issue of the campaign season.
<http://www.flsenate.gov/Session/Bill/2012/0487>
- **Wage Theft** – Legislation that would have preempted Miami-Dade County's wage theft ordinance did not pass (SB 862 by Sen. Simmons/HB 609 by Rep. Goodson). The House version passed, but the Senate version died in the Judiciary Committee.
<http://www.flsenate.gov/Session/Bill/2012/0862>
- **Miami-Dade Home Rule Charter** – These two joint resolutions, which would have put a proposed constitutional amendment on the 2012 statewide ballot authorizing members of the Miami-Dade Legislative Delegation to file a special law to propose an amendment to the Miami-Dade Home Rule Charter by countywide vote, passed all of their committees, but were never brought to a vote in either chamber. The Senate version (SJR 720 by Sen. Garcia) was temporarily postponed when taken up on Special Order and the House version (HJR 349 by Rep. Lopez-Cantera) was never placed on the Special Order calendar. <http://www.flsenate.gov/Session/Bill/2012/0720>
- **Pit Bulls** – Bills that would have preempted Miami-Dade County's pit bull ordinance, and generated much press for a couple of weeks during session, did not pass. The House bill (HB 997 by Rep. Trujillo) died on the House floor after it was temporarily postponed by the sponsor. The Senate bill (SB 1322 by Sen. Norman) died in committee.
<http://www.flsenate.gov/Session/Bill/2012/0997>
- **Local Preference** – Legislation that would have eliminated local preference for any contract where there is state funding in any amount as low as 1 percent (HB 673 by Rep. Brodeur/SB 1460 by Sen. Simmons) died in committee in each chamber.
<http://www.flsenate.gov/Session/Bill/2012/0673>
- **Senior Homestead Exemption** – A proposed constitutional amendment that provides counties and cities a local option to grant an additional homestead exemption to low income senior citizens in the amount of the entire assessed value of the homestead property was passed by the Legislature (SJR 1740 by Sen. Garcia/HJR 169 by Rep. Oliva). Since this is a constitutional amendment, it does not go to the Governor, but will be

placed on the 2012 statewide ballot, where it needs 60 percent of the vote to pass.
<http://www.flsenate.gov/Session/Bill/2012/1740>

- **Sale or Lease of Public Hospitals** – Legislation passed which would require public hospitals to evaluate the benefits of a sale or lease to a not-for-profit company by the end of the year, unless the hospital had already entertained offers. Within 160 days of such an evaluation, the findings must be made public. HB 711 by Rep. Hooper (Senate version was SB 1568 by Sen. Gaetz) will now be sent to the Governor.
<http://www.flsenate.gov/Session/Bill/2012/0711>
- **Ocean Outfalls** – Legislation which would have postponed the dates by which wastewater facilities in South Florida must meet stringent treatment and management requirements did not pass. SB 724 by Sen. Diaz de la Portilla died in the Budget Committee, while HB 989 by Rep. Gonzalez, died in the Environmental Preservation and Conservation Committee.
- **Captive Insurance** – Bills were filed related to captive insurance (SB 610 by Senator Diaz de la Portilla/HB 379 by Representative Nunez) that did not pass. However, the language from these bills was amended onto HB 1101 which is currently waiting to be sent to the Governor. The language included authorizes expanding the lines of coverage that captive insurance companies can offer in Florida.
<http://www.flsenate.gov/Session/Bill/2012/1101>
- **Energy** – Comprehensive energy legislation (HB 7117) passed this session, which maintains the definition of renewable energy to include municipal solid waste, and provides incentives for the production and distribution of energy produced from renewable sources. The bill also provides incentives for any renewable energy facility opened after May 1, 2006, or expanded after this date, at a total cost of 50 percent or more of its assess value. <http://www.flsenate.gov/Session/Bill/2012/7117>
- **Internet Cafes** – HB 3 by Rep. Plakon, which would ban internet sweepstakes cafes (maquinitas) passed the House. However, similar legislation in the Senate, SB 380 by Senator Diaz de la Portilla, would have regulated the industry. The Senate was unwilling to ban the cafes outright, and no legislation passed on the issue.
<http://www.flsenate.gov/Session/Bill/2012/0003>,
<http://www.flsenate.gov/Session/Bill/2012/380>
- **Inmate Reentry** – HB 117 passed, which would expand drug treatment and rehabilitation programs across the state and potentially shorten prison terms for a relatively small number of nonviolent felons.
<http://www.flsenate.gov/Session/Bill/2012/0117>
- **Court Funding** – HB 5403 was a budget conforming bill in which the chambers agreed to fund the state court system out of the state's general fund, in an effort to limit the funding instability that has hindered the court system due to dwindling foreclosure filing fees. Revenue would now be diverted into the general fund under this bill.
<http://www.flsenate.gov/Session/Bill/2012/5403>
- **Local Business Taxes** – Legislation was filed (HB 1063 by Rep. O'Toole/SB 760 by Sen. Hays), but did not pass, which would have repealed the statute related to local business taxes. This would have created a significant fiscal impact to the county, as well as

