

TALLAHASSEE WEEKLY REPORT

April 2-6, 2012

Florida Supreme Court

The Florida Supreme Court announced this week that Justice Ricky Polston was unanimously selected to serve as the Court's next Chief Judge. Polston, who will replace current Chief Justice Charles Canady, will begin his two-year term on July 1.

Justice Polston, appointed to the Court by former Governor Crist, was one of two dissenting votes, along with Justice Canady, when the Court voted to reject the Senate's redistricting plan.

Justice Polston served on the First District Court of Appeal, from 2001-2008, until his appointment to the Supreme Court by Governor Crist. He is a 1986 graduate of the Florida State University School of Law.

Deep Dredge

Governor Scott received SB 1998 this week, the transportation bill that includes language that would expedite the administrative review process for the port's deep dredge project. The Governor has until April 21 to act on the bill.

The Sierra Club has asked the Governor to veto the bill. The Biscayne Bay Waterkeeper and Tropical Audubon Society also oppose the dredge language, stating that dredging and blasting of the bay would destroy coral reefs and sea grass, as well as marine life, such as manatees.

The dredge language was also included in HB 599.

Bill Action

The Governor signed the following bills of interest to Miami-Dade County into law this week:

- HB 37, Knowingly and Willfully Giving False Information to a Law Enforcement Officer, Rep. Diaz – this bill was filed on the heels of the Casey Anthony case, and creates "Caylee's Law". This issue was included in the county's legislative agenda, as a result of a resolution sponsored by Commissioner Diaz.

- HB 521, State Preemption of the Regulation of Hoisting Equipment, Rep. Artilles – this bill preempts the regulation of cranes and other hoisting equipment to the state.
- HB 711, Sale of Lease of a County, District of Municipal Hospital, Rep. Hooper – this bill requires every governing board or hospital district to evaluate the benefits of selling or leasing hospitals to not-for-profit companies.
- HB 7049, Human Trafficking, House Judiciary Committee – this bill includes increased penalties for human trafficking, and appeared as a “Critical Priority” on the county’s legislative agenda as a result of a resolution sponsored by Commissioner Diaz.

The Governor was sent the following bills for his signature or veto. He has until April 21 to act:

- HB 5001, Appropriations – this is the FY 2012-2013 state budget. The Governor has the power to veto specific line-items in the budget. The Governor was also sent the budget implementing and conforming bills.

Stand Your Ground

Senator Chris Smith, incoming Democratic Leader in the Senate, announced this week he would be forming his own panel to review the state’s “Stand Your Ground Law” in the wake of the shooting death of Trayvon Martin in Sanford, Florida. Senator Smith says that action is needed immediately, and cannot wait until the Governor’s previously announced task force begins its work. The Governor has stated he would like his task force to begin its work after the investigation into the shooting has been completed.

The Senator’s panel will include South Florida prosecutors, public defenders, and legal scholars. Representative Perry Thurston, the incoming House Democratic Leader, and former state Senator and Representative Dan Gelber are two of the members of Senator Smith’s group.

Political

- Representative Ron Saunders, the House Minority Leader and a member of the Miami-Dade Legislative Delegation, officially filed this week to run for the state Senate. Based on the new maps, Representative Saunders will be running in the area currently represented by Senator Larcenia Bullard, who is term-limited. The district includes all of Monroe County, part of Southwest Miami-Dade, all of Hendry County, and the eastern portion of Collier County. Representative Dwight Bullard, the Senator’s son, and former Representative James Bush have already filed for this seat as well.

- Representative Mike Weinstein, from the Northeast Florida area in Duval and Nassau Counties, has filed to run for the state Senate, in the district being vacated by term-limited Senator Stephen Wise. Former Representative Aaron Bean is also filed to run in this seat, and has been campaigning for nearly three years with the support of several current Senators. Representative Weinstein chose to run for the Senate over facing a primary with fellow Representative Charles McBurney, as the two were drawn into the same district in the new House map.
- Representative Joe Abruzzo will run for the state Senate, in a seat similar to that being vacated by term-limited Senator Nan Rich. It includes portions of Broward and Palm Beach County.
- Term-limited Senator Mike Fasano announced he will be running for the Florida House, in the seat being vacated by term-limited Representative John Legg, the Speaker Pro-Tem. Senator Fasano began his legislative career in the Florida House in 1994, and was subsequently elected to the Senate in 2002. Representative Legg is running for Fasano's vacated Senate seat.
- Aside from Senator Fasano, several former legislators have filed to run for seats in the legislature, including:
 - Former Senate Majority Leader Alex Diaz de la Portilla, who has filed to run for the state Senate seat currently held by Senator Gwen Margolis. It is possible that this seat may eventually become a majority-Hispanic seat.
 - Former Representative and current School Board Member Renier Diaz de la Portilla has filed to run for newly drawn House District 103. He is being challenged by educator Manny Diaz, Jr., who has received endorsements from Attorney General Pam Bondi, Senator Rene Garcia, and Representatives Eddy Gonzalez, Jose Oliva, and Jeanette Nunez.
 - Former Representative Randy Johnson, termed out in 2006, is running for a seat in Polk County. Representative Johnson served eight years in the House, representing Orange County, and ran for CFO in 2006, where he was beaten by then-Senate President Tom Lee in the Republican primary.
 - Former Representative Carl Domino, termed out in 2010, is running to regain a Palm Beach County House seat that bares resemblance to the one he used to represent.
 - Former Representative Michael Grant, who gave up his House seat after two terms to run for the state Senate, is running in a district resembling his old House seat. Grant was defeated by current Senator Nancy Detert.
 - Former Representative and Senator Nancy Argenziano is running to regain a seat near her old district in Citrus County. Argenziano, who resigned from the Senate after being named to the Public Service Commission, will be running as an Independent after leaving the Republican Party. She will challenge incumbent Representative Jimmy Smith.

