

TALLAHASSEE WEEKLY REPORT

September 12-16, 2011

Jackson/Dade Delegation

Members of the Miami-Dade Legislative Delegation met with executives from Jackson Hospital, as well as the members of the Jackson Financial Recovery Board to present their draft legislative priorities for the upcoming legislative session. While these items have yet to be approved by the Board, CEO Carlos Migoya wanted to let the delegation know what they would be seeking in Tallahassee. The weekly report will publish the priorities once they have been finalized.

The members of the delegation were Delegation Chair Representative Carlos Lopez-Cantera, as well as Senator Larcenia Bullard and Representatives Erik Fresen, Jose Diaz, Jeanette Nunez, Barbara Watson, Richard Steinberg, and Luis Garcia. OIA was also present at the meeting, as well as members of the Jackson lobbying team.

Citizens Property Insurance

The Citizens Property Insurance board held an emergency conference call this week in which members agreed to limit rate hikes for sinkhole insurance to no more than 50 percent in 2012, and then reassess the need for future hikes in years to come. Earlier this summer, the board had agreed to seek a sinkhole rate hike that called for an increase of over 400 percent.

Board Chair Carlos Lacasa, a former state representative from Miami, said he decided to take this route after a series of conversations with state Chief Financial Office Jeff Atwater. CFO Atwater has publicly stated concern that the initial rate hike would be too much of a financial burden for homeowners. While the statewide average for this initial hike was the aforementioned 400 percent, counties such as Orange would have seen increases of over 2000 percent.

This past session, the legislature passed SB 408, which makes changes to sinkhole coverage in an effort to clamp down on rising sinkhole expenses being paid by insurers. CFO Atwater felt this new bill would cut down on the need for such a large increase in Citizens sinkhole rates. The decision to phase in the rate hikes is dependent on whether the Office of Insurance Regulation approves the request.

Medicaid

Justin Senior, the acting Medicaid Director at the Agency for Health Care Administration (AHCA), sent a letter to the Centers for Medicare and Medicaid Services (CMS) this

week asking the federal government to extend its Medicaid 1115 waiver another two weeks. The request was sent two days before the temporary extension expired. CMS has yet to approve the request.

Florida has used the current Medicaid waiver to operate its five-county pilot program. The state wants to extend the current waiver and use it as a framework for the statewide Medicaid reform that passed this past session.

This marks the fifth time the state has asked the federal government for a waiver extension.

Teacher Merit Pay

The Florida Education Association (FEA), and a number of other stakeholders, filed a lawsuit this week in Leon County Circuit Court to stop implementation of SB 736, the state's new teacher merit pay legislation. This lawsuit was expected, as union members have been warning of it for months.

FEA President Andy Ford appeared with his attorney and several of the teachers serving as plaintiffs, and said the law "substantially changes employment contracts, evaluations and workforce reduction procedures that had been previously negotiated between teachers, their union and local school districts".

SB 736, which was an offshoot of SB 6, which Governor Charlie Crist vetoed in 2010, overhauls the way teachers are evaluated and paid, abolishes tenure for new hires and institutes a new value-added measurement system based half on student growth and half on FCAT scores.

Florida TaxWatch

Florida TaxWatch, a non-partisan watchdog group, issued a report this week from its "Government Cost Savings Task Force" for the 2012-2013 fiscal year. The report detailed 135 recommendations for cutting or containing state spending that it says could generate \$4.1 billion in savings.

Among the cost-cutting measures suggested are :

- \$440 million via moving state workers to defined contribution pension plans instead of defined benefit
- \$206 million via requiring all classes of state employees to pay the same health insurance premium
- \$339 million via relying more on nurse practitioners and physician assistants
- \$320 million via requiring state agencies to take advantage of state procurement contract discounts

The complete report can be found at:

<http://www.floridataxwatch.org/resources/pdf/Report%20GCSTF%20for%20FY2012-13.pdf>

Interim Committee Meetings

Next week marks the first set of committee meetings in preparation for the upcoming legislative session. There are numerous committees that will not be meeting, and several other meetings will serve as venues for departments to provide updates to their committee of jurisdiction. The week will also allow for legislators to hold fundraisers, since they are banned from raising money during session, which starts in January this year due to redistricting, as opposed to March. Some highlights of the week are as follows:

- Senator Don Gaetz will be designated as Senate President for the 2013-2014 term at ceremony on Monday. Assuming the Republican party maintains control of the Senate, he will be officially sworn-in as Senate President after the November 2012 elections. (Monday)
- The redistricting committees will meet to review the input they received from the public. (Monday)
- Senate Community Affairs Committee will hear from the newly established Department of Economic Opportunity. (Tuesday)
- House Community and Military Affairs Subcommittee will also hear about the Department of Economic Opportunity and receive an update on the implementation status of 2011 growth management reform. (Tuesday)

Substantive committees will not be meeting beyond Wednesday, as Republican members will be traveling to Orlando for the Republican Party of Florida's Presidency 5 straw poll.

Presidential Preference Primary

Governor Rick Scott, Senate President Mike Haridopolos, and House Speaker Dean Cannon named members to the Presidential Preference Primary Committee on Friday. This committee will decide the date for Florida's presidential preference primary. Governor Rick Scott chose former Governor Bob Martinez and his deputy chief of staff Jenn Ungru, both Republicans, as well as former Democratic state Senator Al Lawson. President Haridopolos chose Republican Senators John Thrasher and Rene Garcia and Democratic Senator Gary Siplin. Speaker Cannon chose Republican Representatives Carlos Lopez-Cantera and Seth McKeel, along with Democratic Representative Cynthia Stafford.

The panel will meet on September 23.

Bills of Interest Filed This Week

- **HB 143, Florida Clean Indoor Air Act, Rep. Passidomo** - Authorizes municipalities & counties to restrict smoking on certain properties. <http://www.flsenate.gov/Session/Bill/2012/0143>
- **SB 206, Public Meetings, Sen. Negron** - Requiring that members of the public be given a reasonable 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. (Miami-Dade County expressed concern over this legislation last year, and will monitor it again this year.) <http://www.flsenate.gov/Session/Bill/2012/0206>
- **SB 216, Moratorium on Permits/Consumptive Use of Water for Commercial Profit, Sen. Lynn** - Prohibiting until July 1, 2022, the governing board of a water management district or the Department of Environmental Protection from approving an application for a required permit if the applicant intends to resell the water for a commercial profit. <http://www.flsenate.gov/Session/Bill/2012/0216>
- **SB 218, Tax on Transient Rentals, Sen. Lynn** - Requiring that persons who engage in certain business activities related to transient rentals collect the tax; providing definitions; authorizing the Department of Revenue to adopt rules to exclude certain charges from the definition of the terms “total rent” or “total consideration”; requiring certain persons to report and remit the tax on certain transient rentals; providing requirements, procedures, and limitations; requiring the Department of Revenue to provide for an amnesty for certain unpaid taxes, penalties, and interest; providing criteria for qualifying for the amnesty; providing exclusions from application of the amnesty; authorizing the department to adopt emergency rules to implement the amnesty; providing for the effective period of such rules. <http://www.flsenate.gov/Session/Bill/2012/0218>
- **SB 226, Disabled Parking Permits, Sen. Margolis** - Providing for a parking enforcement specialist or agency to validate compliance for the disposition of a citation issued for illegally parking in a space provided for people who have disabilities; revising requirements for renewal or replacement of a disabled parking permit; prohibiting applying for a new disabled parking permit for a certain period of time upon a second finding of guilt or plea of nolo contendere to unlawful use of such permit; requiring the Department of Highway Safety and Motor Vehicles to audit disabled parking permit holders, verify certain information, and invalidate the permit of a deceased permitholder; directing the department to implement a means for reporting abuse of disabled parking permits; providing for the department to conduct a public awareness campaign. (This bill is the companion to HB 27 by Rep. Julien. This issue has appeared in our legislative package before, and will likely appear again.) <http://www.flsenate.gov/Session/Bill/2012/0226>
- **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. <http://www.flsenate.gov/Session/Bill/2012/0250>

Calendar

- Week of September 19 – Interim Committee Meetings
- Week of October 3 – Interim Committee Meetings
- Week of October 17 – Interim Committee Meetings
- Week of October 31 – Interim Committee Meetings
- Week of November 14 – Interim Committee Meetings
- Week of December 5 – Interim Committee Meetings
- January 10, 2012 – Opening Day of 2012 Session