municipalities and the Beacon Council.
<http://www.flsenate.gov/Session/Bill/2012/1063>

- **Online Travel** – This issue once again saw life in Tallahassee, and once again did not pass. HB 1393 by Rep. Brodeur/SB 1886 by Sen. Gardiner would have allowed online travel companies (Expedia, Orbitz, etc) to pay sales and bed taxes on the wholesale price they pay the hotels, not the retail price they charge customers. This issue, if passed, would create a significant fiscal impact to the County.
<http://www.flsenate.gov/Session/Bill/2012/1393>
- **Red Light Cameras** – After passing legislation allowing for red light cameras in 2010, this was the second year in a row that legislation was filed to repeal the law. Neither bill (SB 1542 by Sen. Evers/HB 4177 by Rep. Plakon) passed, both dying in committee.
<http://www.flsenate.gov/Session/Bill/2012/1542>

For question on any other issues or bills, please feel free to contact our office.

Political Update

While the current special session taking place in Tallahassee will have an affect on the Senate maps, below, please find a preliminary listing of possible matchups/candidates that will appear on the 2012 ballot:

- Former Senate Majority Leader Alex Diaz de la Portilla has filed to run against incumbent Senator Gwen Margolis. Senator Alex Diaz de la Portilla termed out in 2010, and his seat was won by his brother, Miguel Diaz de la Portilla.
- School Board Member Renier Diaz de la Portilla has filed to run in the newly created House District 103, which was drawn in Northwest Miami-Dade County. He will face educator Manny Diaz, Jr.
- State Representatives Jose Felix Diaz and Ana Rivas Logan were drawn into the same district, and are likely to face each other in the upcoming election.
- Former State Representative Gus Barreiro has filed to run in the new district 112, which is currently district 107, and encompasses portions of the City of Miami and Key Biscayne.
- State Representative Dwight Bullard has filed to run in the Senate seat being vacated by his mother, Senator Larcenia Bullard, who is termed out. Former State Representative James Bush has also filed to run in that seat.
- Senate Steve Oelrich will run in the newly created Congressional District 6, where there is currently no incumbent. It is possible that State Representative Fred Costello will also run in this seat.
- State Representative Darren Soto will run for the state Senate in a newly drawn, Hispanic-leaning seat in Central Florida.
- House Speaker Pro-Tempore John Legg will face businessman Wilton Simpson to fill the state Senate seat being vacated by term-limited Senator Mike Fasano. Simpson has

been endorsed by Senate President Mike Haridopolos, in what could signal a seat that will be one of the faces of a leadership battle brewing in the Senate Republican caucus.

- House Majority Whip Jim Frishe has filed to run in the seat being vacated by term-limited Senator Dennis Jones.

OIA will report further on the upcoming elections as the new maps become clearer, and more candidates begin to officially file.

