

TALLAHASSEE WEEKLY REPORT

October 3-7, 2011

Interim Committee Meetings

The Florida Legislature met this week for interim committee meetings. The following bills of interest to Miami-Dade County were taken up:

- **SB 148, Community Redevelopment, Sen. Bullard** – This bill expands the term of “blighted area” to include land previously used as a military facility. The bill passed the Senate Community Affairs Committee and is now in the Senate Military Affairs, Space and Domestic Security Committee.
- **SB 182, Miami-Dade Lake Belt Mitigation Plan** – This bill redirects up to \$20 million in Lake Belt mitigation fees from water treatment to pay for seepage mitigation projects, unless quarterly pathogen sampling dictates otherwise. The bill passed the Senate Community Affairs Committee, and is now in the Senate Environmental Protection and Conservation Committee.

Bills of Interest Filed This Week

The following bills of interest to Miami-Dade County were filed this week. Please feel free to contact our office if there is a question or concern with these, or any other bill, that has been filed to date:

- **HB 249, Public Lodging Establishments, Rep. Bembyr** - Revises definition of term "public lodging establishment" to exclude certain apartment complexes designated primarily as housing for persons at least 55 years of age. (The companion bill was also filed this week **SB 454** by Sen. Wise) <http://www.flsenate.gov/Session/Bill/2012/0249>
- **HB 251, Property Assessments, Rep. Workman** - Revises factors that property appraiser must consider when deriving just valuation of property; provides conditions & limitations relating to property appraiser's use of certain property transactions to arrive at just valuation; provides for retroactive application. <http://www.flsenate.gov/Session/Bill/2012/0251>
- **HB 263, Financial Responsibility for Medical Expenses of Pretrial Detainees or Sentenced Inmates, Rep. Hooper** - Provides that responsibility for paying expenses of medical care for person ill or injured during or as result of his or her arrest is responsibility of person receiving medical care; requires each in-custody pretrial detainee or sentenced inmate who receives medical care or services to cooperate with detention facility in seeking reimbursement; provides that, absent written agreement, remuneration be at rate not to exceed specified percent of Medicare allowable rate; requires each in-custody pretrial detainee or sentenced inmate who has health insurance or benefits to assign such benefits to health

care provider; provides that law enforcement or detention facility personnel are responsible for restricting personal freedom of certain in-custody pretrial detainees or sentenced inmates; provides that act does not apply to certain counties; provides that certain charter counties are not obligated to reimburse any third-party provider for in-custody pretrial detainee or sentenced inmate of county detention facility at rate exceeding particular rate for certain costs. <http://www.flsenate.gov/Session/Bill/2012/0263> (It should be noted, Miami-Dade is exempted from this bill. The companion bill, **SB 452** was also filed this week by Sen. Jones)

- **HB 269, Uniform Traffic Control, Rep. Gonzalez** - Provides for school districts to deploy school bus traffic infraction detectors; authorizes Department of Highway Safety and Motor Vehicles, county, or municipality to authorize traffic infraction enforcement officer to issue & enforce citation for violation of such provisions; requires notification to be sent to registered owner of motor vehicle involved in violation; provides for distribution of penalties collected; provides that act does not preclude issuance of citations by law enforcement officers; provides for penalties for infractions enforced by traffic infraction enforcement officer; provides for distribution of fines; provides that no points may be assessed against driver's license for infractions enforced by traffic infraction enforcement officer; provides that infractions enforced by traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates. <http://www.flsenate.gov/Session/Bill/2012/0269>
- **HB 281, Landlords and Tenants, Rep. Rouson** - Revises notice of termination requirements for certain tenancies without specific duration; revises notice of termination requirements for certain tenancies with specific duration; provides rental agreement requirements; deletes provision relating to liability of certain tenants. <http://www.flsenate.gov/Session/Bill/2012/0281>
- **HB 297, Public Employment Practices, Rep. Jones** - Defines terms "applicant" & "public employer"; prohibits public employer from inquiring into or considering criminal history record of applicant for public employment until applicant has been selected for interview by public employer; provides that restriction does not prohibit public employer from notifying applicant that law or employer's policy may disqualify applicant from employment in particular position with public employer. <http://www.flsenate.gov/Session/Bill/2012/0297>
- **HB 299, Use of Wireless Communications Devices While Driving, Rep. Pilon** - Creates "Florida Ban on Texting While Driving Law"; prohibits operation of motor vehicle while using wireless communications device for certain purposes; provides exceptions; specifies information that is admissible as evidence of violation; provides for enforcement as secondary action; provides for points to be assessed against driver's license for unlawful use of wireless communications device resulting in crash. <http://www.flsenate.gov/Session/Bill/2012/0299>
- **SB 396, Intergovernmental Cooperation, Sen. Oelrich** - Authorizing certain parties to an interlocal agreement to conduct public meetings and workshops by means of communications media technology; providing notice requirements. <http://www.flsenate.gov/Session/Bill/2012/0396>