TALLAHASSEE WEEKLY REPORT

April 9-13, 2012

HB 5301 Lawsuit

The Florida Association of Counties (FAC) announced this week it will file a lawsuit in Leon County in the coming weeks challenging HB 5301, the Medicaid billing legislation passed by the Legislature this past session and signed into law by the Governor. It is probable that part of the argument will center on provisions in the state Constitution limiting unfunded mandates and reductions in state revenue sharing.

The provisions of HB 5301 stipulate that the state can garnish a portion of state revenue sharing for counties based on the amount of Medicaid bills the counties owe the state for nursing homes and long-term hospitals. Despite the counties' claims that many of the payments are disputed, proponents of the bill say that most of the payments are legitimately owed and the bill gives the counties the option of paying their share of 85 percent of the backlog, or challenging the payments in an administrative hearing.

Seminole, Pasco, Polk, Manatee and Leon counties have signed on to the lawsuit, with other counties surely to follow. A majority of the state's 67 counties had either signed letters or passed resolutions asking Governor Scott to veto the bill.

State forecasters estimate the bill will result in nearly \$78 million in lost revenue during the first year of collections. The Agency for Health Care Administration (AHCA) says the currently total backlog of unpaid bills sits at nearly \$326 million, a number that may be reduced once the amounts are certified by auditors. Governor Scott has pledged to the counties that AHCA will meet with county officials before these numbers are certified.

Bill Action

The Governor was presented with 54 bills on Friday. He has until April 28 to act on this new list. Below, please find those bills on the list of interest to Miami-Dade County:

- SB 226, Disabled Parking Permits, Sen. Margolis – This bill has appeared in the county's legislative agenda for several years. The goal of the bill is to curb abuses that exist with regards to disabled parking.
- HB 291, Youth Athletes, Rep. Renuart – This bill appears in the county's legislative agenda via a resolution sponsored by Chairman Martinez, and will require coaches to immediately remove student-athletes from a game following a head injury.

- HB 885, Transactions by Secondhand Dealers and Secondary Metals Recyclers – This bill appears in the county’s legislative agenda as a “Critical Priority” via a resolution sponsored by Commissioner Edmonson. The bill increases penalties for secondary metals recyclers, and preempts local ordinances while providing an extension through July 1, 2013 for Miami-Dade County to amend its ordinance.

For a complete list of the bills, please feel free to contact our office.

Commissioner Adam Putnam

Adam Putnam, the state’s Commissioner of Agriculture and Consumer Services, will be appearing today at the Miami-Dade County Agriculture and Cattle Show. Commissioner Putnam has been very supportive of the show during his tenure, which has been spearheaded by Commissioner Souto.

Other state elected officials at the opening of the show were Representatives Carlos Lopez-Cantera, Jose Diaz, and Ana Rivas-Logan from our local delegation, as well as Senator Gary Siplin from Orlando, chair of the Senate Agriculture Committee. Miami-Dade County Property Appraiser Pedro Garcia was also present.

For more information on the show, which begins today in Tropical Park, please go to <http://www.miacs.info/index.html>.

State Bond Rating

Fitch Ratings, one of the three major credit rating agencies, reaffirmed the state’s “AAA” credit rating this week, but was quick to point out that the outlook was also listed as negative. The agency “recognizes the state’s strong financial management practices, moderate debt burden, well-funded pension system, solid long-term economic prospects, and still satisfactory reserves”. The negative outlook, however, suggests that the state has been running out of options for balancing its budget if the economic recovery does not pick up steam.

The state can suffer a rating downgrade if revenue forecasts are substantially revised downward, or in the event of an “unfavorable resolution of the pension lawsuit, resulting in a material reduction in reserves”.

In relation to HB 5301, mentioned above, Moody’s Investor Services has stated that the bill will have “negative credit implications” to Florida’s counties. Moody’s goes on to say “The lost revenues add another financial strain on counties already challenged by waning property tax and other operating revenue”.

