

TALLAHASSEE WEEKLY REPORT

September 26-30, 2011

Bills of Interest Filed This Week

- **SB 280, County Government Funding, Sen. Fasano** - Providing circumstances under which a board of county commissioners may use certain revenues to reduce the proposed millage rate for ad valorem taxes; defining the term "eligible county"; specifying that county eligibility must be determined annually and exercised for a limited time; prohibiting the use of certain revenues for such purposes. <http://www.flsenate.gov/Session/Bill/2012/0280>
- **SJR 312, Rescinding and Withdrawing House Joint Resolution 381 (2011), Sen. Simmons** - 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. <http://www.flsenate.gov/Session/Bill/2012/0312>
- **SJR 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. <http://www.flsenate.gov/Session/Bill/2012/0314>
- **HB 225, Ticket Sales, Rep. Gaetz** - Defines term "original ticket seller"; requires original ticket seller to provide advance public notice of ticket policies for any event that takes place in facility that receives public funding; provides requirements for such notice; requires original ticket seller to comply with specified consumer protection standards for any event that takes place in facility that receives public funding; requires each required public notice of event ticket practices to be accompanied by specified certification; prohibits specified practices by original ticket sellers; provides that specified violations are violation of Florida Deceptive & Unfair Trade Practices Act; provides exceptions. <http://www.flsenate.gov/Session/Bill/2012/0225>
- **HB 231, Intergovernmental Cooperation, Rep. Horner** - Authorizes certain parties to interlocal agreement to conduct public meetings & workshops by means of communications media technology; provides notice requirements; provides definition. <http://www.flsenate.gov/Session/Bill/2012/0231>
- **HB 241, Emergency Medical Services, Rep. Perry** - Deletes requirement for EMTs & paramedics to complete educational course on modes of transmission,

infection control procedures, clinical management, & prevention of HIV & AIDS; redefines term "basic life support" for purposes of Raymond H. Alexander, M.D., Emergency Medical Transportation Services Act; revises period for review of comprehensive state plan for emergency medical services & programs; revises requirements for certification or recertification as EMT or paramedic; revises requirements for certification for out-of-state trained EMT or paramedic; revises requirements for institution that conducts approved program for education of EMTs & paramedics; revises requirements that students must meet in order to receive certificate of completion from approved program.

<http://www.flsenate.gov/Session/Bill/2012/0241>

- **SB 358, Police Dogs, Sen. Fasano** - Requiring law enforcement agencies to provide specified veterinary services, including cremation services, for police dogs that have retired from the agency's service.
<http://www.flsenate.gov/Session/Bill/2012/0358>
- **SB 380, Game Promotion, Sen. Diaz de la Portilla** - Requiring a game promotion operator who provides electronic devices that reveal or display the results of a game promotion that offers certain prize amounts to file certain information with the Department of Agriculture and Consumer Services; prohibiting the department from accepting filings from certain persons against whom there is a criminal or civil adjudication or unsatisfied civil judgment for certain violations; requiring financial institution officials to provide the department with the account number of trust accounts of game promotion operators who offer prizes greater than a certain amount; requiring a game promotion operator to provide certain certifications regarding game promotion software and remit to the department annual fees for each electronic device or computer terminal; requiring the department to remit the fees to the Department of Revenue for deposit into the General Revenue Fund; prohibiting the use of mechanical or electromechanical reels in connection with a game promotion.
<http://www.flsenate.gov/Session/Bill/2012/0380>

Federal Healthcare Lawsuit

Florida Attorney General Pam Bondi filed a petition with the United States Supreme Court this week, asking the Court to consider the multi-state lawsuit challenging the "Patient Protection and Affordable Care Act" during its upcoming term. The Obama Administration facilitated this petition by not asking the Eleventh Circuit Court of Appeals to rehear the case, a move that would have slowed down the challenge.

Florida is joined in this suit by 25 other states, and the National Federation of Independent Business. Should the Supreme Court take up the case in its next term, a ruling on the constitutionality of the law would come before the 2012 presidential election.

In August, the Eleventh Circuit ruled that the mandate to purchase health insurance was unconstitutional, but that it could be severed from the rest of the bill, which also includes language expanding Medicaid to people who are not currently eligible.

Economic Forecasts

State revenue forecasters issued new estimates this week which show that the recovery in property tax revenue for local governments will be slower than expected. Values that had been expected to flatten in 2012 are now expected to decline. State economist Amy Baker points to recent turmoil in the global economy and a slow recovery in the United States.

Baker went on to state that a recovery in property values was already expected to lag behind other economic indicators. Forecasts of taxable property values, which help determine the tax rates for local school funding, were revised downward this week by 4.5 percent from the previous month's estimate.

A separate report released this week shows sales tax receipts coming in below forecast levels by about 2.7 percent in August.

Destination Gaming

An effort to allow for the construction of Las Vegas-style casino resorts in five zones throughout the state is gaining momentum for the upcoming session. This issue died last session after being brought up at the midway point. Senator Ellyn Bogdanoff from Broward and Representative Erik Fresen from Miami-Dade are drafting legislation that would allow for at least one resort in either Miami-Dade or Broward.

