

# TALLAHASSEE WEEKLY REPORT

## OCT 31-NOV 4, 2011

### Gaming Update

This week, Senator Ellyn Bogdanoff and Representative Erik Fresen spoke to the press about their recently filed legislation related to destination gaming resorts. They pointed out that their goal is to reform, and not necessarily expand, gaming in Florida. While the bills would increase the number of gaming operations in the state, Rep. Fresen argued that gaming has expanded in recent years with little opposition and large casinos, already exist, such as the two Seminole Hard Rock Casinos in Tampa and Hollywood.

Sen. Bogdanoff says their main intention with the legislation is to provide more structure to the gaming industry in Florida, and not to “hand-out” licenses to casino conglomerates such as Las Vegas Sands, Genting and Wynn, all of whom have contracted teams of lobbyists to work on this issue.

Rep. Fresen questioned why “No Casinos”, a group that has been resurrected to work against the expansion of gaming, has decided to fight this particular legislation even though pari-mutuels in South Florida started offering slots and Internet sweepstakes cafes have popped up in recent years. He believes their opposition is not as much about gaming as it is about an impact to Walt Disney World’s revenue. Disney is backing No Casinos’ efforts. He feels the resorts will not take money and tourists away from Central Florida.

In other gaming news this week, Gadsden County residents will vote on whether to allow slots at a barrel-racing track in Gretna and Flagler Dog Track/Magic City Casino obtained a permit to operate jai alai and possibly slot machines. Rep. Fresen says the new expansions will likely void the 20-year old Seminole compact, which guarantees the state \$1 billion over the next five years.

At a pre-session media event hosted by the Associated Press this week, House Speaker Dean Cannon stated that he is “philosophically opposed” to new casinos, but indicated that he would let the issue play out. Senate President Mike Haridopolos repeated his intention of getting the casino bill to the floor. He even went so far as rearranging committee assignments and placing Sen. Bogdanoff on the Senate Regulated Industries Committee, which will play a significant role in the process as the bill moves forward.

### Interim Committee Meetings

Below, please find a listing of issues relevant to Miami-Dade County that were taken up in Tallahassee this week:

- SB 226, Disabled Parking Permits, Sen. Margolis – This bill passed the Senate Transportation Committee on Tuesday morning. This item can be found in the 2012 State Legislative Agenda. The bill expands the type of officials who may waive citations for disability parking permit violations, revises the requirements for renewing or replacing a long-term disabled parking permit, requires the Department of Highway Safety and Motor Vehicle to develop and implement a system to allow the reporting of abuses of disabled parking permits, and requires the department to develop and implement a public awareness campaign regarding how such abuse burdens disabled persons. The bill was subreferred to the Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations, before a final stop in the Senate Budget Committee. A House companion, HB 27 by Rep. Julien, has yet to be heard in committee. The Senate bill can be found at <http://www.flsenate.gov/Session/Bill/2012/0226>.
- The House State Affairs Committee held an information briefing related to water policy, with presentations by the Department of Environmental Protection, Department of Agriculture and Consumer Services, and the Everglades Foundation. Materials for these presentations can be found at: [http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteId=2589&Session=2012&DocumentType=MeetingPackets&FileName=St\\_Affairs\\_11\\_01\\_2011](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteId=2589&Session=2012&DocumentType=MeetingPackets&FileName=St_Affairs_11_01_2011)
- The House Community and Military Affairs Subcommittee took up a proposed committee bill, PCB CMAS 12-01, related to the formation of local governments, which passed and was filed as a committee bill as HB 7001. Current law states that in order to establish a new municipality, a feasibility study of a municipal incorporation must be completed and submitted to the Legislature 90 days before the first day of the regular session during which a bill proposing an incorporation would be enacted. The bill, as filed, proposed the change the deadline for submission of a feasibility study to the first Monday after September 1. The bill also removes several obsolete definitions from the "Formation of Municipalities Act" (ch 165 of the Florida Statutes). The bill can be found at: <http://www.flsenate.gov/Session/Bill/2012/7001>.

## Bills of Interest Filed This Week

Below, please find a listing of the bills of interest to Miami-Dade County that were filed this week:

- **HB 521, Regulation of Hoisting Equipment Used in Construction, Demolition or Excavation Work, Rep. Artiles** - 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> (This bill preempts our local authority.)

