

TALLAHASSEE WEEKLY REPORT

April 11-15, 2011

Session, Week 6

Below, please find an overview of issues taken up this week in Tallahassee of relevance to Miami-Dade County:

- **Miami-Dade Charter:** SB 1954 by Senator Garcia, which proposes an amendment to the Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law via an election passed the Senate Judiciary Committee. The bill is now awaiting a hearing in the Rules Committee. The House companion, HB 1321 by Rep. Lopez-Cantera, has been placed on the House Second Reading Calendar for possible consideration by the full House.
- **Pension Reform:** The Division of Retirement informed legislators this week that the major pension overhaul being pushed in the Senate cannot be carried out until January 2012. Legislators were hoping to use some of the pension savings when finalizing this year's budget. Senator JD Alexander, Chair of the Senate Budget Committee, is quoted as saying he does not agree with the analysis, and is confident that changes can be made within 90 days. The Senate is pushing a tiered system, where employees would contribute 2, 4 or 6 percent, depending on salary. House Speaker Dean Cannon says the analysis means that the Legislature should abandon the tiered idea for now, as the House idea of a flat 3 percent contribution can be implemented immediately. There was no movement on legislation in either chamber this week related to pension reform, and it is expected the issue will be taken up after the Easter holiday when the budget conference begins.
- **Budget:** While the House and Senate approved their respective budgets last week, the two chambers have yet to begin the budget conference process. Senate Budget Chair JD Alexander announced this week that the formal process would not begin until after the Easter holiday, as his chamber is off next week.
- **Ocean Outfalls:** The House this week passed HB 613, by Rep. Trujillo, which would delay from 2025 to 2030 implementation of a bill passed in 2008 stating that utilities must cease discharging treated sewage into the Atlantic Ocean. The Senate companion,

SB 796 by Senator Diaz de la Portilla, is currently awaiting a hearing in the Senate Budget Committee.

- **Online Travel:** HB 493, by Reps. Brodeur, Patronis and Abruzzo, passed the House Economic Affairs Committee this week. The bill, which would exempt travel sites from paying a tax on the retail prices offered to customers for hotel rooms, instead of the wholesale rate the sites pay the hotels, has now passed all of its committees in the House and is ready to be placed on the Second Reading Calendar for possible consideration by the full House. The Senate companion, SB 376 by Sen. Gaetz, is awaiting a hearing in the Senate Budget Committee.
- **Immigration:** The House Economic Affairs Committee passed HB 7089, by Rep. Snyder, which would allow law enforcement to question and determine someone's legal status if they are the subject of a criminal investigation. The bill would also require businesses with over 100 employees to use the E-Verify system to check the legal status of their workers. While the bill passed mostly on party lines, Republicans Frank Artiles and Jeanette Nunez, both members from the Miami-Dade Delegation, voted against the bill. The bill is now ready for consideration by the full House. In the Senate, WAITING TO SEE WHAT HAPPENS IN THE BUDGET COMMITTEE ON FRIDAY
- **Growth Management:** SB 1122 by Sen. Bennett, which would provide for expedited state review of local growth management changes and would make requirements that developers pay for roads, schools and parks on option of cities and counties, passed the Senate Environmental Preservation and Conservation Committee. The bill now moves to the Senate Budget Committee. The House companion, HB 7129, is ready for consideration by the full House.
- **Property Insurance:** HB 803 by Rep. Wood, which would allow insurance companies to only pay a portion of damages up front and then require homeowners to hire a contractor in order to get the rest of the claim paid, passed the House Economic Affairs Committee. Reps. Artiles and Nunez, both members of the Miami-Dade Delegation, were the only Republicans to vote against the bill. The Senate companion, SB 408 by Sen. Richter, is on the Second Reading Calendar, and available for consideration by the full Senate.
- **Pretrial Release:** Sen. Bogdanoff and Rep. Dorworth, the sponsors of the pretrial release legislation Miami-Dade County has been fighting since last session, have filed amendments to bills about to be heard in each chamber which include the harmful language. The bills had been stalled in committee. The Florida Association of Counties has taken the lead on this issue, asking its members to reach out to every member of the legislature to battle these harmful amendments.

Below, please find other bills of interest to Miami-Dade County that were taken up this week. The explanations are taken directly from the bill summary:

- **HB 887, Communications Services Tax, Rep. Dorworth** : Requires that dealer compute communications services tax based on rounding algorithm; provides criteria; provides for application of tax; provides options to dealer for applying rounding algorithm; removes provision requiring DOR to make available tax amounts & applicable brackets; provides that provisions of act are remedial in nature & apply retroactively; provides that act does not provide basis for assessment of any tax not paid or create right to certain refunds or credits. **PASSED HOUSE STATE AFFAIRS COMMITTEE**
- **HB 1355, Elections, Rep. Baxley**: Expands duties of Secretary of State as chief election officer; revises definition of minor political party; requires third-party voter registration organizations to register with Division of Elections & provide certain information; revises voter information card details; revises method of removing certain persons from voter rolls; provides fines upon supervisors of elections in certain circumstances; revises candidate qualifications with regard to oaths; revises timeframe for candidate to pay qualifying fee; revises supervisor's duties with regard to petition forms; deletes definition of district political party executive; provides for vacancies in nomination; states that initiative petition signatures are valid for 2 years; requires precinct data base from supervisors; deletes provisions permitting elector to present affirmation or application for change of residence or name at precinct; requires poll designation form; provides for voting equipment testing; extends absentee ballot request for 2 general elections; requires that ballot signature must match record; prohibits solicitation of certain voters; establishes process & requirements to become minor political party; eliminates Presidential Candidate Selection Committee; clarifies qualifying period for candidates; establishes that certain funds spent for determining candidate viability are not contributions or expenditures; revises reporting requirements; revises committee of continuous existence responsibilities; defines repeated late filings; revises reporting dates; removes certain limitations on surplus funds; clarifies political advertising requirements; provides for hearing before Division of Administrative Hearings under certain circumstances; authorizes conduct of political polls by certain executive committees; eliminates duty of department with regard to funds from Election Campaign Financing Trust Fund when certain expenditure limits are exceeded; revises definition of gift; deletes requirements for certain oaths. **PASSED HOUSE STATE AFFAIRS COMMITTEE**
- **HB 283, Seaports, Rep. Young**: Provides that Citrus County may apply for grant for feasibility study through Florida Seaport Transportation and Economic Development Council; provides for evaluation; requires DOT to include study in budget request under certain circumstances; deletes provisions relating to statewide minimum standards for seaport security; deletes authorization to exempt all or part of seaport from specified requirements; revises provisions relating to seaport security plans; revises requirements for certain secure or restricted areas; revises provisions relating to when part of seaport may temporarily be designated as secure or restricted area; deletes provisions requiring FDLE to administer statewide seaport access eligibility reporting system; deletes provisions requiring that persons seeking authorization to access secure & restricted

