

Tallahassee Weekly Report

2012 Session, Week 1

Opening Day

The Florida Legislature convened on Tuesday, January 10 for the opening day of the 2012 legislative session. Senate President Mike Haridopolos and House Speaker Dean Cannon called their respective chambers to order, with the two chambers meeting later in the morning to receive Governor Rick Scott's second State of the State address.

In remarks to his members, Speaker Cannon put much emphasis on the state university system, stating that it was "racing toward mediocrity". He also noted that lawmakers, himself included, should shoulder the blame for "parochially advancing the interests of our local university or college at the expense of the system as a whole". Amidst rumors that Senate President Mike Haridopolos would be interested in ending session early, and reconvening later in the spring to address the state's budget, Speaker Cannon stated that it was his "intention that this House work with our colleagues in the Senate to complete the budget during the scheduled 60 days of regular Session".

President Haridopolos' remarks were centered on jobs. He said that jobs will be his chambers "primary focus once again this year and I'm glad we have a governor who focuses every single day on that effort". He also highlighted the work of Attorney General Pam Bondi and Senator Mike Fasano in pushing for the new prescription drug laws, after the number of deaths continued to rise.

In his second State of the State address, Governor Rick Scott laid out a plan for his second session in office. The Governor laid out his three most important roles as Governor as being 1) ensuring that all Floridians are able to gain employment, 2) securing the right of every Floridian to a quality education, and 3) keeping the cost of living low. The Governor also laid out priority issues for him during the upcoming session:

- He made it clear that while he has gained better knowledge of the legislative process and will work towards cooperation, the one issue that he will not back down from is \$1 billion in new funding for education. He said "On this point, I just cannot budge".
- The Governor also urged legislators to take on the issue of personal injury protection (PIP), and make the rates more affordable for Floridians.
- He wants to "lower burdensome taxes on small businesses" in order to continue slashing "red tape" in Florida.
- The Governor also proposed a higher level of accountability for workforce boards, so that "tax money is not wasted and the purpose of those boards is fulfilled".
- He also asked for required job training for those receiving unemployment checks.

Please feel free to contact our office for the complete text of the Governor's speech.

Bill Action during Week 1

Below, please find a list of bills of interest to Miami-Dade County that were taken up during the first week of session:

- **SB 724 by Senator Diaz de La Portilla, Domestic Wastewater Discharged Through Ocean Outfalls** – this bill passed the Senate Environmental Preservation and Conservation Committee, and now goes the Senate Community Affairs Committee. *Postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; authorizing those utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements, etc.* <http://www.flsenate.gov/Session/Bill/2012/0724>
- **SB 820 by Senator Dean, Onsite Sewage Treatment and Disposal Systems** – this bill passed the Senate Environmental Preservation and Conservation Committee, and now goes the Senate Health Regulation Committee. *Providing for any permit issued and approved by the Department of Health for the installation, modification, or repair of an onsite sewage treatment and disposal system to transfer with the title of the property; providing circumstances in which an onsite sewage treatment and disposal system is not considered abandoned; providing for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system; providing that a system modification, replacement, or upgrade is not required unless a bedroom is added to a single-family home; requiring that the department provide certain guidance and technical assistance to a county or municipality upon request, etc.* <http://www.flsenate.gov/Session/Bill/2012/0820>
- **SB 540 by Senator Smith, Secondhand Dealers and Secondary Metals Recyclers** – this bill passed the Senate Commerce and Tourism Committee and now goes to the Senate Community Affairs Committee. *Revising the period required for secondary metals recyclers to maintain certain information regarding purchase transactions involving regulated metals property; revising requirements for payments made by secondary metals recyclers to sellers of regulated metals property, to which penalties apply; prohibiting secondary metals recyclers from purchasing regulated metals property without maintaining certain records; limiting civil liability of secondary metals recyclers under certain circumstances; establishing an inference that secondary metals recyclers do not commit theft or deal in stolen property under certain circumstances; preempting to the state the regulation of secondary metals recyclers and purchase transactions involving regulated metals property, etc.* <http://www.flsenate.gov/Session/Bill/2012/0540>
- **SB 710 by Senator Bogdanoff, Gaming** – this bill passed the Senate Regulated Industries Committee, and now goes to the Senate Budget Committee. *Deleting the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation; establishing the Department of Gaming Control; designating the State Gaming Commission as head of the department; authorizing the department to contract with the Department of Law Enforcement for certain purposes; directing the department to contract with the Department of Revenue for tax collection and financial audit services; providing for the Commission on Ethics to investigate complaints, report to the Governor, and enforce assessed penalties; requiring the Commission on Ethics to provide notice to a person alleged to have participated in an ex parte communication and allow that person to present a defense; providing for applications for a destination*

resort license; specifying conditions for the conduct of limited gaming by a resort licensee, etc. <http://www.flsenate.gov/Session/Bill/2012/0710>

- **HB 609 by Rep. Goodson, Wage Protection for Employees** – this bill passed the House Community and Military Affairs Subcommittee and now moves to the House Judiciary Committee. *Prohibits county, municipality, or political subdivision from adopting or maintaining in effect law, ordinance, or rule that creates requirements, regulations, or processes for purpose of addressing wage theft; preempts such activities to state; defines term "wage theft."* <http://www.flsenate.gov/Session/Bill/2012/0609>
- **HB 521 by Rep. Artiles, Regulation of Hoisting Equipment Used in Construction, Demolition, or Excavation Work** – this bill passed the House Business and Consumer Affairs Subcommittee, and now moves to the House Community and Military Affairs Subcommittee. *Defines terms "hoisting equipment," "mobile crane," & "tower crane"; requires applicant for building permit to submit certain information to local building official; requires radio communications between certain crane operators; requires certain preparations for hurricane or high-wind event; requires preparedness plan for certain cranes; requires that hoisting equipment be secured in specified manner; provides penalties for violation of act by certain licensed contractors; preempts regulation of hoisting equipment & persons operating equipment to state; provides that act does not apply to regulation of elevators.* <http://www.flsenate.gov/Session/Bill/2012/0521>
- **SB 416 by Sen. Detert, Use of Wireless Communications Devices While Driving** – this bill passed the Senate Transportation Committee, and now moves to the Senate Communications, Energy and Public Utilities Committee. *Creating the "Florida Ban on Texting While Driving Law"; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; specifying information that is admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; providing for points to be assessed against a driver's license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash, etc.* <http://www.flsenate.gov/Session/Bill/2012/0416>
- **SB 488 by Sen. Rich, Animal Control or Cruelty Ordinances** – this bill passed the Senate Community Affairs Committee, and now moves to the Senate Budget Committee. *Requiring a county or municipality enacting an ordinance relating to animal control or cruelty to impose a specified surcharge on the civil penalty for violations of the ordinance; specifying use of the proceeds of the surcharge; prohibiting the governing body of a county or municipality from charging owners of animals more than a certain amount for the spaying or neutering of their animals in specified circumstances; authorizing the animal control authority to allocate certain excess funds to the program to spay and neuter cats and dogs; providing for construction, etc.* <http://www.flsenate.gov/Session/Bill/2012/0488>
- **SB 452 by Sen. Jones, Financial Responsibility for Medical Expenses of Pretrial Detainees and Sentenced Inmates** – this bill passed the Senate Community Affairs Committee, its only committee of reference. *Providing that the responsibility for paying the expenses of medical care, treatment, hospitalization, and transportation for a person who is ill, wounded, or otherwise injured during or as a result of an arrest for a violation of a state law or a county or municipal ordinance is the responsibility of the person receiving the medical care, treatment, hospitalization, or transportation; setting forth the order of fiscal resources from which a third-party provider of medical services may seek reimbursement for the expenses the provider incurred in providing medical care; providing that certain charter counties are not obligated to reimburse a third-party provider of medical care, treatment, hospitalization, or transportation for an in-custody pretrial detainee or sentenced inmate of a county detention facility at a rate exceeding a*

particular rate for certain transportation or medical costs, etc.
<http://www.flsenate.gov/Session/Bill/2012/0452>

- **SB 292 by Sen. Bennett, Effective Public Notices by Governmental Entities** – this bill passed the Senate Community Affairs Committee and now moves to the Senate Judiciary Committee. *Authorizing a local government to use its publicly accessible website for legally required advertisements and public notices; providing requirements for advertisements and public notices published on a publicly accessible website; providing that advertisements directed by law or order or decree of court to be made in a county in which no newspaper is published may be made by publication on a publicly accessible website; providing for advertisement on a publicly accessible website of a taxing authority's intent to adopt a millage rate and budget; prescribing procedures for fulfilling public disclosure system requirements with respect to the duty of a municipality to disclose costs for solid waste management, etc.*
<http://www.flsenate.gov/Session/Bill/2012/0292>
- **HB 711 by Rep. Hooper, Sale or Lease of a County, District or Municipal Hospital** – this bill passed the House Health and Human Services Quality Subcommittee and now moves to the House Community and Military Affairs Subcommittee. *Provides that sale or lease of county, district, or municipal hospital is subject to approval by registered voters or by circuit court; requires hospital governing board to determine by certain public advertisements whether there are qualified purchasers or lessees before sale or lease of such hospital; requires board to state in writing specified criteria forming basis of its acceptance of proposal for sale or lease of hospital; requires board to file petition for approval with circuit court & receive approval before any transaction is finalized; grants circuit court jurisdiction to approve sale or lease of county, district, or municipal hospital based on specified criteria; requires board to pay costs associated with petition for approval unless party contests action; provides exemption for certain sale or lease transactions completed before specified date.*
<http://www.flsenate.gov/Session/Bill/2012/0711>
- **HB 7023 by Rep. Brodeur, Regional Workforce Boards** – this bill passed the House Economic Affairs Committee, its only committee of reference. *Provides for maximum board membership; requires certain board members to file statement of financial interests; provides that certain board members serve subject to approval of & at pleasure of Governor; authorizes Governor to remove board members for cause; requires DEO to assign staff for performance & compliance review; requires each board to develop budget for certain purposes, subject to approval of chief elected official, & submit budget to Workforce Florida, Inc.; requires Workforce Florida, Inc., to evaluate means to establish single, statewide workforce-system brand for state; provides reporting requirements; deletes expiration of provision providing that participants in adult or youth work experience activities are employees of state for purposes of workers' compensation coverage.* <http://www.flsenate.gov/Session/Bill/2012/7023>
- **JDC 1 by House Judiciary Committee, Human Trafficking** – this bill passed the House Judiciary Committee, where it originated as a proposed committee bill. This bill helps to strengthen Florida's human trafficking laws and stiffen penalties for anyone involved in human trafficking. <http://static.lobbytools.com/bills/2012/PDF/JDC1.PDF>

Jackson Health System

Governor Rick Scott's proposed budget included changes in Medicaid funding that could result in major losses for Jackson Hospital. The total of cuts to the state's hospitals would be approximately \$1.6 billion, according to a report put together by the Safety Net Hospital Alliance

of Florida. Jackson could see its state Medicaid payments reduced during the upcoming fiscal year by \$258 million, which would be a drop from \$861.5 million to \$603.2 million. This would include reductions in direct payments and other funding through the Low Income Pool (LIP) and Disproportionate Share program.