- **HB 525, Florida Retirement System, Rep. Workman** - Revises definitions of terms "normal retirement date" & "vested" or "vesting"; revises provisions relating to early retirement benefit calculation to conform to changes made by act; requires new employees to, by default, be enrolled in investment plan; extends period during which employee may elect to participate in pension plan; prohibits certain employees from choosing to move to pension plan after certain period. <http://www.flsenate.gov/Session/Bill/2012/0525>
- **HB 527, Animal Control or Cruelty Ordinances, Rep. Randolph** - Requires county or municipality enacting ordinance relating to animal control or cruelty to impose specified surcharge on civil penalty for violations of ordinance; specifies use of proceeds of surcharge to subsidize costs of spaying or neutering of dogs and cats whose owners voluntarily submit their animals for sterilization. <http://www.flsenate.gov/Session/Bill/2012/0527>
- **HB 547, Community Redevelopment Agencies, Rep. Fresen** - Provides reporting requirements for certain community redevelopment agencies; provides for termination of community redevelopment agencies by board of county commissioners of certain counties; provides public hearing & notice & termination plan requirements; provides that consent from certain entities is not required for such termination; provides additional redevelopment plan requirements for certain counties; provides requirements for expenditure of moneys from redevelopment trust funds in certain counties; exempts payment of debt service in such counties from certain approval; provides requirements for appropriation of certain trust fund moneys in such counties; requires forensic audit of agencies in such counties at least every 5 years for certain purposes. <http://www.flsenate.gov/Session/Bill/2012/0547>
- **HB 561, Sentences of Inmates, Rep. Fresen** - Revises quantity of controlled substance which person must knowingly sell, purchase, manufacture, deliver, or bring into this state in order to be subject to automatic imposition of mandatory minimum term of imprisonment; provides method for determining weight of controlled substance in mixture that is prescription drug; revises legislative intent; conforms provisions. <http://www.flsenate.gov/Session/Bill/2012/0561>
- **SB 760, Local Business Taxes, Sen. Hays** - Repealing ch. 205, F.S., which established the Local Business Tax Act. <http://www.flsenate.gov/Session/Bill/2012/0760>
- **SB 768, Commercial Relationships, Sen. Flores** - Designating the act as the "Marine Product Manufacturers and Dealers Act"; providing for the application of the act to agreements between a dealer and a manufacturer, distributor, or wholesaler of marine products; providing requirements for warranty agreements

and the processing of warranty claims relating to marine products; requiring that a dealer in marine products provide redelivery and preparation obligations; requiring that a manufacturer, distributor, or wholesaler indemnify a dealer of marine products for losses relating to legal actions; providing that the act does not preempt local ordinances unless the ordinances are inconsistent with the act. <http://www.flsenate.gov/Session/Bill/2012/0768>

- **SB 770, Exemptions from Local Business Taxes, Sen. Hays** - Specifying that an individual licensed and operating as a broker associate or sales associate is not required to apply for an exemption from a local business tax or take certain actions relating to a local business tax; prohibiting a local governing authority from holding such exempt individual liable for the failure of a principal or employer to comply with certain obligations related to a local business tax or from requiring the exempt individual to take certain actions related to a local business tax; prohibiting a local governing authority from requiring a principal or employer to provide personal or contact information for such exempt individuals in order to obtain a local business tax receipt. <http://www.flsenate.gov/Session/Bill/2012/0770>
- **SB 778, Homestead Exemption, Sen. Detert** - Authorizing a person to report to a local property appraiser a possible homestead exemption violation under certain circumstances; requiring the property appraiser to certify to the tax collector the name and address of the person who reports a violation; requiring that the tax collector pay a specified maximum reward to the reporting individual after the recovery of any back taxes, interest, or penalties; requiring associations for condominiums and cooperatives to provide a list of rented units to the property appraiser's office; requiring that the Department of Revenue create a form for reporting the violations and provide the form by specified means. <http://www.flsenate.gov/Session/Bill/2012/0778>
- **SB 780, Airport Parking Fees, Sen. Ring** - Exempting vehicles transporting motorized scooters for use by persons who have a disability from payment of parking fees at a publicly owned or operated airport. <http://www.flsenate.gov/Session/Bill/2012/0780>
- **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. <http://www.flsenate.gov/Session/Bill/2012/0816>
- **SB 820, Onsite Sewage Treatment and Disposal Systems, Sen. Dean** - 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. <http://www.flsenate.gov/Session/Bill/2012/0820>

## **Prison Privatization**

The state will resume procurement for a contract to operate 29 South Florida correctional facilities, but will not sign it until a challenge in the courts is resolved, according to the Department of Corrections (DOC).

The bid solicitation had been placed on hold in September, days before the process was to begin, after a Leon County judge ruled that legislators had exceeded their constitutional authority by changing substantive law using budget proviso language. A DOC spokesman said the solicitation can resume since the state has appealed the ruling. Under appellate rule 9.310(b)(2), a lower court order is stayed pending the outcome of an appeal.

A revised calendar issued by DOC shows that proposals will be due by November 10, with a contract expected to be finalized by March 1, pending the resolution of the lawsuit.

## **Water Quality**

The state's Department of Environmental Protection (DEP) announced this week that it is proposing new water quality limits for nitrogen and phosphorus in waterways to replace controversial federal rules. These proposed rules will be vetted at a December 8 meeting of the Florida Environmental Regulation Commission, and will then be offered to the Legislature for approval during the upcoming session.

In August 2009, the U.S. Environmental Protection Agency (EPA) agreed to propose limits, known as numeric nutrient criteria, in order to settle a lawsuit filed by various environmental groups. These groups claimed that Florida's existing rules are too vague and do not prevent waterways from becoming polluted. Agriculture and industry groups, along with wastewater utilities, feel the federal rules are not necessary and are expensive to comply with. Governor Rick Scott directed DEP earlier this year to ask the EPA to withdraw its rules so that Florida can develop its own.

The proposed state rules set limits for water bodies, but also allow for new limits to be proposed for individual waterways based on scientific studies. Environmental groups

say the proposed new rule is difficult to enforce and may represent a setback for water quality protection.

## **SunRail**

The Florida Department of Transportation (FDOT) announced this week that it has completed the purchase of the 61 mile commuter rail corridor for SunRail from CSX. SunRail is the Central Florida rail project expected to run from Deland, through Orlando, and to Kissimmee. This means construction can now begin on the \$1.28 billion project, which is expected to be running by 2014.