

TALLAHASSEE WEEKLY REPORT

April 4-8, 2011

Week 5 Issues

The following issues of importance to Miami-Dade County were taken up this past week in Tallahassee:

- **Budget:** This week, the House and Senate each passed their respective budgets. The two chambers will shortly begin the conference process, whereby the differences will be negotiated and a final product brought before the Legislature for final passage. The Senate budget comes in at nearly \$72 billion, and includes nearly \$2 billion in cuts to health care and relies on state workers paying into their own pensions, at between 2 to 6 percent, to cover pension costs. The House budget came in at \$66.5 billion, and unlike the Senate where there was a certain level of bipartisanship, the vote went along party lines at 78-39. The House budget asks state workers to contribute 3 percent of their salaries into their pensions, and also sweeps over \$300 million from the road-building trust fund. With regards to Jackson Hospital, it faces a potential loss of anywhere from \$177.5 million (under the Senate budget proposal) to \$42.2 million (under the House budget proposal). The Senate budget proposes a 10 percent cut to Medicaid rates and deep cuts in the Medically Needy program, which supports transplant patients, among others. The House proposal stands at a 7 percent cut in Medicaid rates and holds the Medically Needy program harmless.
- **Pension Reform:** The Senate passed its pension reform package this week and sent it in messages to the House. The Senate proposal contains a tiered contribution system (2 percent for the first \$25,000, 4 percent on the next \$25,000, and 6 percent on anything over \$50,000), returns the retirement age for special risk employees to current levels, delays the closing of the Deferred Retirement Option Program (DROP) to new participants to July 2016, eliminates cost of living adjustment (COLA) for service earned after July 1, and allows counties to keep savings from employee contributions without diverting this money to the state. On the House side, its bill requires a 3 percent across-the-board contribution, closes DROP effective July 1, and increases the retirement age

for both regular and special classes from 62 to 65 and 55 to 60, respectively. Next, the chambers' respective pension plans will be negotiated as part of the budget conference process.

- **Online Travel Tax:** HB 493 by Rep. Jason Brodeur, which would exempt online travel sites from paying a tax on the retail prices offered to customers for hotel rooms instead on the wholesale rate the sites pay the hotels, passed the House Finance and Tax Committee after heated debate. The bill was killed in the previous committee meeting, but was brought back on a motion to reconsider. The sponsor amended the bill that seeks to offer more transparency by requiring the websites to state the tax on the consumer's final bill. The bill now moves to the House Economic Affairs Committee, its final committee of reference. The Senate companion is now waiting to be heard in the Senate Budget Committee.
- **Immigration:** The Senate Judiciary Committee passed SB 2040, a bill that is its own work-product after several hearings prior to the start of the legislative session. The bill requires all new employers to check new employee's immigration status using either the federal E-verify or the enhanced ID cards that have been available in Florida since 2010, for which proof of lawful residence is required. The House has not moved forward with the immigration issue as of yet.
- **Ocean Outfalls:** HB 613 by Rep. Carlos Trujillo, which delays implementation of the ocean outfalls legislation passed in 2008 passed the House State Affairs Committee, its final committee of reference.
- **Local Government:** HB 767 by Rep. Pat Rooney, which authorizes the Board of County Commissioners to negotiate leases of certain real property for five years or less and authorizes the transfer of right-of-way between local governments by deed rather than by surveying and mapping, passed its final committee, Economic Affairs.
- **Public Lodging Establishments:** HB 833 by Rep. Mike Horner, which amends the definition of vacation rentals, was amended by the sponsor at the request of the Miami-Dade lobby team to not apply to local law ordinance or regulation adopted before June 1, 2011 in its last committee of reference, Economic Affairs. The Senate companion, SB 476 by Sen. Greg Evers, was on the agenda of the Senate Judiciary Committee this week, but was not taken up due to a long agenda.
- **Fertilizer:** HB 457 by Rep. Clay Ingram, which would have restricted how local governments regulate the use of fertilizer was amended in its final committee of reference, State Affairs, was amended to allow local governments to enforce their existing fertilizer regulations.
- **Consolidation of State Agencies:** In a meeting that saw Governor Rick Scott's first ever visit to a legislative committee, the House Select Committee on Government

Reorganization passed a bill a proposal that would create the “Department of Economic Opportunity”, a new state agency which would house the Department of Community Affairs, Agency for Workforce Innovation, Office of Tourism Trade and Economic Development, and would also merge the Florida Sports Foundation, Visit Florida, and the Black Business Investment Board into Enterprise Florida.

Miami-Dade Days

Miami-Dade Days took place in Tallahassee this week. Besides the annual paella lunch, Mambo Kings party, and awards lunch, it was also a time for Miami-Dade County stakeholders to visit with legislators and promote issues of importance to the residents of Miami-Dade County.

OIA welcomed Commissioner Lynda Bell to Tallahassee. Commissioner Bell took the time to meet with several legislators, including many in our delegation, to promote Miami-Dade County’s agenda. Bonnie Michaels and Mary Ferreiro from Commissioner Heyman’s office also participated in Dade Days, along with representatives from the Aviation department, who took the time to brief members of our delegation on the importance of funding for the Viaduct.

OIA would like to congratulate our friend and colleague, Assistant County Attorney Jess McCarty for receiving the “Elaine Gordon You Made A Difference Award” at the Dade Days lunch. A complete list of award winners is attached.