Upcoming for Week 2

- The full Senate will meet on Tuesday and Wednesday, where the chamber will take up the new Congressional and state Senate maps produced by its Reapportionment Committee. It is expected that many amendments to the maps will be filed today, with the chamber debating these maps/amendments on Tuesday and voting them out on Wednesday.
- **HJR 55 by Reps. Nunez and Fresen, Homestead Assessment Limitations/Senior Citizens** will be taken up by the House Finance and Tax Committee. *Proposes amendment to s. 4, Art. VII of State Constitution to authorize counties & municipalities to limit assessed value of homesteads of certain low-income senior citizens.* <http://www.flsenate.gov/Session/Bill/2012/0055>
- **HB 989 by Rep. Gonzalez, Domestic Wastewater Discharged Through Ocean Outfalls** will be taken up by the House Agriculture and Natural Resources Subcommittee. *Postpones dates by which domestic wastewater facilities must meet more stringent treatment & management requirements; provides that utilities sharing common ocean outfall are individually responsible for meeting reuse requirements & are authorized to enter into binding agreements to share or transfer responsibility for meeting such requirements; revises provisions authorizing backup discharge of domestic wastewater through ocean outfalls; requires Department of Environmental Protection, South Florida Water Management District, & affected utilities to consider certain information for purposes of adjusting reuse requirements.* <http://www.flsenate.gov/Session/Bill/2012/0989>

Tallahassee Weekly Report 2012 Session, Week 2

Week 2 Committee Action

Below, please find a list of bills of interest that were taken up this week in committee:

- **SB 938, Insurance Agents and Adjusters, Sen. Richter** - Deleting a requirement that an insurer pay an agent tax for each county in which an agent represents the insurer and has a place of business; revising the definitions of "adjuster" and "home state"; revising provisions relating to who may bind insurance coverage; revising provisions relating to continuing education requirements; providing that persons on active military duty may seek a waiver; revising provisions relating to the purpose of the general lines and personal lines license and certain requirements related to general lines and personal lines agents; requiring persons transacting mortgage guaranty insurance to be licensed and appointed as a credit insurance agent, etc. PASSED BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS, AND NOW GOES TO THE SENATE BUDGET COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0938>
- **SB 858, Knowingly and Willfully Giving False Information, Sen. Negron** - Providing that it is a third-degree felony for a person to knowingly and willfully give false information to a law enforcement officer conducting a missing person investigation involving a child 16 years of age or younger with the intent to mislead the officer or impede the investigation if the child suffers great bodily harm, permanent disability, permanent disfigurement, or death; providing criminal penalties, etc. PASSED JUDICIARY COMMITTEE AND NOW GOES THE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS <http://www.flsenate.gov/Session/Bill/2012/0858>
- **SB 1568, Sale or Lease of a County, District, or Municipal Hospital, Sen. Gaetz** - Requiring the governing board of a county, district, or municipal hospital to evaluate the possible benefits to an affected community from the sale or lease of a hospital facility owned by the board to a not-for-profit or for-profit entity within a specified time period; specifying the factors that must be considered by the governing board before accepting a proposal to sell or lease the hospital; providing that the purposes for which a special taxing district may appropriate funds from the sale or lease of a hospital include the promotion and support of economic growth in the district and county in which the taxing district is located and the furthering of the purposes of the taxing district, etc. PASSED THE HEALTH REGULATION COMMITTEE AND NOW GOES TO THE COMMUNITY AFFAIRS COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/1568> (Senator Rene Garcia, the sponsor of a similar measure, signed on as a co-sponsor to this bill. Amendments were adopted that, according to the Jackson Hospital team,

make the bill more palatable. Once the committee substitute has been filed with all the new language, we will pass it along.)

- **HB 989, Domestic Wastewater Discharged Through Ocean Outfalls, Rep. Gonzalez** - Postpones dates by which domestic wastewater facilities must meet more stringent treatment & management requirements; provides that utilities sharing common ocean outfall are individually responsible for meeting reuse requirements & are authorized to enter into binding agreements to share or transfer responsibility for meeting such requirements; revises provisions authorizing backup discharge of domestic wastewater through ocean outfalls; requires Department of Environmental Protection, South Florida Water Management District, & affected utilities to consider certain information for purposes of adjusting reuse requirements. PASSED THE AGRICULTURE AND NATURAL RESOURCES SUBCOMMITTEE, AS WELL AS THE STATE AFFAIRS COMMITTEE, AND IS NOW READY TO BE PLACED ON THE SECOND READING CALENDAR
<http://www.flsenate.gov/Session/Bill/2012/0989>
- **SB 1392, Transportation Accessibility, Sen. Benacquisto** - Creating the "Florida Transportation Accessibility Independence Act;" requiring certain taxicab operators to provide accessible taxicabs after a certain date; requiring the Department of Transportation to adopt rules; providing for certain airports and deepwater ports to allow for priority rotation of accessible taxicabs after a certain date; providing a tax exemption for the sale or lease of accessible vehicles; requiring transportation services that provide transportation for Medicaid recipients to certify to the Agency for Health Care Administration that the transportation service uses accessible vehicles, etc. TEMPORARILY POSTPONED IN SENATE TRANSPORTATION COMMITTEE
<http://www.flsenate.gov/Session/Bill/2012/1392> (This bill was postponed after taxicab fleet owners informed the committee that the bill would threaten their business, due to the high cost of purchasing new wheelchair accessible vehicles.)
- **SB 392, Ticket Sales, Sen. Bogdanoff** - Defining the term "original ticket seller"; requiring an original ticket seller to provide advance public notice of its ticket policies for any event that takes place in a facility that receives any public funding; providing requirements for such notice; requiring an original ticket seller to comply with specified consumer protection standards for any event that takes place in a facility that receives any public funding; requiring each required public notice of event ticket practices to be accompanied by a specified certification; prohibiting specified practices by original ticket sellers; providing that specified violations are a violation of the Florida Deceptive and Unfair Trade Practices Act; providing exceptions; providing applicability, etc. WORKSHOPPED IN SENATE COMMERCE AND TOURISM COMMITTEE
<http://www.flsenate.gov/Session/Bill/2012/0392>
- **SB 668, Workers' Compensation Medical Services, Sen. Hays** - Revising requirements for determining the amount of a reimbursement for repackaged or relabeled prescription medication; providing limitations, etc. PASSED SENATE

BANKING AND INSURANCE COMMITTEE AND NOW GOES TO THE HEALTH REGULATION COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0668>

- **HB 673, Preference in Award of State Contracts, Rep. Brodeur** - Expands provisions that authorize agency, county, municipality, school district, or other political subdivision of state to provide preferential consideration to Florida business in awarding competitively bid contracts to purchase personal property to include purchase of construction services; provides that for specified competitive solicitations authority to grant preference supersedes any local ordinance or regulation which grants preference to specified vendors; requires county, municipality, school district, or other political subdivision to make specified disclosures in competitive solicitation documents; provides construction. PASSED THE HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE AND NOW GOES TO THE COMMUNITY AND MILITARY AFFAIRS COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0673>
- **HB 803, Child Protection, Rep. Diaz** - Revises provisions relating to criminal history records check on persons considered for child placement; provides procedures for certain hotline calls that do not meet criteria for report of child abuse, abandonment, or neglect, but indicate need for assistance; revises requirements for child protective investigations; revises provisions relating to required services; revises requirement for DCFS's training & quality assurance programs; revises provisions relating to child protective injunction; requires home study report if child has been removed from home & will be remaining with parent; provides additional requirements for case plans. PASSED THE HOUSE CIVIL JUSTICE COMMITTEE AND NOW GOES TO THE HEALTH AND HUMAN SERVICES COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0803>
- **HB 711, Sale or Lease of a County, District, or Municipal Hospital, Rep. Hooper** - Requires approval from circuit court for sale or lease of county, district, or municipal hospital unless certain exemption or referendum approval applies; requires hospital governing board to determine by certain public advertisements whether there are qualified purchasers or lessees before sale or lease of such hospital; requires board to state in writing specified criteria forming basis of its acceptance of proposal for sale or lease of hospital; requires board to file petition for approval with circuit court & receive approval before any transaction is finalized; provides exception; grants circuit court jurisdiction to approve sale or lease of county, district, or municipal hospital based on specified criteria; requires board to pay costs associated with petition for approval unless party contests action; provides exemption for certain sale or lease transactions completed before specified date & for county, district, or municipal hospitals that receive no tax support. PASSED HOUSE COMMUNITY AND MILITARY AFFAIRS SUBCOMMITTEE AND NOW GOES TO THE CIVIL JUSTICE SUBCOMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0711>
- **HB 55, Homestead Assessment Limitation/Senior Citizen, Rep. Nunez** - Proposes amendment to s. 4, Art. VII of State Constitution to authorize counties & municipalities to limit assessed value of homesteads of low-income senior citizens. PASSED HOUSE FINANCE AND TAX COMMITTEE AND NOW GOES

Speaker Cannon Budget Memo

Below, please find the text of a memo sent by House Speaker Dean Cannon to his members regarding budget allocations:

TO: Members, Florida House of Representatives

FROM: Dean Cannon, Speaker

DATE: January 19, 2012

RE: Fiscal Year 2012-2013 House Budget Allocations

Attached please find the budget allocations for the 2012 General Appropriations Act.

Once again, the Legislature will be called upon to respond to the challenge of a budget shortfall exceeding \$1 billion for FY 2012-13. Although this will not be easy, we have a proven track record of responsible budgeting, and our state's fiscal situation is improved from recent years. Economic conditions are stabilizing; last week, the Revenue Estimating Conference issued an essentially unchanged General Revenue estimate from its fall forecast.

In developing these allocations, Chair Grimsley and I have carefully analyzed the funding of each program area. We have endeavored to prioritize the most essential functions of state government. I want to specifically draw your attention to public school funding. Enrollment in our public schools has increased while local school revenues have sharply decreased. These two factors alone create a shortfall of nearly half a billion dollars.

Our analysis and prioritization with respect to K-12 education funding mirror those of Governor Scott. We have funded K-12 with an allocation exceeding \$1 billion in new state funding to the Florida Education Finance Program. This addresses all of the shortfalls in K-12 education and also provides an increase in per student funding of 2.27 percent.

State economists do not expect any significant change in revenue collections in upcoming months. However, to address concerns expressed by some regarding potential fluctuations in revenue collections in the next few months, our House budget proposal will provide for automatic contingencies in case there are revenue losses or increases. These contingencies will provide self-executing direction on how to enact reductions or provide additional spending authority, without accessing reserves, should circumstances change.

The House allocations reflect the following strategies and principles:

1. The House budget will prioritize the delivery of services to people (education, health care, and public safety) over the purchase of things (transportation, general government, and the environment).
2. The House budget will prioritize critical needs and develop realistic, achievable options to balance our budget. The subcommittee chairs are encouraged to consider new cost-savings strategies, but they should not budget savings from programmatic changes unless there is certainty those savings can be achieved.
3. The House budget will not raise taxes or fees. In the area of higher education, adjustments to tuition or fees are permitted only when participation in the underlying program is voluntary, and the fees reflect a sharing of the actual cost of the program. In order to foster economic recovery, the House includes an allocation to the Finance & Tax Committee for tax relief.
4. The House budget will prioritize K-12 education. This subcommittee will receive the greatest percentage of the General Revenue allocation as well as the greatest increase in funding
5. The House budget will not adopt strategies to control Medicaid spending that result in cost shifts toward the other aspects of our state-funded health care infrastructure, including driving uncompensated care into our public hospitals and emergency departments. The House will continue to work toward a simplified hospital funding model, consistent with the Florida Medicaid reform enacted into law last year, recognizing that this effort will require more time-consuming, meticulous work and the investment of stakeholders.
6. The House budget will not revise adult sentencing policies, change inmate release schedules, or take any action that jeopardizes the long-term safety of the public to save money in the current fiscal year.
7. The House budget will provide sufficient reserves to weather fiscal forecast fluctuations and preserve our bond ratings. Unallocated General Revenue, the Budget Stabilization Fund, and the Lawton Chiles Endowment should provide a total budget reserve that exceeds \$2.46 billion.

The Constitution requires the Legislature to construct and pass a balanced budget. As participation is the inherent cornerstone of effective democracy, I strongly encourage Members to actively engage in the budget writing process.