TALLAHASSEE WEEKLY REPORT

March 19-23, 2012

Redistricting

Yesterday, in the midst of a Special Session, the Florida Senate passed a revised map of its new districts. Near the end of the Regular Session, the Florida Supreme Court rejected the Senate map on constitutional grounds, while unanimously approving the House map. The newly passed Senate map will be taken up by the House next week, as members will travel back to Tallahassee to debate and vote on the map. The House redistricting committee will meet on Monday, with the bill being taken up on the floor on Tuesday and Wednesday. Upon House passage, the map will then go back to the Supreme Court for approval.

Under the new map, two pairs of incumbents are drawn into the same district, Senators Andy Gardiner and David Simmons, along with Senators Ellyn Bogdanoff and Maria Sachs. Senator Simmons has indicated that if the Court approves the map, he will move into the open Seminole County district which includes much of the area he currently represents.

In terms of Miami-Dade County, Senator Miguel Diaz de la Portilla filed, and subsequently withdrew, an amendment that would have resulted in a fourth predominantly Hispanic seat being created. Senator Diaz de la Portilla implied in his withdrawal that population shifts would likely lead to this issue being resolved at a later time through the courts.

In terms of the new map for the Congressional districts, a Tallahassee Circuit Judge has set a hearing for April 16 to hear any relevant challenges. Legislative leaders, namely Senate Reapportionment Chair Don Gaetz, had the judge deny a request to delay action on this map until after the November elections.

Trayvon Martin

In light of the tragic shooting of Miami Gardens teenager Trayvon Martin in Sanford, Florida, Governor Rick Scott appointed a new prosecutor to oversee the investigation. Angela Corey, a prosecutor from Jacksonville, will now take over the case after the local prosecutor, Norman Wolfinger, recused himself.

The Governor also appointed a task force, which will be led by Lieutenant Governor Jennifer Carroll to hold hearings on the shooting, and make recommendations for relevant changes to state law.

Aside from Wolfinger's decision to recuse himself, Sanford Police Chief Bill Lee decided to temporarily leave his position, in light of the scrutiny that has been placed on him for what many believe has been a mismanagement of the case by not arresting the shooter, George Zimmerman.

Trayvon Martin's tragic shooting has brought national attention to Florida's "Stand Your Ground" law, which Zimmerman used to claim self defense. Several legislators, including Senator Oscar Braynon, have called on the Senate to hold hearings into the shooting and possible changes in law, and have taken to the national media to speak up on Martin's behalf.

The following link will provide you to Senator Braynon's appearance on CNN last night: <http://www.cnn.com/video/standard.html#/video/bestoftv/2012/03/22/exp-trayvon-martin-debate.cnn?iref=allsearch>

Bill Action This Week

Governor Rick Scott signed one bill into law this week, HB 1205, the Drug-Free Workplace Act, <http://www.flsenate.gov/Session/Bill/2012/1205>, which gives state agency directors the ability to randomly drug test 10 percent of their workforce, without the need for suspicion.

While the bill does not take affect until July 1, the Governor has asked agency heads to refrain from implementing the drug tests until an existing court case on the matter is resolved.

The Governor was also presented with 34 bills earlier this morning. Listed below are those relevant to Miami-Dade County. He has until April 7 to act.

- **HB 37, Knowingly and Willfully Giving False Information to a Law Enforcement Officer, Rep. Diaz** – this is the bill filed as a result of the Casey Anthony trial, and creates "Caylee's Law". The Board of County Commissioners passed a resolution, sponsored by Commissioner Diaz, in support of this bill. <http://www.flsenate.gov/Session/Bill/2012/0037>
- **HB 357, Homestead Exemptions for Seniors, Rep. Oliva** – this bill is the statutory implementing bill for the constitutional amendment (HJR 169, also by Rep. Oliva) which provides for an additional homestead exemption for certain seniors. The Board of County Commissioners passed a resolution, sponsored by Chairman Martinez, in support of this issue. The bill takes effect if the amendment passes in the November election. <http://www.flsenate.gov/Session/Bill/2012/0357>
- **HB 711, Sale or Lease of a County, District, or Municipal Hospital** – this bill requires various governing boards of publicly owned hospitals around the state to evaluate the benefits of selling or leasing hospital facilities to a not-for-profit or for-profit entity. <http://www.flsenate.gov/Session/Bill/2012/0711>
- **HB 7049, Human Trafficking, Judiciary Committee** – this bill, which appeared as a critical priority based on a resolution sponsored by Commissioner Diaz, increases

penalties for human trafficking to a first degree penalty, and provides additional powers to the Statewide Prosecutor to pursue these cases.
<http://www.flsenate.gov/Session/Bill/2012/7049>