Foreclosures

RealtyTrac, a California based company that tracks foreclosed properties, issued a report this week showing that while foreclosure filings across the country declined during the first three months of 2012 compared the same period in 2011, the number in Florida increased by 26 percent over last year. Foreclosures fell 16 percent nationwide, while Florida showed 73,344 foreclosure filings in the first quarter.

Decreases were generally shown in states with non-judicial foreclosure processes, while states, such as Florida, with a judicial foreclosure process reported increases.

Florida TaxWatch

Earlier this week, OIA participated in Florida TaxWatch's Miami regional lunch briefing. The meeting included a welcome from Marshall Criser, the President of Florida AT&T and Chairman of TaxWatch, as well as an issues briefing by Dominic Calabro, TaxWatch's President and CEO.

Florida TaxWatch is a statewide, non-partisan research institute that has become a watchdog on state spending. Its mission is "to provide the citizens of Florida and public officials with high quality, independent research and education on government revenues, expenditures, taxation, public policies, and programs, and to increase the productivity and accountability of Florida Government".

Also this week, TaxWatch released its budget turkeys, its annual spotlight on "legislative projects placed in the budget without the proper opportunity for public review and debate, which circumvent lawfully established procedures, or which non-competitively benefit a very limited special interest of local area of the state". This years list includes 159 appropriations, representing \$170.9 million. Last year, Governor Scott vetoed 90 percent of the items identified by TaxWatch.

For a summary from TaxWatch on how they reached their conclusions, please see <http://www.floridataxwatch.org/resources/pdf/2012turkeysFinal.pdf>.

For a county by county list of TaxWatch's turkeys, please see <http://www.floridataxwatch.org/resources/pdf/2012TurkeyListFinalCounty.pdf>.

Political

- House Majority Leader Carlos Lopez-Cantera, who is termed-out, announced this week he would be running for Property Appraiser in Miami-Dade County, challenging incumbent Pedro Garcia. Representative Lopez-Cantera has also served as chair of the Miami-Dade Legislative Delegation for the past 2 years.
- Manny Diaz, Jr., an educator running in the newly created House District 103, received the endorsement of Representative Frank Artiles this week. HD 103 includes portions of Doral, Hialeah, and Hialeah Gardens. School Board Member, and former state representative, Renier Diaz de la Portilla is also running for this seat.

Tallahassee Weekly Report

April 16-20, 2012

Budget

Earlier this week, Governor Rick Scott signed the FY 2012-2013 budget into law. The Governor vetoed \$142.7 million from plan, putting the state budget at \$69.9 billion. This is a steep decrease in the amount vetoed last year by the Governor in signing his first budget, when \$615 million was cut.

Last year's vetoes included projects such as funding for public television and environmental restoration, which the Governor kept in the budget this year after supporters were able to prove that the spending was necessary and justified.

Among some of the big-ticket items vetoed by the Governor this year are over \$16 million in payments to local expressway authorities, \$2.5 million for regional planning councils and \$7 million for medical residency programs at Nova Southeastern University and the University of Miami.

Please click the following link to view the Governor's budget transmittal message: <http://www.flgov.com/wp-content/uploads/2012/04/HB-5001-Transmittal-Letter-4-17-12.pdf>.

Please click the following link to view the list of projects vetoed by the Governor: <http://www.flgov.com/wp-content/uploads/2012/04/Final-Veto-List-4-17-12.pdf>.

In terms of projects located within Miami-Dade County that were vetoed, which totaled approximately \$13.7 million, are as follows (in the order in which they appear in the General Appropriations Act):

- University of Miami PhD Program in Biomedical Science – \$560,199
- University of Miami College of Medicine - \$3,137,116
- University of Miami Rosenstiel Marine Science - \$89,574
- University of Miami BS and MFA in Motion Pictures - \$159,245
- University of Miami Regional Diabetes Center - \$244,011
- Dan Marino Project - \$500,000
- Camillus House - \$250,000
- Citrus Health Network - \$455,000
- New Horizons Community Mental Health Center - \$100,000
- Richmond Heights Resource Center - \$100,000
- Goulds Coalition of Ministries and Lay People - \$100,000
- Mt. Sinai Brain Bank - \$100,000

- University of Miami Crohn's Disease and Ulcreative Colitis Project - \$500,000
- Autism Center of Miami - \$100,000
- University of Miami Brain and Spinal Research - \$400,000
- City of Hialeah Stormwater Rehabilitation - \$140,000
- City of Hialeah Road Maintenance Vehicle Replacement - \$72,769
- City of Hialeah Road Maintenance Equipment - \$196,846
- Miami River Environmental Enhancements - \$100,000
- City of Miami Gardens NW 25 Avenue Improvements - \$300,000
- Village of El Portal Little River Canal Seawall Remediation Project - \$150,000
- City of Miami Public Infrastructure Improvement - \$5,000,000
- CAMACOL Film - \$150,000
- Hialeah Chamber of Commerce and Industries - \$100,000
- Historic Hampton House - \$100,000
- Village of Biscayne Park Historical Log Cabin - \$150,000
- Haitian Heritage Museum Project - \$75,000
- Bay of Pigs Museum - \$500,000

Medicaid Billing

Earlier this week, OIA joined the our colleagues from around the state in a conference call with the Florida Association of Counties (FAC) to discuss the impending lawsuit against the state regarding HB 5301, the budget conforming bill that includes the Medicaid billing issue we have heavily reported on. The lawsuit will be filed in Leon County Circuit Court before the end of the month, with only the provisions of the bill allowing the state to withhold a portion of the sales tax it shares with counties to help pay for future Medicaid county billings being challenged.