UPCOMING FOR WEEK 3

Below please find a list of bills that have, to date, been placed on agendas for the upcoming week:

- **SB 1496, Agritourism, Sen. Evers** - Providing legislative intent to eliminate duplication of regulatory authority over agritourism; prohibiting a local government from prohibiting, restricting, regulating, or otherwise limiting an activity of agritourism, etc. TO BE HEARD MONDAY IN THE SENATE AGRICULTURE COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/1496>
- **SB 760, Local Business Taxes, Sen. Hays** - Repealing ch. 205, F.S., which established the Local Business Tax Act, etc. TO BE HEARD MONDAY IN THE SENATE COMMUNITY AFFAIRS COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0760>
- **SB 724, Domestic Wastewater Discharged Through Ocean Outfalls, Sen. Diaz de la Portilla** - Postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; authorizing those utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements, etc TO BE HEARD MONDAY IN THE SENATE COMMUNITY AFFAIRS COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0724>
- **SB 540, Secondhand Dealers and Secondary Metals Recyclers, Sen. Smith** - Requiring that a secondary metals recycler conform to the requirements for a secondhand dealer; revising requirements for payments made by secondary metals recyclers to sellers of regulated metals property to prohibit certain cash transactions; preempting to the state the regulation of secondary metals recyclers and purchase transactions involving regulated metals property; limiting the liability of a public or private owner of metal property for injuries occurring during the theft or attempted theft of metal property and for injuries occurring as the result of the theft or attempted theft, etc. TO BE HEARD MONDAY IN THE SENATE COMMUNITY AFFAIRS COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0540> (This items appears in the county's state agenda is a critical priority, as per a resolution sponsored by Commissioner Edmonson)
- **SB 862, Wage Protection for Employees, Sen. Simmons** - Prohibiting a county, municipality, or political subdivision from adopting or maintaining in effect a law, ordinance, or rule that creates requirements, regulations, or processes for the purpose of addressing wage theft; preempting such activities to the state; defining the term "wage theft", etc. TO BE HEARD MONDAY IN THE SENATE COMMUNITY AFFAIRS COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0862>
- **SB 992, Regulation of Hoisting Equipment Used in Construction, Demolition, or Excavation Work, Sen. Dean** - Defining the terms "hoisting equipment," "mobile crane," and "tower crane"; requiring an applicant for a building permit to submit certain information to a local building official; requiring

radio communications between certain crane operators; requiring certain preparations for a hurricane or high-wind event; requiring a preparedness plan for certain cranes; requiring that hoisting equipment be secured in a specified manner under certain circumstances; providing penalties for violation of the act by certain licensed contractors; preempting regulation of hoisting equipment and persons operating the equipment to the state; providing that the act does not apply to the regulation of elevators, etc. TO BE HEARD MONDAY IN THE SENATE COMMUNITY AFFAIRS COMMITTEE
<http://www.flsenate.gov/Session/Bill/2012/0992>

- **SB 840, Growth Management, Sen. Bennett** - Repealing provisions relating to the powers and duties of the Secretary of Community Affairs and functions of the Department of Community Affairs with respect to federal grant-in-aid programs; replacing references to the Department of Community Affairs with state land planning agency; repealing provisions relating to the Urban Infill and Redevelopment Assistance Grant Program; deleting provisions relating to the Coastal Resources Interagency Management Committee; deleting provisions excluding a municipality that is not a signatory to a certain interlocal agreement from participating in a school concurrency system; replacing references to the Department of Community Affairs with the Department of Economic Opportunity; deleting requirements for interlocal agreements relating to public education facilities, etc. TO BE HEARD MONDAY IN THE SENATE COMMUNITY AFFAIRS COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0842>

Tallahassee Weekly Report

2012 Session, Week 3

Week 3 Report

Below, please find a list of bills of relevance to Miami-Dade County that were taken up this week in Tallahassee:

- **SB 1496, Agritourism, Sen. Evers** - Providing legislative intent to eliminate duplication of regulatory authority over agritourism; prohibiting a local government from prohibiting, restricting, regulating, or otherwise limiting an activity of agritourism, etc. PASSED SENATE AGRICULTURE COMMITTEE <http://www.flsenate.gov/Session/Bill/2012/1496>
- **SB 760, Local Business Taxes, Sen. Hays** - Repealing ch. 205, F.S., which established the Local Business Tax Act, etc. TEMPORARILY POSTPONED IN SENATE COMMUNITY AFFAIRS <http://www.flsenate.gov/Session/Bill/2012/0760>
- **SB 794, Public Contracting, Sen. Hays** - Prohibiting a governmental unit that contracts for the construction, repair, remodeling, or improving of a facility from imposing conditions that requires, prohibits, encourages, or discourages certain bidders, contractors, or subcontractors from entering into or adhering to agreements with a collective bargaining organization; prohibiting a governmental unit from granting certain awards as a condition of certain contracts; prohibiting certain terms from being placed in bid specifications, project agreements, or other controlling documents; revising the period during which an agency must file a protest following certain contract solicitations or awards, etc. PASSED SENATE COMMUNITY AFFAIRS <http://www.flsenate.gov/Session/Bill/2012/0794>
- **SB 724, Domestic Wastewater Discharged Through Ocean Outfalls, Sen. Diaz de la Portilla** - Postponing the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements; providing exceptions; providing that certain utilities that shared a common ocean outfall on a specified date are individually responsible for meeting the reuse requirement; authorizing those utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; revising provisions authorizing the backup discharge of domestic wastewater through ocean outfalls; requiring the Department of Environmental Protection, the South Florida Water Management District, and affected utilities to consider certain information for the purpose of adjusting reuse requirements, etc. PASSED SENATE COMMUNITY AFFAIRS <http://www.flsenate.gov/Session/Bill/2012/0724>
- **SB 540, Secondhand Dealers and Secondary Metals Recyclers, Sen. Smith** - Requiring that a secondary metals recycler conform to the requirements for a secondhand dealer; revising requirements for payments made by secondary metals recyclers to sellers of regulated metals property to prohibit certain cash transactions; preempting to the state

the regulation of secondary metals recyclers and purchase transactions involving regulated metals property; limiting the liability of a public or private owner of metal property for injuries occurring during the theft or attempted theft of metal property and for injuries occurring as the result of the theft or attempted theft, etc. PASSED SENATE COMMUNITY AFFAIRS. VICE-CHAIR AUDREY EDMONSON TESTIFIED BEFORE THE COMMITTEE ON THIS ISSUE, WHICH APPEARS AS A CRITICAL PRIORITY IN THE COUNTY'S LEGISLATIVE AGENDA <http://www.flsenate.gov/Session/Bill/2012/0540>

- **SB 826, Wage Protection for Employees, Sen. Simmons** - Prohibiting a county, municipality, or political subdivision from adopting or maintaining in effect a law, ordinance, or rule that creates requirements, regulations, or processes for the purpose of addressing wage theft; preempting such activities to the state; defining the term "wage theft", etc. PASSED THE SENATE COMMUNITY AFFAIRS <http://www.flsenate.gov/Session/Bill/2012/0862>
- **SB 992, Regulation of Hoisting Equipment Used in Construction, Sen. Dean** - Defining the terms "hoisting equipment," "mobile crane," and "tower crane"; requiring an applicant for a building permit to submit certain information to a local building official; requiring radio communications between certain crane operators; requiring certain preparations for a hurricane or high-wind event; requiring a preparedness plan for certain cranes; requiring that hoisting equipment be secured in a specified manner under certain circumstances; providing penalties for violation of the act by certain licensed contractors; preempting regulation of hoisting equipment and persons operating the equipment to the state; providing that the act does not apply to the regulation of elevators or to airspace height restrictions, etc. PASSED SENATE COMMUNITY AFFAIRS <http://www.flsenate.gov/Session/Bill/2012/0992>
- **SB 816, Professional Sports Facilities, Sen. Bennett** - Requiring the county commission in a county in which a professional sports facility is located to establish a local homeless coalition if a local homeless program does not exist in that county; requiring that, by a specified date, the professional sports franchise that plays in a facility that benefited from financial assistance from the state, and the county in which the facility is located, provide the Auditor General with documentation that a homeless shelter has been operating at the facility from the effective date of the contract between the county and the professional sports franchise; requiring the Auditor General to levy a specified fine against the professional sports franchise and the county if, after a specified date, the Auditor General determines that a homeless shelter is not operating at the facility until such time that the professional sports franchise and county are operating a homeless shelter, etc. PASSED SENATE COMMUNITY AFFAIRS <http://www.flsenate.gov/Session/Bill/2012/0816>
- **SB 206, Public Meetings, Sen. Negron** - Requiring that a member of the public be given an opportunity to be heard before a board or commission takes official action on an item of significant interest to the public under certain circumstances; providing exceptions; requiring that a board or commission adopt rules or policies, etc. PASSED BY SENATE RULES <http://www.flsenate.gov/Session/Bill/2012/0206>
- **HB 291, Youth Athletes, Rep. Renuart** - Requires independent sanctioning authority for youth athletic teams & FHSAA to adopt guidelines, bylaws, & policies relating to nature

& risk of concussion & head injury in youth athletes; requires informed consent for participation in practice or competition; requires removal from practice or competition under certain circumstances & written medical clearance to return. PASSED BY HOUSE K-20 INNOVATION SUBCOMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0291>

- **HB 377, Miami-Dade County Lake Belt Mitigation Plan** - Deletes references to Miami-Dade County Lake Belt Plan Implementation Committee report; deletes obsolete provisions; redirects funds for seepage mitigation projects; requires proceeds of water treatment plant upgrade fee to be transferred by DOR to SFWMD to be deposited into Lake Belt Mitigation Trust Fund; provides criterion when transfer is not required; provides for proceeds of mitigation fee to be used to conduct mitigation activities that are approved by Miami-Dade County Lake Belt Mitigation Committee; clarifies authorized uses for proceeds from water treatment plant upgrade fee. PASSED BY THE FLORIDA HOUSE OF REPRESENTATIVES <http://www.flsenate.gov/Session/Bill/2012/0377>
- **SB 80, Human Trafficking, Sen. Joyner** - Requiring operators of massage establishments to maintain valid work authorization documents on the premises for each employee who is not a United States citizen; requiring presentation of such documents upon request of a law enforcement officer; prohibiting the use of a massage establishment license for the purpose of lewdness, assignation, or prostitution; providing criminal penalties, etc. PASSED BY SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS <http://www.flsenate.gov/Session/Bill/2012/0080>
- **HB 979, Developments of Regional Impact, Rep. Diaz** - Requires comprehensive plan amendments proposing certain development to follow state coordinated review process; limits scope of certain recommendations & comments by reviewing agencies regarding proposed development; revises provisions relating to regional planning agency reports; provides that specified changes to development orders are not substantial deviations; provides exemption from development-of-regional-impact review for certain proposed development; provides conditions under which certain local governments are required to rescind development-of-regional-impact development orders. PASSED BY HOUSE COMMUNITY AND MILITARY AFFAIRS SUBCOMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0979>
- **HB 153, Preference to Florida Businesses in Procurement of Personal Property and Services, Rep. Hooper** - Cites act as "Buy Florida Act"; requires agency, county, municipality, school district, or other political subdivision of state to grant specified preference to vendor located within state when awarding contract for printing; requires, rather than authorizes, agency, county, municipality, school district, or other political subdivision of state in making purchases of personal property through competitive solicitation to award preference to lowest responsible & responsive vendor having principal place of business within this state under specified circumstances; specifies percentages of preference to be granted. PASSED HOUSE GOVERNMENT OPERATIONS SUBCOMMITTEE <http://www.flsenate.gov/Session/Bill/2012/0153>
- **SB 312, Rescinding and Withdrawing House Joint Resolution 381, Sen. Simmons** - Resolution 381 (2011); Rescinding and withdrawing House Joint Resolution 381 (2011), which relates to ad valorem taxation, contingent upon adoption of a joint resolution proposing alternative amendments to the State Constitution, etc. WORKSHOPPED IN