Elections Law

The United States Justice Department informed a federal court that it feels a change-of-address provision found in a sweeping elections bill passed in 2011 is discriminatory. It had previously informed the court that it would also be opposing a reduction in the number of early voting days, as well as restrictions on new voter registration drives.

Because of previous violations in the federal Voting Rights Act in five Florida counties, any changes to the state's election law must be approved by the federal government.

Miami-Dade Legislative Delegation

Earlier this week, several House members of the Miami-Dade Legislation met with Mayor Carlos Gimenez to go over their accomplishments this past session. Senators were unable to attend because they were traveling to Tallahassee. Members in the meeting included: Delegation Chair Carlos Lopez-Cantera, Vice Chair Jose Diaz, and Representatives Jeanette Nunez, Jose Oliva, Carlos Trujillo, Eddy Gonzalez, Mike Bileca, Daphne Campbell, Barbara Watson, Luis Garcia, and Ana Rivas-Logan.

Also this week, as the County Commission held a discussion on the 2012 legislative session, Delegation Chair Lopez-Cantera and Vice Chair Diaz attended the meeting to provide further insight on what took place in Tallahassee. Much of the discussion centered on HB 5301, the Medicaid billing issue that we have previously reported on. Chair Lopez-Cantera stated that the version of the bill first put forth by the Senate would have been much more harmful to counties, and the bill that passed makes it a bit more palatable because it allows for the payments to be made over time.

Chairman Lopez-Cantera, who is termed-out and thanked the Board of County Commissioners for the time they spent working together, encouraged the members to reach out to individual members of the delegation early in the legislative process in order to voice any concerns over possible legislation that can affect the county. The Board thanked him for taking the time to appear before them.

Medicaid Billing Issue

HB 5301, the Medicaid billing issue that we have repeatedly reported on, was the subject of two editorials this week in the Miami Herald. The first was written by the Herald's editorial

board, and the second was a letter by Broward Commissioner Stacy Ritter, a former legislator. They can be found in the links below:

- Editorial Board: <http://www.miamiherald.com/2012/03/20/2704451/veto-these-bills.html>
- Commissioner Ritter: <http://www.miamiherald.com/2012/03/21/2706436/medicaid-burden-shouldnt-fall.html>

This bill was presented to the Governor on March 14, he has until March 29 to act on it.

Business in Cuba

Earlier this week, Miami-Dade County Attorney Robert Cuevas issued an opinion stating that the terms of HB 959 cannot be enforced at the county level until the federal government authorizes the state to enact procurement limitations, or a federal court finds the law to be constitutional.

HB 959, sponsored by Representative Mike Bileca and Senator Rene Garcia, prohibits the hiring of companies that have business ties to Cuba and Syria.

Internet Cafes

The Federal Appeals Court in Atlanta chose this week not to grant a temporary injunction against Seminole County's ban on internet cafes (what we have come to know as "maquinitas"). There are currently over 1,000 cafes in the state, and rely on a state statute written in the 1970s.

This past session, the House moved forward with a bill by Representative Scott Plakon banning these cafes. The Senate was more interested in regulating them.

Tallahassee Weekly Report

March 26-30, 2012

Medicaid Billing (HB 5301)

Yesterday, Governor Scott signed HB 5301 into law. This is the controversial Medicaid billing issue that became a priority for Miami-Dade County during the end of session. Under the provisions of the bill, the counties will be charged for 85 percent of their unpaid Medicaid balances over a five year period. Counties have the option to appeal their amount, but a loss on appeal would result in full payment. The impact to Miami-Dade County is estimated to be over \$30 million. In the first year, the bill is expected to put \$75 million back in the state's coffers.