- **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 resulting in a crash. <http://www.flsenate.gov/Session/Bill/2012/0416>
- **SB 428, Prohibition of Simulated Gambling Devices, Sen. Oelrich** - Creating the "Simulated Gambling Prohibition and Community Protection Act"; prohibiting the use of simulated gambling devices to conduct or promote game promotions, drawings, and games of chance; providing penalties; providing for construction; revising conditions for exceptions to prohibitions on lotteries; prohibiting the use of simulated gambling devices or other devices operated by drawing entrants; providing penalties; limiting the rulemaking authority of the Department of Agriculture and Consumer Services; prohibiting production, possession, or distribution of any gambling apparatus. <http://www.flsenate.gov/Session/Bill/2012/0428>
- **SB 442, Fair Housing, Sen. Braynon** - Providing that an aggrieved person may file a civil action without first filing an administrative complaint for a discriminatory housing practice; providing that, if the Florida Commission on Human Relations or local agency has obtained a conciliation agreement with the consent of the aggrieved person, the filing of a civil action is prohibited, except to enforce the terms of the agreement. <http://www.flsenate.gov/Session/Bill/2012/0442>
- **SB 450, Emergency Medical Services, Sen. Oelrich** - Deleting the requirement for emergency medical technicians and paramedics to complete an educational course on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome; redefining the term "basic life support" for purposes of the Raymond H. Alexander, M.D., Emergency Medical Transportation Services Act; revising the requirements for certification or recertification as an emergency medical technician or paramedic; revising the requirements for certification for an out-of-state trained emergency medical technician or paramedic; revising requirements for an institution that conducts an approved program for the education of emergency medical technicians and paramedics; revising the requirements that students must meet in order to receive a certificate of completion from an approved program. <http://www.flsenate.gov/Session/Bill/2012/0450>
- **SB 464, Sale or Lease of a County, District, or Municipal Hospital, Sen. Garcia** - Providing that the sale or lease of a county, district, or municipal hospital is subject to approval by the registered voters or by the circuit court; requiring the hospital governing board to determine by certain public advertisements whether there are qualified purchasers or lessees before the sale or lease of such hospital; requiring the board to state in writing specified criteria forming the basis of its acceptance of a proposal for sale or lease of the hospital; requiring the board to file a petition for approval with the circuit court and receive

approval before any transaction is finalized; granting the circuit court jurisdiction to approve the sale or lease of a county, district, or municipal hospital based on specified criteria; requiring the board to pay costs associated with the petition for approval unless a party contests the action. <http://www.flsenate.gov/Session/Bill/2012/0464>

- **SB 488, Animal Cruelty or Cruelty Ordinances, Sen. Rich** - 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. <http://www.flsenate.gov/Session/Bill/2012/0488>

State Budget

A \$1.2 billion shortfall currently exists in the Pre K-12 portion of the current fiscal year state budget. The Legislature must close this gap if it is to keep the same funding level of the 2012-2013 fiscal year. The gap is a result of the end of federal stimulus money, a decrease in property tax collection expectations, and a jump in the expected enrollment for the 2012-2013 school year.