- **SB 314, Ad Valorem Taxation, Sen. Simmons** - Proposing amendments to the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property, authorize the Legislature to adjust the amount of the exemption, provide that the additional exemption is to be reduced by the difference between the just value and the assessed value, delay a future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, and provide effective dates, etc. WORKSHOPPED IN SENATE FINANCE AND TAX COMMITTEE
<http://www.flsenate.gov/Session/Bill/2012/0314>
- **HB 37, Knowingly and Willfully Giving False Information to a Law Enforcement Officer, Rep. Diaz** - Provides that it is third-degree felony for person to knowingly & willfully give false information to law enforcement officer conducting missing person investigation involving child 16 years of age or younger with intent to mislead officer or impede investigation if child suffers great bodily harm, permanent disability, permanent disfigurement, or death. PASSED HOUSE CRIMINAL JUSTICE SUBCOMMITTEE
<http://www.flsenate.gov/Session/Bill/2012/0037>
- **SB 416, Wireless Communications Devices While Driving, Sen. Detert** - Creating the "Florida Ban on Texting While Driving Law"; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; specifying information that is admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; providing for points to be assessed against a driver's license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash, etc. PASSED BY SENATE BUDGET SUBCOMMITTEE ON TRANSPORTATION, TOURISM, AND ECONOMIC DEVELOPMENT APPROPRIATIONS
<http://www.flsenate.gov/Session/Bill/2012/0416>
- **SB 1392, Transportation Accessibility, Sen. Benacquisto** - Creating the "Florida Transportation Accessibility Independence Act;" requiring certain taxicab operators to provide accessible taxicabs after a certain date; requiring the Department of Transportation to adopt rules; providing for certain airports and deepwater ports to allow for priority rotation of accessible taxicabs after a certain date; providing a tax exemption for the sale or lease of accessible vehicles; requiring transportation services that provide transportation for Medicaid recipients to certify to the Agency for Health Care Administration that the transportation service uses accessible vehicles, etc. PASSED SENATE TRANSPORTATION COMMITTEE
<http://www.flsenate.gov/Session/Bill/2012/1392>
- **HB 1393, Taxation of Transient Rentals, Rep. Brodeur** - Defines terms "total rental charged," "total consideration," "consideration," & "rent" for purposes relating to tax on sales, use, & other transactions, tourist development tax, tourist impact tax, convention development tax, & municipal resort tax on rental of transient accommodations.

TEMPORARILY POSTPONED IN HOUSE FINANCE AND TAX COMMITTEE
<http://www.flsenate.gov/Session/Bill/2012/1393>

- **HB 1063, Local Business Taxes, Rep. O'Toole** - Repeals ch. 205, F.S., "Local Business Tax Act"; authorizes continuation of local business taxation, notwithstanding repeal, to extent necessary to meet specified debt obligations secured by local business tax revenues; requires certain excess amounts of revenue collected from continuation of local business taxation to be refunded to taxpayers on pro rata basis. TEMPORARILY POSTPONED IN HOUSE FINANCE AND TAX COMMITTEE

Upcoming for Week 4

Below, please find a list of bills that have, to date, been placed on agendas for next week in Tallahassee:

- **SB 1568, Sale or Lease of a County, District, or Municipal Hospital, Sen. Gaetz** - Requiring the governing board of a county, district, or municipal hospital to evaluate the possible benefits to an affected community from the sale or lease of a hospital facility owned by the board to a not-for-profit or for-profit entity within a specified time period; specifying the factors that must be considered by the governing board before accepting a proposal to sell or lease the hospital; providing that the purposes for which a special taxing district may appropriate funds from the sale or lease of a hospital include the promotion and support of economic growth in the district and county in which the taxing district is located and the furthering of the purposes of the taxing district, etc. MONDAY IN SENATE COMMUNITY AFFAIRS
<http://www.flsenate.gov/Session/Bill/2012/1568>
- **SB 760, Local Business Taxes, Sen. Hays** – This bill, mentioned above was temporarily postponed last week, and will taken up again on MONDAY IN SENATE COMMUNITY AFFAIRS
- **SB 720, Miami-Dade County Home Rule Charter, Sen. Garcia** - Proposing an amendment to Section 6 of Article VIII of the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors; providing requirements for a bill proposing such a special law; authorizing the Miami-Dade County charter to provide for fixed term limits of commissioners, etc. MONDAY IN SENATE COMMUNITY AFFAIRS
<http://www.flsenate.gov/Session/Bill/2012/0720>
- **SB 1740, Additional Homestead Tax Exemption, Sen. Garcia** - Proposing an amendment to the State Constitution to authorize the Legislature, by general law, to allow counties and municipalities to grant an additional homestead tax exemption not exceeding the assessed value of the property to an owner who has maintained permanent residency on the property for a specified duration, who has attained age 65, and whose household income does not exceed a specified amount, etc. MONDAY IN SENATE COMMUNITY AFFAIRS
<http://www.flsenate.gov/Session/Bill/2012/1740>

- **SB 1738, Homestead Exemptions for Seniors, Sen. Garcia** - Authorizing the board of county commissioners of any county or the governing authority of any municipality to adopt an ordinance granting an additional homestead tax exemption up to the assessed value of the property to an owner who has maintained permanent residency on the property for a specified duration, who has attained age 65, and whose household income does not exceed a specified amount; providing for annual cost-of-living adjustments of the household-income limitation relating to such additional homestead exemption, etc. MONDAY IN SENATE COMMUNITY AFFAIRS
<http://www.flsenate.gov/Session/Bill/2012/1738>
- **SB 838, Homestead Assessment Limitation/Low-Income Senior Citizens, Sen. Diaz de la Portilla** - Proposing an amendment to the State Constitution to authorize counties and municipalities to limit the assessed value of the homesteads of certain low-income senior citizens, etc. MONDAY IN SENATE COMMUNITY AFFAIRS
<http://www.flsenate.gov/Session/Bill/2012/0838>
- **SB 1322, Local Requirements for Dangerous Dogs, Sen. Norman** - Removing the provision that exempts local ordinances adopted before a specified date from the prohibition on ordinances that are specific to breed or that lessen state restrictions governing dangerous dogs, etc. MONDAY IN SENATE COMMUNITY AFFAIRS
<http://www.flsenate.gov/Session/Bill/2012/1322>
- **SB 488, Animal Control or Cruelty Ordinances, Sen. Rich** - Authorizing a county or municipality enacting an ordinance relating to animal control or cruelty to impose a specified surcharge on the civil penalty for violations of the ordinance; specifying use of the proceeds of the surcharge; prohibiting the governing body of a county or municipality from charging owners of animals more than a certain amount for the spaying or neutering of their animals in specified circumstances; authorizing the animal control authority to allocate certain excess funds to the program to spay and neuter cats and dogs; providing for construction, etc. TUESDAY IN SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS
<http://www.flsenate.gov/Session/Bill/2012/0488>
- **SB 540, Secondhand Dealers and Secondary Metals Recyclers, Sen. Smith** - Requiring that a secondary metals recycler conform to the requirements for a secondhand dealer; revising requirements for payments made by secondary metals recyclers to sellers of regulated metals property to prohibit certain cash transactions; preempting to the state the regulation of secondary metals recyclers and purchase transactions involving regulated metals property; limiting the liability of a public or private owner of metal property for injuries occurring during the theft or attempted theft of metal property and for injuries occurring as the result of the theft or attempted theft, etc. TUESDAY IN SENATE CRIMINAL JUSTICE
<http://www.flsenate.gov/Session/Bill/2012/0540>
- **SB 1880, Human Trafficking, Sen. Flores** - Providing additional jurisdiction for the Office of Statewide Prosecution relating to human trafficking; increasing the criminal penalty for a person who knowingly engages in human trafficking from a felony of the second degree to a felony of the first degree; increasing the criminal penalty for human smuggling from a misdemeanor of the first degree to a felony of the third degree;

providing additional authorization for the interception of wire, oral, or electronic communications, etc. TUESDAY IN SENATE CRIMINAL JUSTICE
<http://www.flsenate.gov/Session/Bill/2012/1880>

- **SB 1018, Resident Status for Tuition Purposes, Sen. Garcia** - Classifying as residents for tuition purposes a United States citizen who attends a Florida high school for at least 2 consecutive years and submits his or her high school transcript to and enrolls in an institution of higher education within 12 months after graduating from a Florida high school; requiring the State Board of Education to adopt rules and the Board of Governors of the State University System to adopt regulations, etc. TUESDAY IN SENATE HIGHER EDUCATION <http://www.flsenate.gov/Session/Bill/2012/1018>

Dade Days

Below, please find the agenda for Dade Days, taking place next week in Tallahassee:

Wednesday, February 1

WORLD FAMOUS PAELLA FEST

Sponsored by: Tourist Development Council of Miami-Dade County

On the Capitol Plaza - 11:45 a.m to 1:30 p.m.

EVERYONE IS WELCOME!

INVITED CELEBRITY SERVERS:

Invited celebrity servers include Miami-Dade County Sponsors, Elected Officials, Governor, Cabinet and the Florida Legislative Delegation.

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MEET THE LEADERS OF THE FLORIDA HOUSE, SENATE AND THE POLITICAL PARTIES OF FLORIDA

2:00 to 4:00 p.m.

Capitol Building - Lower Level - Cabinet Meeting Room

Welcoming Remarks by Governor Rick Scott

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MAMBO KINGS

IMAX Theater at The Challenger Learning Center, Kleman Plaza - 8:00 p.m. to Midnight
TICKETED EVENT!

Thursday, February 2

8:30 A.M. to 9:00 A.M. - Continental Breakfast

Invited Speakers - Heads of Florida Agencies

9:00 to 11:00 a.m.
Florida Association of Realtors - 200 South Monroe Street

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ANNUAL AWARDS LUNCHEON
Honoring people who have made a tremendous impact in our community
11:45 a.m. to 1:30 p.m.
Doubletree Tallahassee Grand Ballroom
TICKETED EVENT!

Tallahassee Weekly Report

2012 Legislative Session, Week 6

Mayor Visits Tallahassee

Miami-Dade County Mayor Carlos Gimenez visited Tallahassee this past week, where he took time to meet with Governor Rick Scott, Attorney General Pam Bondi, Senate President Mike Haridopolos, House Speaker Dean Cannon, House Majority Leader/Delegation Chairman Carlos Lopez-Cantera, and other members of the Miami-Dade Legislative Delegation, as well as other members from around the state who are in line for future leadership positions

At these meetings, the Mayor took the time to apprise the elected officials of county priorities, including expediting an administrative hearing in order to proceed with the dredging of the Port of Miami, and healthcare issues related to Jackson Hospital and Medicaid. Since the Mayor's meeting, an amendment has been filed onto HB 373, an environmental permitting bill, that would alleviate the concerns regarding the dredge. This bill is currently on the House Second Reading Calendar, awaiting to be heard by the full House. In terms of the healthcare issues, they are expanded on below.

Healthcare Issues

Several healthcare issues with the possibility of having a significant impact on Miami-Dade County were spoken of this week.

- There is currently language in the Medicaid conforming bill in the Senate which would have a significant impact on county Medicaid contributions. Below, please find three points released by the Florida Association of Counties (FAC) regarding this issue, and attached, please find a spreadsheet with a list of back-log bills claimed by AHCA showing Miami-Dade's impact to be at around \$63 million:
 - No change in the number of inpatient hospital days.
 - The original proposal had counties paying 75% of the unpaid bills that have accrued. They were "forgiving" 25% of those back payments because of flaws with AHCA's billing system. The new proposal only "forgives" 15%. These unpaid bills will be withheld from your revenue sharing (sales and cigarette taxes with a limit of 50%) for 3 to 5 years.
 - The original proposal removed the state's obligation to work in consultation with the counties to determine residency, but maintained the basic billing system as

far as payments back to the state were concerned. The new proposal will withhold your ½ cent sales tax distribution in the amount you owe each month for your Medicaid share of cost. You will, in essence, receive an itemized receipt including the Medicaid recipients you paid for. If you are able to demonstrate that a recipient is not a resident of your county, you can apply to the state for a refund.