In a letter accompanying the bill, Governor Scott acknowledged the impact this would have on local governments, but legitimate financial obligations must be paid. The Agency for Healthcare Administration (AHCA) will have until August to verify the amounts owed by each county, and the Governor has indicated that the agency will meet with each county prior to then.

The Governor also pointed to other provisions in the bill as reason for signing it, such as the creation of requirements for switching the state's hospital payments under Medicaid to a system of diagnosis-related groups, and a limit on the number of reimbursed hospital visits for most adult Medicaid patients to six per year.

The following link contains the Governor's letter: http://static-lobbytools.s3.amazonaws.com/press/46155_governor_s_signing_letter_for_hb_5301.pdf.

Bills of Interest

Aside from the Medicaid issue mentioned above, the Governor also signed the following bills of interest to Miami-Dade County into law this week:

- HB 7023 by the House Business and Consumer Affairs Subcommittee, related to Regional Workforce Boards. This bill gives the Governor power to remove the executive director of a regional workforce board or a member of the board for cause. The Board of County Commissioners passed Resolution 82-12, sponsored by Commissioner Jordan, opposing this bill.
- HB 7087 by the House Finance and Tax Committee, related to Economic Development. This bill provides \$120 million in tax breaks for businesses in specific industries. The tax cuts include an increase in the corporate income tax exemption from \$25,000 to \$50,000. The bill also includes the three-day back to school sales tax holiday.

The following bills of interest to Miami-Dade County were presented to the Governor this week.:

- HB 521 by Representative Artiles, related to State Preemption of the Regulation of Hoisting Equipment. This bill preempts to the state regulation of cranes, or any other hoisting equipment. The Governor has until April 14 to act.
- HB 979 by Representative Diaz, related to Developments of Regional Impact. This bill allows local governments to approve larger developments by deciding whether they had to go through the more lengthy state DRI process. The Governor has until April 14 to act.

Redistricting

Earlier this week, the Special Session that was called to address the Supreme Court's concerns on the Senate map ended with the two chambers passing a revised map. The map passed the House on a 61-47 vote, with all of the chamber's Democrats joining the Republicans from Miami-Dade County and Budget Chair Denise Grimsley, a Republican from Sebring, in voting no. The Republican members of our delegation voted against the map due to its failure to create a fourth Hispanic-majority Senate district in Miami-Dade County, which they feel is justified due to shifts in population. Representatives Diaz, Nunez, and Fresen spoke in opposition to the map on the floor.

The revised map now goes back to the Supreme Court for final action. Should the Court decide that the map is still not constitutional, it can choose to draw the map itself.

Wage Theft

A Miami-Dade Circuit Judge, this week, ruled against the Florida Retail Federation's challenge of Miami-Dade County's wage theft ordinance. The court found that the ordinance is "a reasonable exercise of governmental authority" and a "proper exercise of its police powers".

The Florida Retail Federation brought the case forward on the grounds that the ordinance creates a shadow judicial system that denies the employers their right to due process. The county argued that it is authorized to set up administrative proceedings under the state's Constitution, and the proceedings give the employers a chance to present evidence and defend themselves.

This past session, the House passed a bill that would have preempted the county's ordinance, but the bill died in the Senate Judiciary Committee, where Senator Anitere Flores, the committee's chair and a member of our legislative delegation, attempted to carve out an exception for Miami-Dade County.

Pension Lawsuit

Later this summer, the Florida Supreme Court will take up the case related to changes made to Florida's pension law in 2011, namely the provision where employees contribute 3 percent of their paychecks toward their retirement. Oral arguments will take place on September 5, with the state's first brief due on May 17.

A circuit judge in Leon County ruled earlier this month that the pension contributions, as well as the elimination of cost-of-living increases, break a contract between the state and its employees. The First District Court of Appeal then certified the case as being of "great public importance".