Senate President Mike Haridopolos made changes to his chamber's Regulated Industries Committee, which will have jurisdiction over the bill, and has said he would like to see his chamber take a floor vote on the issue.

Two of the major stakeholders on this issue have varying opinions as to what the bill should look like. Genting Malaysia, which has already purchased land in Miami-Dade County for the purposes of building a \$3 billion hotel and casino prefers the regulatory structure already in place, which houses gaming licenses under the Department of Business and Professional Regulation. Las Vegas Sands favors the idea of creating a "gaming commission" similar to what is in place in Nevada. Rep. Fresen has stated that the gaming commission will be in the bill from the outset.

Sen. Bogdanoff and Rep. Fresen will be filing their bills the week of October 10. The bills are expected to be identical.

Presidential Preference Primary

The Presidential Preference Primary Date Selection Committee voted today to move the primary date to January 31. The dissenting votes on the committee were concerned with the risk of parties losing delegates at their respective national conventions.

The move would place Florida fifth on the primary calendar, behind the four traditional early states: Iowa, Nevada, South Carolina and New Hampshire.

The general counsel of the Department of State told the committee it was impossible to say whether or how the parties would enforce their rules prohibiting states other than those mentioned above holding primaries before March 6, or how many convention seats Florida's delegations would lose at the conventions.

Growth Management

Senator Mike Bennett, chair of the Senate Community Affairs Committee, says he expects a bill to be filed dealing with minor technical problems stemming from HB 7207, which passed last session. This bill reduced state oversight of growth management, while providing more authority to local governments. The bill also prohibited local referendums on new growth, a portion that was challenged in court by the city of Yankeetown in Levy County, because their charter require referendums for land-use changes.

An attorney for Yankeetown says he hopes a bill would resolve the lawsuit. He went on to state that Longboat Key also has a referendum requirement, and Key West has a referendum requirement for height variances.

Consumer Confidence

A consumer confidence index put together by the University of Florida's Bureau of Economic and Business Research increased three points over last month's record low of 61 points. The fastest-gaining portions of the survey were a perception that personal finances will improve in the coming year and consumers' willingness to make big-ticket purchases. The weakest components continues to be impressions of the country's economic fortunes over the year ahead, and perceptions that consumers are better off now than they were a year ago.

Governor Claude Kirk

Claude Kirk, Florida's first Republican governor since Reconstruction, passed away this week at the age of 85. He is survived by his wife Erika, seven children, 14 grandchildren (including Sophie Patent, a member of the county's contract lobbying team), and 5 great-grandchildren. Congressman Ander Crenshaw is Kirk's son-in-law.

Governor Kirk held office from 1967 to 1971, defeating Democrat Robert High, the mayor of Miami at the time. He was defeated by Reubin Askew in 1970 after one term in office. His time in office saw an overhaul of the state's constitution, a statewide teachers' strike, and brief Vice Presidential bid in 1968.

Governor Kirk's body will lay in state in the Old Capitol in Tallahassee, before it is laid to rest in Palm Beach County.

Prison Privatization

On Friday, a Leon County Circuit judge struck down the state's plans to privatize 29 prisons in South Florida. While legislators said the plan would save the state about \$22 million, the Police Benevolent Association filed suit, stating the state had forced the program through in an unconstitutional manner.

Judge Jackie Fulford wrote in her order that the Legislature violated the Constitution by including the prison plan in budget proviso language, instead of fully vetting it in a separate bill.

Bills Taking Effect on October 1

A number of bills passed by the Legislature last session go into effect on October 1. Among the more important:

- HB 479 which requires physicians and dentists who testify in medical malpractice cases to obtain expert witness credentials from the Florida Department of Health
- HB 1247 which creates stronger parental notification requirements for minors seeking abortions
- HB 3 which requires the Florida Department of Law Enforcement to issue a blue alert if a police officer is killed, missing, or seriously injured while on duty
- HB 45 which strengthens and clarifies state laws preempting local firearm regulations

Interim Committee Meetings

The Legislature will hold its second set of interim committee meetings this week. A majority of committees will be hearing presentations and receiving updates from the agencies and departments over which they have jurisdiction. Among the highlights of these meetings are as follows:

- The Senate Community Affairs Committee, on Tuesday, will hear the following bills of interest to Miami-Dade County:

- SB 148, Community Redevelopment, Sen. Bullard – this bill expands the definition of the term “blighted area” to include land previously used as a military facility.
 - SB 182, Miami-Dade County Lake Belt Mitigation Plan, Sen. Garcia – this bill redirects up to \$20 million from the Lake Belt mitigation fee from water treatment to pay for seepage mitigation projects, unless quarterly pathogen sampling dictates otherwise.
- The Senate Judiciary Committee, on Tuesday, will receive an update on mortgage foreclosures via presentations by the Office of Economic and Demographic Research, the Florida Bar, the Attorney General, and the state courts system.