- Also of importance is a proposal that would reshape the state's Department of Health (DOH). Currently, on the House version of the DOH bill, HB 1263, language was added that would essentially shift control and function of the DOH's duties to the counties, including taking in the department's personnel. On the Senate side this week, Senate sponsor Rene Garcia, in the Health Regulation Committee he chairs, amended his bill, SB 1824, to include language revising the department's public health duties. The two chambers, though not in full agreement yet on how DOH should be modified, admit that both are at the starting point of negotiations that should last until the session ends.
- Preliminary cuts in the Senate budget show Jackson receiving a cut of approximately \$82 million, while the House budget, which passed the full chamber already, is estimated to be at \$40 million.

Week 6 Bills of Interest

The following bills of interest to Miami-Dade County were taken up this past week in Tallahassee:

- **HB 169, Additional Homestead Tax Exemption for Seniors, Rep. Oliva** - Proposes amendment to s. 6, Art. VII of State Constitution to authorize Legislature, by general law, to allow counties & municipalities to grant additional homestead tax exemption equal to assessed value of homestead property, if property has just value lower than specified amount, to owner who has maintained permanent residency on property for specified duration, who has attained age 65, & whose household income does not exceed specified amount. <http://www.flsenate.gov/Session/Bill/2012/0169> PASSED HOUSE ECONOMIC AFFAIRS COMMITTEE, ITS FINAL COMMITTEE OF REFERENCE
- **HB 989, Domestic Wastewater Discharged Through Ocean Outfalls, Rep. Gonzalez** - Postpones dates by which domestic wastewater facilities must meet more stringent treatment & management requirements; provides that utilities sharing common ocean outfall are individually responsible for meeting reuse requirements & are authorized to enter into binding agreements to share or transfer responsibility for meeting such requirements; revises provisions authorizing backup discharge of domestic wastewater through ocean outfalls; requires Department of Environmental Protection, South Florida Water Management District, & affected utilities to consider certain information for purposes of adjusting reuse requirements.

<http://www.flsenate.gov/Session/Bill/2012/0989> BILL WAS PASSED BY THE FLORIDA HOUSE OF REPRESENTATIVES

- **HB 897, Construction Liens and Bonds, Rep. Moraitis** - Provides that provision in payment bond for public works that limits or expands effective duration of bond or adds conditions precedent is unenforceable; provides that payment to contractor who has furnished payment bond on public works project may not be conditioned upon production of certain documents; provides prerequisites for commencement of action against payment bond; provides that specified notice concerning lessor's liability for liens for improvements made by lessee is effective if lease for specific premises contains certain provisions; requires notice of termination to be served on lienors in privity with owner; revises requirements for demands for copy of construction contract & statement of account; authorizes lienor to make certain written demands to owner for certain written statements; revises provisions relating to service of specified items; specifies requirements for certain written instruments; revises contents of notice to contractor. <http://www.flsenate.gov/Session/Bill/2012/0897> PASSED THE HOUSE JUDICIARY COMMITTEE, ITS FINAL COMMITTEE OF REFERENCE
- **SB 1740, Additional Homestead Tax Exemption, Sen. Garcia** - Proposing an amendment to the State Constitution to authorize the Legislature, by general law, to allow counties and municipalities to grant an additional homestead tax exemption not exceeding the assessed value of the property to an owner who has maintained permanent residency on the property for a specified duration, who has attained age 65, and whose household income does not exceed a specified amount, etc. <http://www.flsenate.gov/Session/Bill/2012/1740> PASSED THE SENATE JUDICIARY COMMITTEE, AND IS NOW IN THE SENATE BUDGET COMMITTEE
- **HB 943, Background Screening, Rep. Holder** - Provides that mental health personnel working in facility licensed under ch. 395, F.S., who work on intermittent basis for less than 15 hours per week of direct, face-to-face contact with patients are exempt from fingerprinting & screening requirements; exempts attorneys in good standing, relatives of clients, & volunteers who meets certain criteria & client's relative or spouse from screening requirement; requires direct service providers working as of certain date to be screened within specified period; provides phase-in for screening direct service providers; requires that employers of direct service providers & certain other individuals be rescreened every 5 years unless fingerprints are retained electronically by FDLE. <http://www.flsenate.gov/Session/Bill/2012/0943> PASSED THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE, ITS FINAL COMMITTEE OF REFERENCE
- **HB 1393, Taxation of Transient Rentals, Rep. Brodeur** - Defines terms "total rental charged," "total consideration," "consideration," & "rent" for purposes relating to tax on sales, use, & other transactions, tourist development tax, tourist impact tax, convention development tax, & municipal resort tax on rental of transient accommodations. <http://www.flsenate.gov/Session/Bill/2012/1393> TEMPORARILY POSTPONED BY THE HOUSE FINANCE AND TAX COMMITTEE, PLACED ON AGENDA FOR FEBRUARY 21 MEETING OF SAME COMMITTEE
- **HB 7049, Human Trafficking, Rep. Snyder** - Adds violations to jurisdiction of Office of Statewide Prosecution & statewide grand jury; requires employee of massage

establishment & any person performing massage therein to present, upon request of investigator, valid government identification; provides documentation requirements for operator of massage establishment; adds additional offenses to list of sexual predator & offender qualifying offenses; creates additional offenses relating to human trafficking; increases criminal penalties for certain offenses; provides for forfeiture of property used, attempted to be used, or intended to be used in violation of specified human trafficking provisions; increases criminal penalty for human smuggling; revises provisions relating to selling or buying of minors into sex trafficking or prostitution; provides additional authorization for interception of wire, oral, or electronic communications; ranks offenses on sentencing guidelines chart. <http://www.flsenate.gov/Session/Bill/2012/7049> PASSED THE HOUSE APPROPRIATIONS COMMITTEE, ITS ONLY COMMITTEE OF REFERENCE

- **SB 250, Uniform Traffic Control, Sen. Braynon** - Authorizing school districts to deploy school bus traffic infraction detectors under certain circumstances; authorizing the Department of Highway Safety and Motor Vehicles, a county, or a municipality to authorize a traffic infraction enforcement officer to issue and enforce a citation for a violation of such provisions; requiring notification to be sent to the registered owner of the motor vehicle involved in the violation; providing for distribution of penalties collected; providing that the act does not preclude the issuance of citations by law enforcement officers; providing for penalties for infractions enforced by a traffic infraction enforcement officer; providing for distribution of fines; providing that no points may be assessed against the driver's license for infractions enforced by a traffic infraction enforcement officer, etc. <http://www.flsenate.gov/Session/Bill/2012/0250> PASSED THE SENATE EDUCATION PREK-12 COMMITTEE, AND IS NOW IN THE SENATE BUDGET COMMITTEE
- **SB 840, Community Redevelopment Agencies, Sen. Diaz de la Portilla** - Providing reporting requirements for certain community redevelopment agencies; providing for the termination of community redevelopment agencies by the board of county commissioners of certain counties; providing public hearing and notice and termination plan requirements; providing that consent from certain entities is not required for such termination; providing additional redevelopment plan requirements for certain counties; providing requirements for the expenditure of moneys from redevelopment trust funds in certain counties; exempting payment of debt service in such counties from certain approval; providing requirements for the appropriation of certain trust fund moneys in such counties; requiring a forensic audit of agencies in such counties at least every 5 years for certain purposes, etc. <http://www.flsenate.gov/Session/Bill/2012/0840> TEMPORARILY POSTPONED BY SENATE COMMUNITY AFFAIRS COMMITTEE

Coming up in Week 7

Below, please find a list of bills that have been placed on a committee agenda for the upcoming week, as of late Friday evening:

- **SB 862, Wage Protection for Employees, Sen. Simmons** - Prohibiting a county, municipality, or political subdivision from adopting or maintaining in effect a law, ordinance, or rule that creates requirements, regulations, or processes for the purpose of addressing wage theft; preempting such activities to the state; defining the term "wage theft", etc. <http://www.flsenate.gov/Session/Bill/2012/0862> BILL WAS HEARD TODAY IN THE SENATE JUDICIARY COMMITTEE. COMMITTEE CHAIR ANITERE FLORES AMENDED THE BILL TO EXEMPT MIAMI-DADE COUNTY, BUT THE COMMITTEE RAN OUT OF TIME BEFORE VOTING ON THE BILL
- **HB 1263, Department of Health, Rep. Hudson** - Reorganizes DOH; revises duties of State Surgeon General; requires decentralization of public health system; allows department to delegate roles & responsibilities or use outside contractors to implement program & service activities; requires DOH to contract with each county to establish & maintain county health department; defines specific services to be provided by county health departments. <http://www.flsenate.gov/Session/Bill/2012/1263> TUESDAY IN HOUSE APPROPRIATIONS COMMITTEE. THIS BILL IS DISCUSSED AT LENGTH ABOVE
- **SB 182, Miami-Dade County Lake Belt Mitigation Plan, Sen. Garcia** - Deleting references to a report by the Miami-Dade County Lake Belt Plan Implementation Committee; providing for the redirection of funds for seepage mitigation projects; requiring the proceeds of the water treatment plant upgrade fee to be transferred by the Department of Revenue to the South Florida Water Management District and to be deposited into the Lake Belt Mitigation Trust Fund; providing criterion when the transfer is not required; providing for the proceeds of the mitigation fee to be used to conduct mitigation activities that are approved by the Miami-Dade County Lake Belt Mitigation Committee; clarifying the authorized uses for the proceeds from the water treatment plant upgrade fee, etc. <http://www.flsenate.gov/Session/Bill/2012/0182> TUESDAY IN SENATE BUDGET COMMITTEE
- **SB 416, Use of Wireless Communications Devices While Driving, Sen. Detert** - Creating the "Florida Ban on Texting While Driving Law"; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; specifying information that is admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; providing for points to be assessed against a driver's license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash, etc. <http://www.flsenate.gov/Session/Bill/2012/0416> TUESDAY IN SENATE BUDGET COMMITTEE
- **HB 1393, Taxation of Transient Rentals, Rep. Brodeur** - Defines terms "total rental charged," "total consideration," "consideration," & "rent" for purposes relating to tax on sales, use, & other transactions, tourist development tax, tourist impact tax, convention development tax, & municipal resort tax on rental of transient accommodations. <http://www.flsenate.gov/Session/Bill/2012/1393> TUESDAY IN HOUSE FINANCE AND TAX COMMITTEE
- **HB 609, Wage Protection for Employees, Rep. Goodson** - Prohibits county, municipality, or political subdivision from adopting or maintaining in effect law, ordinance, or rule

that creates requirements, regulations, or processes for purpose of addressing wage theft; preempts such activities to state; defines term "wage theft."
<http://www.flsenate.gov/Session/Bill/2012/0609> TUESDAY IN HOUSE JUDICIARY COMMITTEE

- **HB 885, Transactions by Secondhand Dealers and Secondary Metals Recyclers, Reps. Ford/Metz** - Defines "appropriate law enforcement official"; deletes exemptions from regulation as secondhand dealer relating to flea market transactions & auction businesses; revises provisions relating to recordkeeping requirements; revises requirements for types of information that secondary metals recyclers must obtain & maintain regarding purchase transactions, including requirements for maintenance & transmission of electronic records; revises period required for secondary metals recyclers to maintain information regarding purchase transactions involving regulated metals property; limits liability of secondary metals recyclers for conversion of motor vehicles to scrap metal; revises requirements for payments made by secondary metals recyclers to sellers of regulated metals property, to prohibit cash transactions; provides methods of payment for restricted regulated metals property; requires that purchases of certain property be made by check or electronic payment; requires application for registration as secondary metals recycler to contain address of fixed business location; prohibits secondary metals recyclers from purchasing regulated metals property, restricted regulated metals property, or ferrous metals during specified times or from certain locations or sellers; prohibits purchase of restricted regulated metals property without obtaining proof of seller's ownership & authorization to sell property; preempts to state regulation of secondary metals recyclers & purchase transactions involving regulated metals property; exempts county & municipal ordinances & regulations enacted before March 1, 2012, from preemption; reenacts & amends provisions relating to violations & penalties; redefines "utility"; provides that person who assists in taking of certain metals commits felony of first degree; provides that person who is found to have illegally taken copper or other nonferrous metals from utility or communications services provider is liable for specified damages; limits liability of public or private owner of metal property for injuries occurring during or as result of theft or attempted theft of metal property. <http://www.flsenate.gov/Session/Bill/2012/0885> TUESDAY IN HOUSE JUDICIARY COMMITTEE