At this week's Board of County Commissioners meeting, a resolution sponsored by Commissioner Sally Heyman was passed allowing the county to join the lawsuit, which also includes Leon, Manatee, Pasco, Polk and Seminole counties.

Bills Presented to Governor

The following bills were presented to Governor Scott today. He has until May 5 to act on these bills. Those bills of a particular interest to Miami-Dade County have been italicized and bolded. For further information on any of the bills listed, please feel free to contact our office.

Num	Title	Sponsor
HB 0013	Relating to Sovereignty Submerged Lands	Frishe
<i>HB 0119</i>	<i>Relating to Motor Vehicle Personal Injury Protection Insurance</i>	<i>Boyd</i>
SB 0268	Relating to Sponsorship of State Greenways and	Wise

	Trails	
SB 0276	Relating to Recognition of Military Personnel and Veterans	Sachs
HB 0313	Relating to Premises Liability	Bembry
SB 0446	Relating to OGSR/Insurance Claim Data Exchange Information/Past Due Child Support	Children, Families, and Elder Affairs
HB 0449	Relating to Public Fairs and Expositions	Steube
HB 0503	Relating to Environmental Regulation	Patronis
HB 0577	Relating to City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County	Young
HB 0593	Relating to North St. Lucie River Water Control District, St. Lucie County	Mayfield
HB 0643	Relating to Title Insurance	Moraitis, Jr.
HB 0645	Relating to Pub. Rec./Title Insurance Data/Office of Insurance Regulation	Moraitis, Jr.
HB 0693	Relating to Department of Business and Professional Regulation	Ingram
HB 0701	Relating to Florida Evidence Code	Logan
HB 0725	Relating to Insurance Agents and Adjusters	Hager
HB 0729	Relating to Hiring, Leasing, or Obtaining Personal Property or Equipment with Intent to Defraud	Pilon
SB 0792	Relating to Financial Institutions	Gaetz (D)
HB 0897	Relating to Construction Contracting	Moraitis, Jr.
HB 0937	Relating to Legal Notices	Workman
HB 0941	Relating to Insurance	Holder
HB 0959	Relating to State and Local Government Relations with Cuba or Syria	Bileca
HB 1089	Relating to Pub. Rec./Agency Personnel Information	Adkins
HB 1099	Relating to Stalking	Plakon
HB 1193	Relating to Pub. Rec./Victims of Violence	Jones (M)
HB 1261	Relating to State Employment	Mayfield
HB 1301	Relating to City of West Palm Beach, Palm Beach County	Abruzzo
HB 1325	Relating to City of West Palm Beach, Palm Beach County	Abruzzo
HB 1483	Relating to Alachua County	Chestnut
HB 7013	Relating to OGSR/U.S. Census Bureau Address Information	Government Operations Subcommittee
HB 7015	Relating to OGSR/Donor Information/Publicly Owned House Museums	Government Operations Subcommittee
HB 7017	Relating to OGSR/Donor Information/Historic Preservation of City of St. Augustine	Government Operations

		Subcommittee
HB 7033	Relating to OGSR/Personal Injury Protection and Property Damage Liability Insurance Policies	Government Operations Subcommittee
HB 7035	Relating to OGSR/Physician Workforce Surveys	Government Operations Subcommittee
HB 7037	Relating to OGSR/Sunshine State One-Call of Florida, Inc.	Government Operations Subcommittee
HB 7079	Relating to State Retirement	Government Operations Subcommittee
HB 7103	Relating to OGSR/Florida Opportunity Fund and Institute for the Commercialization of Public Research	Government Operations Subcommittee
HB 7105	Relating to OGSR/Florida Workers' Compensation Joint Underwriting Association, Inc.	Government Operations Subcommittee
HB 7107	Relating to OGSR/Consumer Complaints and Inquiries	Government Operations Subcommittee
HB 7109	Relating to OGSR/Lifeline Assistance Plan	Government Operations Subcommittee
HB 7111	Relating to OGSR/Unclaimed Property	Government Operations Subcommittee

2014 Governor's Race

Senator Nan Rich, the Democratic Leader of the Florida Senate, announced this week she would be running for Governor in 2014. Senator Rich, who represents Broward, and a small portion of western Miami-Dade County, is termed-out this year, having first been elected to the Senate in 2004.