In the current fiscal year, the Legislature asked school districts to use the \$554 million for education jobs from federal stimulus funds. This money is no longer available. A decrease in the collection of property taxes amounts to \$239 million less than expected. Another \$224 million comes from non-recurring state school trust fund money. A projected increase of 32,000 students for next school year translates to \$193 million less to spread around the school districts

Senate President Mike Haridopolos has indicated he will not raise taxes or fees, meaning the \$1.2 billion shortfall will have to come from other areas of the budget.

Gaming

The First District Court of Appeals, in Tallahassee, upheld a lower court ruling declaring constitutional the law enacted by the Legislature allowing Hialeah Park to add slot machines to its facility. Many view this as a stepping stone to allow large destination casino resorts in Miami-Dade and Broward counties.

Senator Ellyn Bogdanoff and Representative Erik Fresen are preparing to file a bill that would allow the state to issue three licenses for destination casino resorts in Miami-Dade and Broward counties. Rep. Fresen indicated that a negative decision from the court would have made their proposed legislation moot.

Sen. Bogdanoff and Rep. Fresen have agreed to the framework for legislation, and will soon file identical bills. The provisions in the bill will include:

- A maximum of three licenses
- Licenses will be awarded only to casino builders prepared to invest a minimum of \$2 billion
- A gaming commission, similar to that in place in Nevada, will be created to regulate casino operations
- The resorts will have maximum square footage requirements dedicated to gaming areas.

Two of the major players for possible destination resorts in South Florida, Las Vegas Sands and Genting Malaysia, have already weighed in on the proposed legislation. Las Vegas Sands is in favor of the strict regulatory structure that comes from the creation of a gaming commission, but does not feel the area can handle three casino resorts. Genting Malaysia prefers the existing regulatory structure (operated by the Department of Business and Professional Regulation) and is in favor of allowing competition for three licenses.

Prison Privatization

Governor Rick Scott announced this week that while he supports an expansion of prison privatization in Florida, he agrees with a judge's ruling last week that the Legislature erred by using the state budget to establish this policy.

A Tallahassee Circuit Judge ruled last week that is unconstitutional for the Legislature to include such policy in budget proviso language, and should have done so by general law. The Governor also stated he has not decided yet on whether to appeal the ruling, but Senate President Mike Haridopolos has indicated he is leaning in that direction.

Public Hospitals

In relation to SB 464, mentioned above, Senate President-designate Don Gaetz stated this week that the sale or lease of public hospitals would be a "live issue" this session. The Senator made his comments after hearing a presentation by the Florida Commission on Review of Taxpayer Funded Hospital Districts, a blue-ribbon panel created by Governor Scott.

The panel, chaired by Dominic Calabro, President and CEO of Florida Taxwatch, has met seven times and is on track to produce a report to the Governor and Legislature by January 1, as mandated by the executive order that created the commission. While some legislators questioned the need for such a commission, Senator Rene Garcia, the sponsor of SB 464 and similar legislation last session, informed the Senate Health Regulation Committee that there is a move in the works for public hospitals to be turned

into for-profit or private institutions. He stated that the Legislature wanted to have as much information as possible before it takes up such legislation.

The sale and lease of public hospitals became an issue last year after Bert Fish Medical Center held 21 private meetings with Adventist Health Systems regarding an \$80 million lease. A judge invalidated the merger, ruling that the private meetings violated the state's open government requirement. The Southeast Volusia Hospital District is currently suing its attorney for \$22.5 million for advising that the meetings be held in private.

Political

- Governor Rick Scott announced this week that he would be seeking reelection in 2014.
- House Speaker-designate Will Weatherford, and the two representatives in-line to succeed him, Chris Dorworth and Richard Corcoran, announced this week they would be endorsing Mitt Romney in the Republican presidential primary. The three of them had previously endorsed former Minnesota Governor Tim Pawlenty, who has since dropped out and endorsed Romney himself.