TALLAHASSEE WEEKLY REPORT

2012 Legislative Session, Week 7

Bills Taken up in Week 7

- **Budget** – The Senate passed its budget, implementing bills, and conforming bills this past week. The House passed its budget two weeks ago, and the two chambers will soon begin the conference process to negotiate any differences that exist. Attached, please find a chart released by the Speaker’s office detailing the existing conforming bills. In terms of Miami-Dade County:
 - Elderly meals is funded in both budgets at current levels
 - Miami-Dade County Health Department receives \$17 million in the House budget, but no funding in the Senate
 - Libraries receive \$23.7 million in the House, \$24 in the Senate
 - Miami-Dade Blue Premium Assistance receives \$250,000 in both budgets
 - In terms of Jackson, the House budget cuts a total of \$290 million in reimbursements rates, reducing hospital Medicaid reimbursement to hospitals by another 7 percent. This results in a \$44 million cut to Jackson, with the House allowing buy-back ability, which would allow the hospital to draw down a federal match of \$24.2 million, for a total net reduction of \$19.8 million. The Senate budget contains \$100 million in more cuts in the House, including a reduction in adult mental health and substance abuse funding by 50 percent, a shift in local government intergovernmental transfers (IGTs) to general revenue from the Low Income Pool (LIP) in order to fund increases in HMO rates. The shift of IGTs to general revenue has the largest impact to Jackson, resulting in a \$88 million reduction.
 - In terms of Medicaid, the Senate Health and Human Services Appropriations Subcommittee Chairman Joe Negron has said he met considerable pushback from public hospitals and intended to back away from that change in favor of a straightforward rate reduction, likely equal to or less than the 7 percent the House is proposing.
 - As we reported last week, the Medicaid conforming bill in the Senate would bring an increase to the state’s general revenue by docking sales tax revenue transferred to local governments, in an effort to recuperate 85 percent of unpaid Medicaid bills the state says are owed by county governments. Discussions have taken place with Senate Health and Human Services Budget Chair Joe Negron, as well as members of the delegation, in an effort to resolve this issue, which does not appear in the House as of yet. Florida Association of Counties (FAC) has put out a white-paper on this issue, which contains the following important points:

- The bill adds another layer of bureaucracy to a flawed system.
 - Since the launch of the Agency for Healthcare Administration's (AHCA) new computer system in 2008, billings have been consistently wrong, with issues like incorrect address information, duplicative billings, and incorrect rates.
 - Charging local governments before they can determine residency as an irresponsible use of taxpayer dollars.
 - Disputed billings in the backlog should be certified by an independent third party, not the agency responsible for the disputed billings.
- **SB 862, Wage Protection for Employees, Sen. Simmons** - Prohibiting a county, municipality, or political subdivision from adopting or maintaining in effect a law, ordinance, or rule that creates requirements, regulations, or processes for the purpose of addressing wage theft; preempting such activities to the state; defining the term "wage theft", etc. <http://www.flsenate.gov/Session/Bill/2012/0862> BILL WAS TEMPORARILY POSTPONED IN SENATE JUDICIARY, AFTER IT WAS AMENDED TO EXEMPT MIAMI-DADE COUNTY BY COMMITTEE CHAIR ANITERE FLORES. THE HOUSE COMPANION, HB 609 BY REPRESENTATIVE GOODSON, PASSED ITS FINAL COMMITTEE OF REFERENCE THIS WEEK AND WAS PLACED ON THE HOUSE SECOND READING CALENDAR
 - **HB 119, Motor Vehicle Insurance, Rep. Boyd** - Revises provisions relating to contents of reports of motor vehicle crashes; requires that insurance policies provide emergency care coverage to specified persons after specified date; provides limits of coverage; establishes schedule of maximum charges; requires DOH to adopt list of diagnostic tests deemed not to be medically necessary; directs FSC to adopt disclosure & acknowledgment form; requires insurers to coordinate with claimants for emergency care coverage benefits to ensure appropriate time & location for examination; prohibits use of contingency risk multipliers in calculating attorney fee awards; provides requirements for mailing or delivery of such notice; provides for mandatory joinder of specified claims; provides for insurer's right of reimbursement for emergency medical care benefits paid to person injured by commercial motor vehicle; provides for application of law; provides for requirements for forms & rates for policies issued or renewed on or after specified date; requires specified notice to existing policyholders; conforms provisions. <http://www.flsenate.gov/Session/Bill/2012/0119> THIS BILL, THE HOUSE'S PIP BILL, PASSED THE ECONOMIC AFFAIRS COMMITTEE. THE BILL WAS AMENDED SO THAT INJURED MOTORISTS ARE ALLOWED TO SEE A DOCTOR WITHIN THE FIRST 72 HOURS OF AN ACCIDENT FOR NONEMERGENCY CARE. A PROVISION WAS ALSO REMOVED FROM THE BILL REQUIRING THAT TREATING PHYSICIANS SUBMIT TO EXAMINATIONS UNDER OATH BY INSURERS THAT SUSPECT FRAUD. THE HOUSE BILL IS SIGNIFICANTLY DIFFERENT THAN THE SENATE BILL WITH ONLY TWO WEEKS LEFT IN SESSION. THIS ISSUE IS A PRIORITY OF GOVERNOR SCOTT, AS HE MENTIONED IN HIS STATE OF THE STATE ADDRESS.
 - **HB 1263, Department of Health, Rep. Hudson** - Reorganizes DOH; revises duties of State Surgeon General; requires decentralization of public health system; allows

department to delegate roles & responsibilities or use outside contractors to implement program & service activities; requires DOH to contract with each county to establish & maintain county health department; defines specific services to be provided by county health departments. <http://www.flsenate.gov/Session/Bill/2012/1263> BILL PASSED THE HOUSE APPROPRIATIONS COMMITTEE, AFTER IT WAS AMENDED TO DELETE THE LANGUAGE WHICH WOULD HAVE TRANSFERRED THE OPERATION OF THE HEALTH DEPARTMENTS TO COUNTIES.

- **HB 1393, Taxation of Transient Rentals, Rep. Brodeur** - Defines terms "total rental charged," "total consideration," "consideration," & "rent" for purposes relating to tax on sales, use, & other transactions, tourist development tax, tourist impact tax, convention development tax, & municipal resort tax on rental of transient accommodations. <http://www.flsenate.gov/Session/Bill/2012/1393> THIS IS THE ONLINE TRAVEL COMPANY BILL THAT HAS BEEN FILED FOR THE PAST FEW SESSION. THE BILL WAS TEMPORARILY POSTPONED FOR THE THIRD MEETING IN A ROW BY THE HOUSE FINANCE AND TAX COMMITTEE, ITS FIRST COMMITTEE OF REFERENCE.
- **SB 182, Miami-Dade County Lake Belt Mitigation Plan, Sen. Garcia** - Deleting references to a report by the Miami-Dade County Lake Belt Plan Implementation Committee; providing for the redirection of funds for seepage mitigation projects; requiring the proceeds of the water treatment plant upgrade fee to be transferred by the Department of Revenue to the South Florida Water Management District and to be deposited into the Lake Belt Mitigation Trust Fund; providing criterion when the transfer is not required; providing for the proceeds of the mitigation fee to be used to conduct mitigation activities that are approved by the Miami-Dade County Lake Belt Mitigation Committee; clarifying the authorized uses for the proceeds from the water treatment plant upgrade fee, etc. <http://www.flsenate.gov/Session/Bill/2012/0182> THIS BILL PASSED THE SENATE BUDGET COMMITTEE, ITS FINAL COMMITTEE, AND WAS PLACED ON THE SECOND READING CALENDAR. THE HOUSE COMPANION, HB 377, HAS ALREADY PASSED THE HOUSE AND IS CURRENTLY IN MESSAGES TO THE SENATE.
- **SB 416, Use of Wireless Communications Devices While Driving, Sen. Detert** - Creating the "Florida Ban on Texting While Driving Law"; prohibiting the operation of a motor vehicle while using a wireless communications device for certain purposes; specifying information that is admissible as evidence of a violation; providing penalties; providing for enforcement as a secondary action; providing for points to be assessed against a driver's license for the unlawful use of a wireless communications device within a school safety zone or resulting in a crash, etc. <http://www.flsenate.gov/Session/Bill/2012/0416> THIS IS THE TEXTING WHILE DRIVING BILL, WHICH PASSED ITS FINAL COMMITTEE IN THE SENATE THIS WEEK AND WAS PLACED ON THE SECOND READING CALENDAR FOR CONSIDERATION BY THE FULL SENATE. THE HOUSE VERSION HAS NOT MOVED, AS LEADERSHIP HAS OPPOSED THE BILL.
- **HB 37, Knowingly and Willfully Giving False Information to a Law Enforcement Officer, Rep. Diaz** - Provides that it is third-degree felony for person to knowingly & willfully give false information to law enforcement officer conducting missing person investigation involving child 16 years of age or younger with intent to mislead officer or impede investigation if child suffers great bodily harm, permanent disability, permanent

disfigurement, or death. <http://www.flsenate.gov/Session/Bill/2012/0037> THIS IS THE BILL THAT WOULD CREAT "CAYLEE'S LAW". IT PASSED ITS FINAL COMMITTEE OF REFERENCE THIS WEEK IN THE HOUSE, AND WAS PLACED ON THE SECOND READING CALENDAR. THE SENATE VERSION, SB 858 BY SENATOR NEGRON, WILL BE TAKEN UP NEXT WEEK IN THE SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS

- **HB 885, Transactions by Secondhand Dealers and Secondary Metals Recyclers, Rep. Ford** - Defines "appropriate law enforcement official"; deletes exemptions from regulation as secondhand dealer relating to flea market transactions & auction businesses; revises provisions relating to recordkeeping requirements; revises requirements for types of information that secondary metals recyclers must obtain & maintain regarding purchase transactions, including requirements for maintenance & transmission of electronic records; revises period required for secondary metals recyclers to maintain information regarding purchase transactions involving regulated metals property; limits liability of secondary metals recyclers for conversion of motor vehicles to scrap metal; revises requirements for payments made by secondary metals recyclers to sellers of regulated metals property, to prohibit cash transactions; provides methods of payment for restricted regulated metals property; requires that purchases of certain property be made by check or electronic payment; requires application for registration as secondary metals recycler to contain address of fixed business location; prohibits secondary metals recyclers from purchasing regulated metals property, restricted regulated metals property, or ferrous metals during specified times or from certain locations or sellers; prohibits purchase of restricted regulated metals property without obtaining proof of seller's ownership & authorization to sell property; preempts to state regulation of secondary metals recyclers & purchase transactions involving regulated metals property; exempts county & municipal ordinances & regulations enacted before March 1, 2012, from preemption; reenacts & amends provisions relating to violations & penalties; redefines "utility"; provides that person who assists in taking of certain metals commits felony of first degree; provides that person who is found to have illegally taken copper or other nonferrous metals from utility or communications services provider is liable for specified damages; limits liability of public or private owner of metal property for injuries occurring during or as result of theft or attempted theft of metal property. <http://www.flsenate.gov/Session/Bill/2012/0885> THIS BILL, WHICH APPEARS AS A COUNTY PRIORITY AS PER A RESOLUTION SPONSORED BY VICE-CHAIR AUDREY EDMONSON, PASSED ITS FINAL TWO COMMITTEES OF REFERENCE IN THIS WEEK IN THE HOUSE, JUDICIARY AND ECONOMIC AFFAIRS, AND IS NOW READY FOR THE FLOOR. UNDER NEW LANGUAGE THAT WAS ADOPTED, COUNTIES CAN ONLY AMEND SCRAP METAL ORDINANES TO MIRROT THE STATE LAW. THE SENATE COMPANION, SB 540 BY SENATOR SMITH, WILL BE TAKEN UP IN THE SENATE BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS NEXT WEEK.
- **HB 7049, Human Trafficking, Rep. Snyder/Judiciary Committee** - Adds violations to jurisdiction of Office of Statewide Prosecution & statewide grand jury; requires employee of massage establishment & any person performing massage therein to present, upon request of investigator, valid government identification; provides

documentation requirements for operator of massage establishment; adds additional offenses to list of sexual predator & offender qualifying offenses; creates additional offenses relating to human trafficking; increases criminal penalties for certain offenses; provides for forfeiture of property used, attempted to be used, or intended to be used in violation of specified human trafficking provisions; increases criminal penalty for human smuggling; revises provisions relating to selling or buying of minors into sex trafficking or prostitution; provides additional authorization for interception of wire, oral, or electronic communications; ranks offenses on sentencing guidelines chart. <http://www.flsenate.gov/Session/Bill/2012/7049> THIS BILL, WHICH APPEARS AS A COUNTY PRIORITY AS PER A RESOLUTION SPONSORED BY COMMISSIONER JOSE "PEPE" DIAZ, WAS PASSED BY THE FLORIDA HOUSE. THE SENATE COMPANION WILL BE TAKEN UP NEXT WEEK IN THE SENATE BUDGET COMMITTEE.