Though the primary would not be for another two years, Senator Rich says she plans on spending time traveling the state and meeting with various constituencies in order to raise her name recognition.

Some of the other names rumored to be considering getting into the Democratic primary are Senator Jeremy Ring, Orlando Mayor Buddy Dyer, and former CFO Alex Sink, who lost to Governor Rick Scott in the 2010 general election.

Stand Your Ground Task Force

Governor Rick Scott and Lieutenant Governor Jennifer Carroll announced this week that their task force to review the state's "Stand Your Ground" statute, in the wake of the Trayvon Martin shooting, will hold its first meeting on May 1 in Tallahassee. Lieutenant Governor Carroll will chair the task force, with the goal of having recommendations for the Governor and the Legislature prior to the 2013 legislative session.

The membership of the task force is as follows:

- Sheriff Larry Ashley, of Shalimar, Okaloosa County Sheriff's Office
- State Representative Dennis Baxley, of Ocala, Florida House of Representatives, District 24
- Former Florida Supreme Court Justice Kenneth B. Bell, of Pensacola, shareholder with Clark Partington Hart Larry Bond and Stackhouse
- State Representative Jason Brodeur, of Sanford, Florida House of Representatives, District 33
- Derek E. Bruce, of Orlando, attorney with Edge Public Affairs
- Joseph A. Caimano Jr., of Tampa, criminal defense attorney with Caimano Law Group
- Edna Canino, of Miami, president of the Florida Embassy of League of United Latin American Citizens, Council 7220
- Gretchen Lorenzo, of Fort Myers, neighborhood watch coordinator for the Fort Myers Police Department
- Judge Krista Marx, of West Palm Beach, Fifteenth Judicial Circuit of Florida
- Maria Newman, of Melbourne, neighborhood watch volunteer with the City of Melbourne
- Katherine Fernandez Rundle, of Miami, state attorney for the Eleventh Judicial Circuit
- Stacy A. Scott, of Gainesville, assistant public defender with the Eighth Judicial Circuit
- Mark Seiden, of Miami, self-employed attorney
- State Senator David Simmons, of Altamonte Springs, Florida Senate, District 22
- State Senator Gary Siplin, of Orlando, Florida Senate, District 19

Unemployment

Numbers released by the state's Department of Economic Opportunity (DEO) show that Florida's unemployment rate fell to 9 percent in March, a drop of .4 percent from February and the largest monthly drop in two years. The total number of unemployed workers dropped to 836,000, while 10,800 jobs were added around the state.

BP Oil Spill

The United States Justice Department announced this week that errors identified via an independent audit of the Gulf Coast Claims Facility will lead to 4,450 Floridians getting paid \$37.7 million. This number represents over half of the \$64 million that will be paid to over 7,000 people and businesses whose claims with BP's \$20 billion compensation fund were shortchanged or wrongfully denied.

TALLAHASSEE WEEKLY REPORT

April 23-27, 2012

Medicaid Billings

The Florida Association of Counties (FAC), along with 47 other counties, including Miami-Dade, filed a lawsuit in a Tallahassee circuit court this week challenging HB 5301, the new state law aimed at collecting unpaid Medicaid bills. The suit is based on the thought that collecting these unpaid bills by garnishing a portion of state revenue shared with the counties violates the state Constitution, specifically, the portion restricting unfunded mandates on local governments.

The complaint states, "Through this error-ridden scheme, the state is coercing counties into paying for lawfully time-barred back bills, as well as new Medicaid obligations, that cannot rightfully be traced to their communities". Any bill aimed at reducing local revenue or requiring local governments to expend funds must pass by the Legislature by a 2/3 vote, which HB 5301 did not.

The Agency for Health Care Administration (AHCA) is in the process of meeting with all of the counties to discuss the billing amounts. The meeting with Miami-Dade County is scheduled for May 3, 2012, at 10 am on the 22nd floor of the Stephen P Clark Center.

Earlier today, OIA, along with Commissioner Heyman, participated in a conference call, hosted by FAC, to discuss the lawsuit. These calls will be held every other Friday at 10 am. FAC has also created a website, www.FACMedicaid.com, which allows stakeholders to receive further information and updates on the suit.

Bill Action

Governor Rick Scott signed the following bills into law on Friday. Those of interest to Miami-Dade County have been italicized and bolded. For further information on these, or any other bills, please feel free to contact our office.