Upcoming Issues

The following issues of importance to Miami-Dade County will be taken up during the sixth week of the legislative session:

- **SB 1698, Onsite Sewage Treatment and Disposal Systems, Sen. Dean:** Defines the term "bedroom." Provides 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. Provides circumstances in which an onsite sewage treatment and disposal system is not considered abandoned. Provides for the validity of an onsite sewage treatment and disposal system permit if rules change before final approval of the constructed system. **MONDAY IN SENATE COMMUNITY AFFAIRS**

- **SB 796, Domestic Wastewater Ocean Outfalls, Sen. Diaz de la Portilla:** Postpones the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements for the discharge of domestic wastewater. Authorizes utilities to apportion the amount of wastewater outfall for purposes of meeting the reuse requirements. Provides additional requirements for the plans submitted to the Department of Environmental Protection by the holder of a permit authorizing the discharge of domestic wastewater through an ocean outfall. **MONDAY IN SENATE COMMUNITY AFFAIRS**
- **SJR 808, Homestead Exemption/Senior Citizens, Sen. Diaz de la Portilla:** Proposes amendments to the State Constitution to authorize counties to exempt the homesteads of eligible senior citizens from increases in ad valorem taxation. **MONDAY IN SENATE COMMUNITY AFFAIRS**
- **HJR 789, Homestead Exemption/Senior Citizens, Rep. Nunez:** Proposes amendment to s. 4, Art. VII of State Constitution to authorize counties & municipalities to freeze assessed value of homesteads of certain low-income senior citizens. **TUESDAY IN HOUSE FINANCE AND TAX**
- **SB 1512, Growth Management, Sen. Bennett:** Revises and provides definitions relating to the Local Government Comprehensive Planning and Land Development Regulation Act. Revises requirements for comprehensive plans relating to capital improvements and future land use plan elements. Revises transportation concurrency requirements relating to transportation planning and proportionate share. Revises the definition of the term "transportation concurrency backlog" to "transportation deficiency," **TUESDAY IN SENATE TRANSPORTATION COMMITTEE**
- **HB 399, Infrastructure Investment, Rep. Ray:** Requires Secretary of Transportation to designate certain duties to assistant secretary; revises requirements for Florida Seaport Mission Plan; requires Florida Seaport Transportation & Economic Development Council to develop priority list of projects & submit list to DOT; requires ports to develop master plans, to be consistent with local government comprehensive plans & submitted to council; revises principles of Florida Transportation Plan; includes facilities in Strategic Intermodal System & Emerging Strategic Intermodal System; exempts certain overwater piers, docks, & structures located in deepwater ports from stormwater management system requirements; requires DEP to approve or deny port conceptual permit applications within specified time; provides limitation for request of additional information from applicant; provides that failure of applicant to respond to such request within specified time constitutes withdrawal of application; provides that third party challenges to issuance of port conceptual permits have burden of ultimate persuasion & going forward with evidence; exempts specified seaports & inland navigation districts from requirements to conduct maintenance dredging; excludes ditches, pipes, & similar linear conveyances from consideration as receiving waters for disposal of dredged materials; authorizes public ports & inland navigation districts to use sovereignty

submerged lands in connection with maintenance dredging; provides permitting exemption & authorizes disposal of spoil material on specified sites. **TUESDAY IN HOUSE ECONOMIC AFFAIRS**

- **SB 1144, Local Government, Sen. Margolis:** Authorizes a board of county commissioners to negotiate the lease of certain real property for a limited period. Authorizes transfers of right-of-way between local governments by deed. **TUESDAY IN SENATE JUDICIARY**
- **SB 1954, Home Rule Charter of Miami-Dade County, Sen. Garcia:** Proposes an amendment to the State Constitution to authorize amendments or revisions to the home rule charter of Miami-Dade County by special law approved by a vote of the electors. Provides requirements for a bill proposing such a special law. **TUESDAY IN SENATE JUDICIARY**
- **SB 1448, Sale/Lease/County, District or Municipal Hospital, Sen. Garcia:** Provides 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. Requires the hospital governing board to determine by certain public advertisements whether there are qualified purchasers of lessees before the sale or lease of such hospital. Requires the board to file a petition for approval with the circuit court and receive approval before any transaction is finalized. **TUESDAY IN SENATE JUDICIARY**
- **SB 1676, Sovereign Immunity, Sen. Thrasher:** 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 the definition of the term "officer, employee, or agency" for purposes of sovereign immunity to include certain health care providers. **TUESDAY IN SENATE JUDICIARY**
- **SB 490, Medical Expense/Pretrial Detainee/Sentenced Inmate, Sen. Jones:** Provides that the responsibility for paying the expenses of medical care, treatment, hospitalization, and transportation for a person who is ill, wounded, or otherwise injured during or as a result of an arrest for a violation of a state law or a county or municipal ordinance is the responsibility of the person receiving the medical care, treatment, hospitalization, or transportation. Removes provisions establishing the order by which medical providers receive reimbursement for the expenses incurred in providing the medical services or transportation. **WEDNESDAY IN SENATE CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS**
- **SB 524, Seaports, Sen. Latvala:** Deletes provisions relating to statewide minimum standards for seaport security. Deletes provisions authorizing the Department of Law Enforcement to exempt all or part of a seaport from specified requirements in certain circumstances. Prohibits a seaport from charging any fee for administration or

production of access control credentials that require or are associated with a fingerprint-based background check, in addition to the fee for the federal TWIC.

WEDNESDAY IN SENATE CRIMINAL AND CIVIL JUSTICE APPROPRIATIONS

- **SB 2040, Unauthorized Immigrants, Sen. Flores:** Requires every employer to use the federal program for electronic verification of employment eligibility in order to verify the employment eligibility of each employee hired on or after a specified date. Provides an exception for employers who request and receive from the employee certain driver's licenses or identification cards. Requires the employers to check the documents using authentication technology. **WEDNESDAY IN SENATE BUDGET**