- **HB 521, State Preemption of Regulation of Hoisting Equipment, Rep. Artiles** - Preempts to state regulation of certain hoisting equipment; provides that act does not apply to regulation of elevators or to airspace height restrictions. <http://www.flsenate.gov/Session/Bill/2012/0521> THIS BILL PASSED THE FLORIDA HOUSE THIS WEEK. THE SENATE COMPANION WAS BEEN STALLED IN ITS SECOND OF THREE COMMITTEES OF REFERENCE FOR NEARLY A MONTH.
- **HB 373, Environmental Permits, Rep. Glorioso** - Provides for entity created by special act, local ordinance, or interlocal agreement of county or municipality to receive certain reduced or waived permit processing fees; requires that DEP initiate rulemaking to adopt general permit for stormwater management systems serving airside activities at airports; authorizes certain municipalities & counties to adopt stormwater adaptive management plans & obtain conceptual permits for urban redevelopment projects; requires challenge to consolidated environmental resource permit or associated variance or any sovereign submerged lands authorization proposed or issued by DEP in connection with specified deepwater ports to be conducted pursuant to specified summary hearing provisions & within certain timeframe; provides that administrative law judge's decision is recommended order & does not constitute final agency action of DEP; requires DEP to issue final order within certain timeframe, etc. <http://www.flsenate.gov/Session/Bill/2012/0373> THIS BILL PASSED THE FLORIDA HOUSE, WITH AN AMENDMENT THAT WAS ADOPTED THAT WOULD EXPEDITE THE ADMINISTRATIVE REVIEW PROCESS RELATED TO THE PORT'S DEEP DREDGE PROJECT.
- **HB 55, Homestead Assessment Limitation/Senior Citizens, Reps. Nunez/Fresen** - Proposes amendment to s. 4, Art. VII of State Constitution to authorize counties & municipalities to limit assessed value of homesteads of low-income senior citizens. <http://www.flsenate.gov/Session/Bill/2012/0055> THIS CONSTITUTIONAL AMENDMENT PASSED THE FLORIDA HOUSE. THE SENATE COMPANION IS CURRENTLY WAITING TO BE HEARD IN THE SENATE BUDGET SUBCOMMITTEE ON FINANCE AND TAX.
- **HB 169, Additional Homestead Tax Exemption for Seniors, Rep. Oliva** - Proposes amendment to s. 6, Art. VII of State Constitution to authorize Legislature, by general law, to allow counties & municipalities to grant additional homestead tax exemption equal to assessed value of homestead property, if property has just value lower than specified amount, to owner who has maintained permanent residency on property for

specified duration, who has attained age 65, & whose household income does not exceed specified amount. <http://www.flsenate.gov/Session/Bill/2012/0169> THIS CONSTITUTIONAL AMENDMENT PASSED THE FLORIDA HOUSE. THE SENATE COMPANION IS CURRENTLY WAITING TO BE HEARD IN THE SENATE BUDGET SUBCOMMITTEE ON FINANCE AND TAX.

- **HB 379, Captive Insurance, Rep. Nunez** - Expands kinds of insurance for which captive insurer may seek licensure; limits risks certain captive insurers may insure; specifies requirements & conditions relating to captive insurer's authority to conduct business; requires before licensure captive insurers must file or submit to OIR specified information, documents, & statements; requires captive insurance company to file specific evidence with office relating to financial condition & quality of management & operations of company; specifies fees to be paid by captive insurance or reinsurance companies; authorizes Commissioner of Insurance Regulation to grant captive insurance company license to conduct insurance business until specified date; authorizes foreign or alien captive insurance company to become domestic captive insurance company by complying with requirements; authorizes office to waive requirements for public hearings relating to redomestication of alien captive insurance company; specifies industrial insured captive insurance companies are not required to be incorporated in this state; requires biographical affidavits, background investigations, & fingerprint cards for all officers & directors; provides restrictions on officers & directors involved with insolvent insurers. <http://www.flsenate.gov/Session/Bill/2012/0379> THIS BILL PASSED THE FLORIDA HOUSE. THE SENATE COMPANION IS CURRENTLY WAITING TO BE HEARD IN THE SENATE BUDGET COMMITTEE, ITS FINAL COMMITTEE OF REFERENCE.
- **HB 997, Dangerous Dogs, Rep. Trujillo** - Deletes exemption from prohibition on local breed specific regulations of dangerous dogs for such regulations adopted before specified date. <http://www.flsenate.gov/Session/Bill/2012/0997> THIS BILL PASSED THE HOUSE STATE AFFAIRS COMMITTEE, AND IS NOW READY FOR CONSIDERATION BY THE FULL HOUSE. THE BOARD OF COUNTY COMMISSIONERS RECENTLY APPROVED A BALLOT ITEM FOR THE AUGUST ELECTION ASKING IF VOTERS WISH TO REPEAL THE COUNTY'S BAN ON PITBULLS, WHICH THIS BILL IS AIMING TO DO.

Bills of Interest Up in Week 8

Below, please find a list of bills of interest to Miami-Dade County that will be taken up during week 8 of the legislative session:

- **HB 1263, Department of Health, Rep. Hudson** - Reorganizes DOH; revises duties of State Surgeon General; requires decentralization of public health system; allows department to delegate roles & responsibilities or use outside contractors to implement program & service activities; requires DOH to contract with each county to establish & maintain county health department; defines specific services to be provided by county health departments. <http://www.flsenate.gov/Session/Bill/2012/1263> TO BE HEARD MONDAY IN HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

- **HB 37, Knowingly and Willfully Giving False Information to a Law Enforcement Officer, Rep. Diaz** - Provides that it is third-degree felony for person to knowingly & willfully give false information to law enforcement officer conducting missing person investigation involving child 16 years of age or younger with intent to mislead officer or impede investigation if child suffers great bodily harm, permanent disability, permanent disfigurement, or death. <http://www.flsenate.gov/Session/Bill/2012/0037> TO BE HEARD TUESDAY IN THE HOUSE FLOOR.
- **HB 609, Wage Protection for Employees, Rep. Goodson** - Creates civil cause of action for collection of unpaid wages; requires employer to pay wages due to employee for work that employee performed within specified time; requires claimant, as condition precedent to bringing claim for unpaid wages, to notify in writing employer of employee's intention to initiate claim; provides for content of notice; allots employer specific time to pay total amount of unpaid wages or otherwise resolve claim to satisfaction of claimant; provides for venue of such claims; prohibits maintenance of class action; provides for damages to include court costs & interest; authorizes county, municipality, or political subdivision to establish administrative, nonjudicial process by which claim may be filed by, or on behalf of, aggrieved employee; prohibits county, municipality, or political subdivision from adopting or maintaining in effect law, ordinance, or rule for purpose of addressing unpaid wage claims other than to establish administrative process as provided in act; provides that any regulation, ordinance, or other provision for recovery of unpaid wages by counties, municipalities, or political subdivisions is prohibited & preempted to state. <http://www.flsenate.gov/Session/Bill/2012/0609> TO BE HEARD TUESDAY ON THE HOUSE FLOOR.
- **SB 858, Knowingly and Willfully Giving False Information, Sen. Negron** - Providing that it is a third-degree felony for a person to knowingly and willfully give false information to a law enforcement officer conducting a missing person investigation involving a child 16 years of age or younger with the intent to mislead the officer or impede the investigation if the child suffers great bodily harm, permanent disability, permanent disfigurement, or death; providing criminal penalties, etc. <http://www.flsenate.gov/Session/Bill/2012/0858> THIS IS THE COMPANION TO THE HOUSE BILL MENTIONED ABOVE, AND WILL BE HEARD TUESDAY IN THE SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE.
- **SB 1322, Local Requirements for Dangerous Dogs, Sen. Norman** - Removing the provision that exempts local ordinances adopted before a specified date from the prohibition on ordinances that are specific to breed or that lessen state restrictions governing dangerous dogs, etc. <http://www.flsenate.gov/Session/Bill/2012/1322> THIS IS THE COMPANION TO REP. TRUJILLO'S PITBULL BILL, MENTIONED ABOVE. THIS BILL WILL BE HEARD ON TUESDAY IN THE SENATE BUDGET SUBCOMMITTEE ON CRIMINAL AND CIVIL JUSTICE.
- **SB 1568, Sale or Lease of a County, District, or Municipal Hospital, Sens. Gaetz/Garcia** - Requiring that the governing board of a county, district, or municipal hospital evaluate the possible benefits to an affected community from the sale or lease of the hospital facility to a not-for-profit or for-profit entity within a specified time period; specifying

the factors that must be considered by the governing board before accepting a proposal to sell or lease the hospital; providing that any general or special law that is inconsistent with or otherwise in conflict with the act is specifically superseded by the act, etc. <http://www.flsenate.gov/Session/Bill/2012/1568> THIS BILL WILL BE TAKEN UP ON TUESDAY IN THE BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS.

- **SB 540, Secondhand Dealers and Secondary Metals Recyclers, Sen. Smith** - Requiring that a secondary metals recycler conform to the requirements for a secondhand dealer; revising requirements for payments made by secondary metals recyclers to sellers of regulated metals property to prohibit certain cash transactions; preempting to the state the regulation of secondary metals recyclers and purchase transactions involving regulated metals property; limiting the liability of a public or private owner of metal property for injuries occurring during the theft or attempted theft of metal property and for injuries occurring as the result of the theft or attempted theft, etc. <http://www.flsenate.gov/Session/Bill/2012/0540> THIS BILL WILL BE TAKEN UP ON TUESDAY IN THE BUDGET SUBCOMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS.
- **SB 1880, Human Trafficking, Sen. Flores** - Adding violations of ch. 787, F.S., to the jurisdiction of the Office of Statewide Prosecution; requiring an employee of a massage establishment and any person performing massage therein to present, upon request of an investigator, valid government identification while in the establishment; providing documentation requirements for the operator of a massage establishment; providing criminal penalties; repealing provisions relating to unlawfully obtaining labor or services; providing for forfeiture of property used, attempted to be used, or intended to be used in violation of specified human trafficking provisions; revising provisions relating to selling or buying of minors into sex trafficking or prostitution, etc. <http://www.flsenate.gov/Session/Bill/2012/1880> THIS BILL WILL BE TAKEN UP ON TUESDAY IN THE SENATE BUDGET COMMITTEE

Resignation of Representative Richard Steinberg

On Friday, State Representative Richard Steinberg of Miami Beach resigned from the Florida House, after it was revealed that he sent suggestive and harassing texts to a federal prosecutor. Rep. Steinberg, previously a Miami Beach City Commissioner, was elected to the House in 2008. In a statement, he apologized to all the parties involved.