Num	Title	Sponsor
HB 0045	Relating to Postsecondary Education Course Registration for Veterans	Smith (J)
SB 0116	Relating to Freeholder Voting	Wise
HB 0171	Relating to Osteopathic Physicians	Trujillo
<i>SB 0226</i>	<i>Relating to Disabled Parking Permits</i>	<i>Margolis</i>
HB 0231	Relating to Intergovernmental Cooperation	Horner
HB 0249	Relating to Public Lodging Establishments	Bembry
HB 0285	Relating to Sick Leave for School District Employees	Harrell

HB 0291	<i>Relating to Youth Athletes</i>	<i>Renuart</i>
HB 0309	Relating to Radiological Personnel	Oliva
SB 0326	Relating to State Symbols/State Flagship	Bullard (L)
HB 0347	Relating to College Credit for Military Training and Education Courses	Harrell
HB 0363	Relating to Physician Assistants	Kreegel
HB 0413	Relating to Chiropractic Medicine	Mayfield
HB 0473	Relating to Alzheimer's Disease	Hudson
HB 0479	Relating to Animal Control	O'Toole
HB 0599	<i>Relating to Transportation and Mitigation Programs</i>	<i>Pilon</i>
HB 0619	Relating to Fort Pierce Farms Water Control District, St. Lucie County	Mayfield
HB 0665	Relating to Gasparilla Island Bridge Authority, Charlotte and Lee Counties	Roberson
HB 0701	Relating to Florida Evidence Code	Logan
HB 0715	Relating to Self-service Storage Facilities	Caldwell
HB 0769	Relating to Public Accountancy	Ford
HB 0787	Relating to Health Care Facilities	Trujillo
HB 0801	Relating to Emergency 911 Service	Steube
HB 0803	<i>Relating to Child Protection</i>	<i>Diaz</i>
HB 0869	Relating to Pinellas Planning Council, Pinellas County	Frishe
HB 0885	<i>Relating to Transactions by Secondhand Dealers and Secondary Metals Recyclers</i>	<i>Ford</i>
SB 0922	Relating to Military Support	Bennett
HB 1013	Relating to Residential Construction Warranties	Artiles
HB 1015	Relating to Tourist Development Tax	Hooper
HB 1099	Relating to Stalking	Plakon
HB 1193	Relating to Pub. Rec./Victims of Violence	Jones (M)
HB 1223	Relating to Highway Safety and Motor Vehicles	Albritton
HB 1237	Relating to Department of Citrus	Albritton
HB 1239	Relating to Pub. Rec./Department of Citrus	Albritton
HB 1263	Relating to Department of Health	Hudson
HB 1299	Relating to North Lake County Hospital District, Lake County	Metz
HB 1323	<i>Relating to Metal Theft</i>	<i>Drake</i>
HB 1351	Relating to Homeless Youth	Glorioso
HB 1355	Relating to Protection of Vulnerable Persons	Dorworth
HB 1389	Relating to Water Storage and Water Quality Improvements	Perman
HB 1403	Relating to High School Athletics	Stargel
HB 4039	Relating to Recreation and Parks	Porter
HB 4075	Relating to Charlotte County	Roberson
HB 4175	Relating to Palm Beach County	Rooney, Jr.

HB 7021	Relating to Department of Agriculture and Consumer Services	Agriculture & Natural Resources Subcommittee
HB 7059	Relating to Acceleration Options in Public Education	K-20 Innovation Subcommittee
HB 7063	Relating to Digital Learning	K-20 Innovation Subcommittee
HB 7097	Relating to Administration of Property Taxes	Finance & Tax Committee
HB 7127	Relating to School Improvement and Education Accountability	Education Committee
HB 7135	Relating to Postsecondary Education	Education Committee

Deep Dredge

The Port of Miami's deep dredge project will proceed, on the heels of an agreement whereby Miami-Dade County will pay over \$2 million to settle the concerns of conversationalists. The county will pay into the Biscayne Bay Enhancement Trust Fund and donate money to the Tropical Audubon Society and Biscayne Bay Waterkeeper for projects aimed at restoring Biscayne Bay. These groups had opposed the project via a challenge through the Florida Department of Environmental Protection.

The agreement needs the approval of the Board of County Commissioners.

State Working Drug Testing

A federal judge ruled this week that an executive order by Governor Scott requiring random drug testing for state workers is unconstitutional. The Governor announced almost immediately after the ruling that he would be filing an appeal.

The Governor's executive order required random drug testing of all employees under his supervision, but was later narrowed down to only include Department of Corrections employees, after the suit was filed by the American Civil Liberties Union and AFSCME.

United States District Judge Ursula Ungaro ruled that the Governor's "general and essentially speculative interest" in catching potential drug users within the state's workforce did not allow the state to randomly test all employees without suspicion because the United States Constitution bars unreasonable searches.

Redistricting

Earlier today, the Florida Supreme Court unanimously approved the redrawn state Senate map that was passed during last month's special session. The Court had approved the House map during the legislative session, but rejected the Senate's original map.

Justice Pariente issued her own opinion, urging the legislature and future Constitutional Revision Commissions to consider revising the current redistricting time schedule, which makes it difficult for the Court to adequately analyze the maps.

Online Travel Companies

The Florida counties involved in a lawsuit with online travel companies (OTCs) will appeal a circuit judge's ruling from last week which favored the OTCs. At issue is whether or not the OTCs should be taxed on what they pay for hotel rooms rather than the higher price they charge customers. The circuit judge ruled that should be taxed on the lower rate.