areas of seaport execute affidavit; prohibits seaport from charging any fee for administration or production of access control credentials associated with fingerprint-based background check, in addition to fee for federal TWIC; provides exceptions; provides for seaport-specific access credentials; deletes provisions requiring fingerprint-based criminal history checks; deletes authority for waivers from security requirements in certain circumstances; deletes provisions relating to inspections, reporting requirements, & allocation of appropriated funds for security project needs. **PASSED THE HOUSE OF REPRESENTATIVES (Senate companion, SB 524 by Sen. Latvala is now in Senate Budget Committee)**

- **SB 994, Public Records/Public Airports, Sen. Latvala:** Provides definitions. Provides an exemption from public records requirements for proprietary confidential business information and trade secrets held by a public airport and for any proposal or counterproposal exchanged between a public airport and a nongovernmental entity relating to the sale, use, development, or lease of airport facilities. Provides for expiration of the exemptions. Provides for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act. **PASSED THE SENATE GOVERNMENT OVERSIGHT AND ACCOUNTABILITY COMMITTEE (House companion, HB 913 by Rep. Horner is on the Second Reading Calendar and available for consideration by the full House)**
- **SM 1598, Tax Increase Prevention and Reconciliation Act, Sen. Siplin :** This memorial urges the Congress of the United States to support repeal of Section 511 of the Tax Increase Prevention and Reconciliation Act, which requires governments that annually spend more than \$100 million to withhold a 3 percent federal tax on payments made for certain goods and services. **PASSED THE SENATE GOVERNMENT OVERSIGHT AND ACCOUNTABILITY COMMITTEE**
- **SB 768, Seaports, Sen. Ring :** Provides additional funds for 5 years to fund certain projects through the Florida Deepwater Seaport Program. Establishes the Florida seaport infrastructure bank within the Florida Seaport Transportation and Economic Development Program to provide loans and credit enhancements to certain deepwater seaports and private entities for specified projects. Revises provisions for the repayment of bonds relating to the Florida Seaport Transportation and Economic Development Program. **PASSED THE SENATE BUDGET COMMITTEE**
- **SB 714, Disabled Parking Permits, Sen. Margolis :** Provides 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. Revises requirements for renewal or replacement of a disabled parking permit. Prohibits 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. **PASSED THE SENATE BUDGET COMMITTEE (House companion, HB 247 by Rep. Julien, has yet to be heard in committee)**

- **SB 468, Community Redevelopment, Sen. Bullard:** Expands the definition of the term "blighted area" to include land previously used as a military facility. **PASSED THE SENATE FINANCE AND TAX COMMITTEE (House companion, HB 1343 by Rep. Bullard, has yet to be heard in committee)**
- **HB 1393, Sovereign Immunity, Rep. Artiles:** Provides legislative findings & intent; provides that specified provisions relating to sovereign immunity for health care providers do not apply to certain affiliation agreements or contracts to provide certain comprehensive health care services; expands definition of "officer, employee, or agent" for purposes of sovereign immunity to include certain health care providers; provides that certain colleges & universities that own or operate medical school or any of its employees or agents that have agreed in affiliation agreement to provide patient services as agents of teaching hospital that is owned or operated by governmental entity having health care responsibilities, or not-for-profit entity that operates such facilities as agent of that governmental entity, are agents of state & immune from certain liability for torts; requires contract for indemnification; requires that each patient receive notice regarding patient's exclusive remedy for injury or damage; provides that employee providing patient services is not state employee or agent for workers' compensation purposes. **PASSED THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE**
- **HB 381, Property Assessment; Nonhomestead Increase Limitation Reduction; New Homestead Owners' Additional Exemption, Rep. Dorworth:** Proposes revisions to State Constitution to allow Legislature by general law to prohibit increases in assessed value of homestead & specified nonhomestead property if just value of property decreases, reduce limitation on annual assessment increases applicable to nonhomestead real property, provide additional homestead exemption for owners of homestead property who have not owned homestead property for specified time before purchase of current homestead property, & application & limitations with respect thereto, delete future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, & provide effective dates. **PASSED THE HOUSE APPROPRIATIONS COMMITTEE (The Senate companion, SB 658 by Sen. Fasano, is currently waiting to be sent to the Senate Budget Committee)**

Upcoming in Week 7

The Florida Senate will be off due to the religious holidays. The Florida House will meet on Wednesday and Thursday, but agendas have not yet been made available.