TALLAHASSEE WEEKLY REPORT

2012 Session, Week 8

Budget Update

At 5 pm on Friday, the various Senate and House budget subcommittee chairs bumped any unresolved issues to Senate Budget Chair JD Alexander and House Budget Chair Denise Grimsley. The two have met continuously over the weekend to try and resolve any differences, with the hope of being done by Monday or Tuesday, thus allowing the 72-hour “cooling off” period mandated by the Constitution before the chambers can vote. The Tallahassee team continues to work on preserving funding for county projects, and has continued to inform members and leaders on the importance of the Medicaid billing issue, which can have a negative impact to the county of up to \$73 million.

OIA will continue to provide updates as decisions are made on the budget.

Bills of Interest Taken Up Last Week

- **HB 711, Sale or Lease of a County, District, or Municipal Hospital, Rep. Hooper** - Requires approval from circuit court for sale or lease of county, district, or municipal hospital unless certain exemption or referendum approval applies; requires hospital governing board to determine by certain public advertisements whether there are qualified purchasers or lessees before sale or lease of such hospital; requires board to state in writing specified criteria forming basis of its acceptance of proposal for sale or lease of hospital; provides for publication of notice; authorizes submission of written statements of opposition to proposed transaction to hospital governing board within certain timeframe; requires board to file petition for approval with circuit court & receive approval before any transaction is finalized; provides for circuit court to issue an order requiring all interested parties to appear before court; grants circuit court jurisdiction to approve sales or leases of county, district, or municipal hospitals based on specified criteria; provides for cessation of special district taxing authority at sale unless reduced & ratified by referendum; provides that any general or special law that is inconsistent with or otherwise in conflict with the act is specifically superseded by act. <http://www.flsenate.gov/Session/Bill/2012/0711> THIS BILL PASSED THE HOUSE, AND IS CURRENTLY IN MESSAGES TO THE SENATE. THE SENATE COMPANION, SB 1568 WAS PLACED ON THE SECOND READING CALENDAR.
- **HB 119, Motor Vehicle Insurance, Rep. Boyd** - Revises provisions relating to contents of reports of motor vehicle crashes; requires that application for

licensure or exemption from licensure as health care clinic include specified statement regarding insurance fraud; requires that insurance policies provide medical care coverage to specified persons after specified date; provides limits of coverage; establishes schedule of maximum charges; requires DOH to adopt list of diagnostic tests deemed not to be medically necessary; directs FSC to adopt disclosure & acknowledgment form; requires insured to submit to examinations under oath; limits scope; prohibits use of contingency risk multipliers in calculating attorney fee awards; provides requirements for mailing or delivery of such notice; provides for mandatory joinder of specified claims; provides for insurer's right of reimbursement for medical care benefits paid to person injured by commercial motor vehicle; provides for application of law; provides for requirements for forms & rates for policies issued or renewed on or after specified date; requires specified notice to existing policyholders; provides that it is insurance fraud to present claim for personal injury protection benefits payable to person or entity that knowingly submitted false, misleading, or fraudulent applications or other documents relating to licensure as health care clinic; conforms provisions. <http://www.flsenate.gov/Session/Bill/2012/0119> THIS IS THE HOUSE'S PIP REFORM PACKAGE, WHICH PASSED THAT CHAMBER THIS WEEK. AT THIS POINT, THE HOUSE PROPOSAL IS THE ONE FAVORED BY GOVERNOR RICK SCOTT, WHO HAS MADE PIP REFORM A PRIORITY FOR THIS SESSION. THE SENATE VERSION, SB 1860 BY SENATOR JOE NEGRON, HAS PASSED ALL ITS COMMITTEES AND IS READY FOR THE FLOOR. LEADERSHIP IN BOTH CHAMBERS HAS STATED THEY HOPE TO HAVE DIFFERENCES RESOLVED AND LEGISLATION PASSED BEFORE THE END OF SESSION ON FRIDAY.

- **HB 1263, Department of Health, Rep. Hudson** - Revises purpose of DOH; revises duties of State Surgeon General; eliminates Officer of Women's Health Strategy; eliminates Florida Drug, Device, & Cosmetic Trust Fund & Nursing Student Loan Forgiveness Trust Fund as trust funds; provides that two or more counties may combine for operation of county health department when such counties establish an interlocal agreement; requires DOH to be responsible for state public health system; requires department to provide leadership for partnership involving federal, state, & local government & private sector to accomplish public health goals; allows counties to enact health regulations & ordinances consistent with state law; provides that certain actions that interfere, hinder, or oppose official duties of department employees constitute second-degree misdemeanor; requires department to establish rules for conditions & procedures for imposing & releasing quarantine; provides that rules established under this section supersede all rules enacted by other state agencies, boards, or political subdivisions; provides that violation of rules established under section, quarantine, or requirement adopted pursuant to declared public health emergency is second-degree misdemeanor. <http://www.flsenate.gov/Session/Bill/2012/1263> THIS BILL, THE DEPARTMENT OF HEALTH REORGANIZATION BILL, PASSED THE HOUSE THIS WEEK. LANGUAGE THAT HAD PREVIOUSLY BEEN INCLUDED, AND SUBSEQUENTLY REMOVED, WHICH WOULD HAVE TRANSFERRED THE

FUNCTIONS OF THE AGENCY TO THE COUNTIES, WAS NOT INCLUDED IN THE FINAL BILL. THE SENATE BILL IS STILL IN THE BUDGET COMMITTEE.

- **HB 997, Dangerous Dogs, Rep. Trujillo** - Deletes exemption from prohibition on local breed specific regulations of dangerous dogs for such regulations adopted before specified date. <http://www.flsenate.gov/Session/Bill/2012/0997> THIS BILL WAS TEMPORARILY POSTPONED IN THE HOUSE FLOOR, AND IS LIKELY NOT GOING TO BE BROUGHT UP AGAIN.
- **HB 885, Transactions by Secondhand Dealers and Secondary Metals Recyclers, Rep. Ford** - Deletes exemptions for flea market transactions & auction businesses; revises provisions relating to recordkeeping; provides requirements for salvaged motor vehicles & mobile homes; revises requirements information recyclers must obtain & maintain; limits liability for conversion of motor vehicles to scrap metal; revises requirements for payments; provides methods of payment for restricted regulated metals property; requires that purchases of certain property be made by check or by electronic payment; prohibits secondary metals recyclers from purchasing regulated metals property, restricted regulated metals property, or ferrous metals during specified times, from certain locations, or from certain sellers; prohibits purchase of specified restricted regulated metals property without certain proof of seller's ownership & authorization; preempts to state regulation of secondary metals recyclers & purchase transactions; provides exceptions; amends provisions relating to theft of copper or other nonferrous metals from utility or communications services provider; prohibits removing or assisting with removal of copper or other nonferrous metals from electrical substation site without authorization of utility; provides civil liability & civil & criminal penalties. <http://www.flsenate.gov/Session/Bill/2012/0885> THIS ISSUE, A COUNTY PRIORITY, WAS ROLLED OVER THE THIRD READING IN THE HOUSE AND IS NOW READY FOR FINAL PASSAGE. THE SENATE BILL, SB 540, IS STILL IN THE SENATE BUDGET COMMITTEE
- **HB 377, Miami-Dade County Lake Belt Mitigation Plan, Rep. Nunez** - Deletes references to Miami-Dade County Lake Belt Plan Implementation Committee report; deletes obsolete provisions; redirects funds for seepage mitigation projects; requires proceeds of water treatment plant upgrade fee to be transferred by DOR to SFWMD to be deposited into Lake Belt Mitigation Trust Fund; provides criterion when transfer is not required; provides for proceeds of mitigation fee to be used to conduct mitigation activities that are approved by Miami-Dade County Lake Belt Mitigation Committee; clarifies authorized uses for proceeds from water treatment plant upgrade fee. <http://www.flsenate.gov/Session/Bill/2012/0377> THIS BILL, WHICH HAS ALREADY PASSED THE HOUSE, PASSED THE SENATE THIS WEEK AFTER IT REPLACED THE IDENTICAL SENATE BILL WHICH WAS SPONSORED BY SENATOR GARCIA. THE BILL IS NOW ON THE WAY TO THE GOVERNOR.
- **HB 3, Prohibition of Electronic Gambling Devices, Rep. Plakon** - Cites act as "Electronic Gambling Prohibition & Community Protection Act"; transfers administration & enforcement of provisions relating to game promotions from DACS to DBPR; revises provisions relating to drawings by chance offered by

nonprofit organizations, exceptions to prohibitions on lotteries, & procedures for operation of game promotion; prohibits use of certain devices operated by drawing entrants. <http://www.flsenate.gov/Session/Bill/2012/0003> THIS BILL PASSED OUT OF THE HOUSE, BUT IS UNLIKELY TO BE TAKEN UP IN THE SENATE. THE HOUSE BILL FULLY BANS THESE DEVICES, WHILE THE SENATE IS LOOKING TO REGULATE THEM.

- **HB 37, Knowingly and Willfully Giving False Information to a Law Enforcement Officer, Reps. Diaz and Plakon** - Provides that it is third-degree felony for person to knowingly & willfully give false information to law enforcement officer conducting missing person investigation involving child 16 years of age or younger with intent to mislead officer or impede investigation if child suffers great bodily harm, permanent disability, permanent disfigurement, or death. <http://www.flsenate.gov/Session/Bill/2012/0037> THIS BILL IS KNOWN AS CAYLEE'S LAW, AND PASSED OUT OF THE HOUSE, IT IS CURRENTLY IN MESSAGES TO THE SENATE, WHERE THE SENATE VERSION IS STILL IN THE BUDGET COMMITTEE.
- **HB 609, Wage Protection for Employees, Rep. Goodson** - Creates civil cause of action for collection of unpaid wages; requires employer to pay wages due to employee for work that employee performed within specified time; requires claimant, as condition precedent to bringing claim for unpaid wages, to notify in writing employer of employee's intention to initiate claim; provides for content of notice; allots employer specific time to pay total amount of unpaid wages or otherwise resolve claim to satisfaction of claimant; provides for venue of such claims; prohibits maintenance of class action; provides for damages to include court costs & interest; authorizes county, municipality, or political subdivision to establish administrative, nonjudicial process by which claim may be filed by, or on behalf of, aggrieved employee; prohibits county, municipality, or political subdivision from adopting or maintaining in effect law, ordinance, or rule for purpose of addressing unpaid wage claims other than to establish administrative process as provided in act; provides that any regulation, ordinance, or other provision for recovery of unpaid wages by counties, municipalities, or political subdivisions is prohibited & preempted to state. <http://www.flsenate.gov/Session/Bill/2012/0609> THIS BILL PASSED OUT OF THE HOUSE THIS WEEK, AFTER MUCH DEBATE AND A DADE DELEGATION DIVIDED ON PARTY LINES OVER THE COUNTY'S ORDINANCE ON THE SUBJECT. THE BILL IS CURRENTLY IN THE MESSAGES TO THE SENATE, AS ITS VERSION HAS NOT MOVED SINCE BEING TEMPORARILY POSTPONED DUE TO TIME RESTRAINTS IN THE JUDICIARY COMMITTEE.

Upcoming in the Final Week of Session

- **HB 885**, which is mentioned above, is on Third Reading in the House.
- **SB 1880, Human Trafficking, Sen. Flores** - Adding violations of ch. 787, F.S., to the jurisdiction of the Office of Statewide Prosecution; requiring an employee of a massage establishment and any person performing massage therein to

present, upon request of an investigator, valid government identification while in the establishment; providing documentation requirements for the operator of a massage establishment; providing criminal penalties; repealing provisions relating to unlawfully obtaining labor or services; providing for forfeiture of property used, attempted to be used, or intended to be used in violation of specified human trafficking provisions; revising provisions relating to selling or buying of minors into sex trafficking or prostitution, etc. <http://www.flsenate.gov/Session/Bill/2012/1880> THIS BILL, WHICH IS A COUNTY PRIORITY, WILL BE TAKEN UP ON SPECIAL ORDER IN THE SENATE. THE HOUSE VERSION HAS ALREADY PASSED.

- The rest of the schedule will be reported on as agendas are released.