Circuit Judge James Shelfer's written order has not been signed yet, but a transcript indicates that he found Florida's tax law to be too vague to support the argument laid out by the counties that taxes should be paid on the higher retail rate.

The counties involved in the lawsuit are Leon, Flagler, Lee, Manatee, Pinellas, Polk, Alachua, Nassau, Okaloosa, Seminole, Wakulla, St. Johns, Escambia, Charlotte, Walton, Hillsborough and Pasco, along with tax collectors in Leon, Polk, and Hillsborough.

Defendants in the lawsuit included Orbitz, Expedia, Hotels.com, Hotwire, Priceline.com, Travelweb, and Travelocity.

Slots

The Florida Supreme Court upheld a ruling from the First District Court of Appeal (DCA) that slot machines are officially allowed at Hialeah Racetrack. The Court did so by refusing to take up a case challenging the legality of the slots.

The DCA had ruled that the Legislature has the power to expand gambling in the state. South Florida pari-mutuels had challenged the decision to allow slots at Hialeah Racetrack since it was not included as part of the referendums in Miami-Dade and Broward that approved slots. In 2009, the Legislature included Hialeah in state statutes allowing slots in South Florida.

Tallahassee Weekly Report

April 30-May 4, 2012

HB 959 – Relations with Cuba/Syria

Earlier this week, OIA, along with Chairman Martinez, Commissioners Diaz, Bovo, and Souto, and Mayor Gimenez, represented Miami-Dade County at the Governor's bill signing ceremony for HB 959 at the Freedom Tower. Elected officials in attendance included Congressmen Mario Diaz-Balart, Ileana Ros-Lehtinen, and David Rivera, as well as Representatives Jose Diaz, Frank Artiles, Carlos Trujillo, Erik Fresen, Jeanette Nunez, and Ana Rivas Logan. House Majority Leader Carlos Lopez-Cantera served as the master of ceremonies, and the bill sponsors, Senator Rene Garcia and Representative Mike Bileca, spoke to the importance of the bill. HB 959 bans state and local governments from hiring companies that do business in Cuba or Syria. The bill signing and the ceremony were announced by Governor Scott on Cuban radio last week.

After the bill signing, however, controversy ensued as the Governor wrote that the bill would not be implemented until Congress passed a law authorizing such a measure. This move brought with it much dissent from many of the elected officials in attendance, including the threat of a lawsuit from Congressman Rivera. It is widely expected that the validity of this bill will be decided in court.

The following day, after indicating the law would not be enforced, Governor Scott's spokesman told the media that the governor "stands by the July 1 date", the day the law goes into effect.

Medicaid Billings

OIA attended a meeting this week between representatives from the Agency for Healthcare Administration (AHCA), Florida Association of Counties (FAC), the county budget office, and other county departments, to discuss the implementation of HB 5301, the Medicaid billing legislation we have extensively reported on.

The meeting served as an opportunity for AHCA to explain to county staff how the new bill would be implemented, including the certification of bills and the prospect of appealing a billing. AHCA's chief of staff acknowledged the lawsuit that has been filed by FAC and numerous other counties, including Miami-Dade County, and indicated she would not be answering questions related to the suit.

Also in attendance were Assistant County Attorney Jess McCarty, as well as staff from the offices of Senator Flores, and Representative Bileca and Diaz.

Bill Action

Aside from HB 959, mentioned above, the Governor signed the following bills of interest to Miami-Dade County into law this week:

- HB 119, which is the Personal Injury Protection (PIP) legislation that Governor Scott made a priority for this session. The bill places a \$2,500 cap on non-emergency car and cuts out massages and acupuncture treatments from covered procedures. The bill also requires health care clinics seeking PIP compensation to be licensed, requires policyholders seeking benefits to submit to examinations under oath and puts more resources into investigating PIP fraud.
- HB 503, an environmental regulation bill which closes a loophole created in 2010 that would have allowed some counties with garbage incinerators to claim they were recycling over 100 percent of their waste.

Below, please find the complete list of bills signed into law this week. Please contact our office for a question on any specific bill:

Num	Title	Sponsor
HB 0013	Relating to Sovereignty Submerged Lands	Frishe
HB 0119	Relating to Motor Vehicle Personal Injury Protection Insurance	Boyd
SB 0268	Relating to Sponsorship of State Greenways and Trails	Wise
SB 0276	Relating to Recognition of Military Personnel and Veterans	Sachs
HB 0313	Relating to Premises Liability	Bembry
SB 0446	Relating to OGSR/Insurance Claim Data Exchange Information/Past Due Child Support	Children, Families, and Elder Affairs
HB 0449	Relating to Public Fairs and Expositions	Steube
HB 0503	Relating to Environmental Regulation	Patronis
HB 0577	Relating to City Pension Fund for Firefighters and Police Officers in the City of Tampa, Hillsborough County	Young
HB 0593	Relating to North St. Lucie River Water Control District, St. Lucie County	Mayfield
HB 0643	Relating to Title Insurance	Moraitis, Jr.
HB 0645	Relating to Pub. Rec./Title Insurance Data/Office of Insurance Regulation	Moraitis, Jr.
HB 0693	Relating to Department of Business and Professional Regulation	Ingram
HB 0725	Relating to Insurance Agents and Adjusters	Hager
HB 0729	Relating to Hiring, Leasing, or Obtaining Personal Property or Equipment with Intent to Defraud	Pilon
SB 0792	Relating to Financial Institutions	Gaetz (D)
HB 0897	Relating to Construction Contracting	Moraitis, Jr.
HB 0937	Relating to Legal Notices	Workman
HB 0941	Relating to Insurance	Holder
HB 1089	Relating to Pub. Rec./Agency Personnel Information	Adkins
HB 1261	Relating to State Employment	Mayfield
HB 1301	Relating to City of West Palm Beach, Palm Beach County	Abruzzo
HB 1325	Relating to City of West Palm Beach, Palm Beach County	Abruzzo
HB 1483	Relating to Alachua County	Chestnut
HB 7013	Relating to OGSR/U.S. Census Bureau Address Information	Government

		Operations Subcommittee
HB 7015	Relating to OGSR/Donor Information/Publicly Owned House Museums	Government Operations Subcommittee
HB 7017	Relating to OGSR/Donor Information/Historic Preservation of City of St. Augustine	Government Operations Subcommittee
HB 7033	Relating to OGSR/Personal Injury Protection and Property Damage Liability Insurance Policies	Government Operations Subcommittee
HB 7035	Relating to OGSR/Physician Workforce Surveys	Government Operations Subcommittee
HB 7037	Relating to OGSR/Sunshine State One-Call of Florida, Inc.	Government Operations Subcommittee
HB 7079	Relating to State Retirement	Government Operations Subcommittee
HB 7103	Relating to OGSR/Florida Opportunity Fund and Institute for the Commercialization of Public Research	Government Operations Subcommittee
HB 7105	Relating to OGSR/Florida Workers' Compensation Joint Underwriting Association, Inc.	Government Operations Subcommittee
HB 7107	Relating to OGSR/Consumer Complaints and Inquiries	Government Operations Subcommittee
HB 7109	Relating to OGSR/Lifeline Assistance Plan	Government Operations Subcommittee
HB 7111	Relating to OGSR/Unclaimed Property	Government Operations Subcommittee

Stand Your Ground Task Force

Governor Scott's task force to review the state's "stand your ground" law on the heels of the Trayvon Martin shooting held its first meeting this week. Much of the meeting was spent on administrative issues, such as where to meet and how to go about the process of reviewing the law.

Lieutenant Governor Jennifer Carroll, who is chairing the task force, reiterated that the focus of the group will be to study the state's self-defense laws, without delving into every public safety law currently in the books, as has been suggested by members of the panel.

The task force hopes to have its recommendations into the Governor and legislature prior to the start of the 2013 legislative session.

Redistricting

On Monday, the United States Department of Justice (DOJ) approved all three redistricting maps passed by the Legislature, congressional, state senate, and state house. Shortly after this announcement, a judge ruled that the state can proceed with using the newly drawn congressional districts in the upcoming elections.

The DOJ preclearance is needed to make sure any changes to the state's election law or maps do not violate the Voting Rights Act, which was needed after a history of racial discrimination in a number of counties.

Crime Rate

The Florida Department of Law Enforcement (FDLE) released its "Uniform Crime Report" for 2011, which showed a 3.7 percent decline in the number of violent crimes committed since 2010. Other offenses, however, increased slightly, by .4 percent. The overall crime rate is down .8 percent, and is at its lowest level since the department started keeping track in 1971.

FDLE Commissioner Gerald Bailey explained that there could be a numerous factors for the divergent numbers, including the sluggish economy leading to an increase in property crimes, such as burglary.

In terms of domestic violence, a report by USA Today indicated that a majority of police agencies nationwide are responding to an increased number of incidents. In Florida, however, the number has been steadily decreasing.

Higher Education

Governor Rick Scott announced the creation this week of a higher education task force. In his statement, the Governor stated "The state has a vested interest in ensuring its higher education system produces world-class talent to serve as engaged citizens and meet the demands of Florida's emerging knowledge-based economy. It's time to assess the progress of prior reform efforts and identify strategies to improve efficiencies and enhance the system's effectiveness as an economic catalyst."

The task force will be chaired by Florida Chamber Foundation President Dale Brill and will include two members each selected by the Senate, the House and the Board of Governors.

Law Enforcement

The Florida State Lodge Fraternal Order of Police will host the 2012 Florida State Law Enforcement Memorial on Monday, May 7, in the Capitol Courtyard in Tallahassee. The ceremony, which honors law enforcement officials killed in the line of duty, will include a helicopter flyover.