

# TALLAHASSEE WEEKLY REPORT

## March 28-April 1, 2010

### Session, Week 4

The following issues of interest to Miami-Dade County were taken up during the fourth week of the legislative session:

- **Budget** – This week, the House Appropriations Committee and Senate Budget Committee passed their chamber’s respective version of the budget, along with implementing and conforming bills. The Senate budget comes in at \$69.8 billion and would result in over 5,000 state worker layoffs. The Senate also includes the budgets of water management districts, some expressway authorities, and county clerks. On the House side, its budget comes in at \$66.6 billion, including a \$300 million sweep from the state’s road-building trust fund. Next, the two chambers will take up their respective budgets during the coming week, followed by the conference process during which the two sides will negotiate their differences. With regards to Jackson, Tony Carvalho of the Safety Net Hospital Alliance of Florida testified before the Senate Budget Committee that reductions to charity care could result in a \$463 million reduction, including \$183 million to Jackson. One issue prevalent in both budgets is the privatization of prisons, statewide in the Senate budget and only applicable to Miami-Dade and Broward in the House budget. Attached, please find a spreadsheet put together by the Florida Association of Counties outlining further differences between the two budgets.
- **Pension Reform** – The Senate Budget Committee this week passed a revised version of the chamber’s pension reform proposal. The proposal now included a 3 percent, across the board employee contribution, eliminates the Deferred Retirement Option Program (DROP) for new hires, eliminates the cost of living adjustment (COLA) for served earned after July 1, and allows counties to keep savings from employee contributions and does not divert this money to the state. The Senate’s proposal, SB 7094, is included as a budget conforming bill and will be taken up by the full Senate next week. On the House side, its pension bill, HB 1405, passed its final committee this week and is now headed to the House floor. HB 1405 also includes a 3 percent employee contribution, but differs from the Senate proposal in that it leaves the COLA intact and keeps in place the current styled pension plan, as opposed to Senate’s desire to move to more of a 401K-type plan.

Both plans push back the retirement age for both special risk employees and regular employees. Attached, please find a spreadsheet outlining the differences in the pension reform plans.

- **Miami-Dade Charter** - The proposed constitutional amendment authorizing revisions to the Miami-Dade Home Rule Charter by special law proposed by members of the state legislative delegation continued moving forward this week. On the Senate side, SB 1954 by Senator Rene Garcia passed the Senate Community Affairs Committee unanimously. The bill will now be heard in the Judiciary Committee. On the House side, SB 1321 by House Majority Leader Carlos Lopez-Cantera passed the House State Affairs Committee unanimously. This bill next moves to the House floor.
- **Online Travel Companies** – HB 493, which would give online travel companies an exemption from paying tax on the wholesale price, rather than the marked-up price they charge customers, was defeated in the House Finance and Tax Committee this week. In a procedural move, Representative Debbie Mayfield, an opponent of the bill, brought the bill back up for reconsideration and the bill was temporarily postponed in an effort to allow supporters to make changes to the bill. The Senate companion, SB 376, passed its first committee in February and has been awaiting a hearing the Senate Budget Committee since then. OIA, along with the county lobbying team, worked tirelessly with committee members, including delegation members, in the successful effort to ensure the bill did not pass the committee.
- **Medicaid Reform** – The House this week passed its two Medicaid reform bills: HB 7107, which would shift all Medicaid patients into managed care and HB 7109, which would place caps on non-economic damages in lawsuits against Medicaid providers. One of the major issues of contention was the number of regions the state would be divided into for contract purposes, but House Speaker Dean Cannon said the eight regions were carefully constructed. The Senate proposal, SB 1972, passed the Senate Health Regulation Committee this week, and now moves to the Senate Budget Committee. Once approved by the full Senate, the conference process with the House will begin to negotiate differences in the bills. The Senate bill, which, unlike the House, has been passing with bipartisan support, includes language which would have Florida walk away from Medicaid if the federal government does not approve the state's waiver request.
- **Growth Management** – The Senate Community Affairs Committee unanimously passed a major rewrite to the state's growth management law. The bill would give more discretion over local land use decisions to local governments and eliminate state review of certain plans. It would also make concurrency optional for parks, schools and transportation facilities. The bill now moves closer to HB 7129, the House's version, which is now ready for the House floor. The Senate bill now moves to the Senate Environmental Preservation and Conservation Committee.

- **Pretrial Programs** – The Senate Criminal Justice Committee postponed taking up SB 372 for the second time in two weeks. The bill will now be taken up again on Monday in committee. On the House side, the bill passed the Criminal Justice Subcommittee, and is now waiting to be heard in the Judiciary Committee. This bill requires each pretrial release program established by county commission ordinance to conform to a defined eligibility standard, and preempts any conflicting local ordinance.

The following bills of interest to Miami-Dade County were also taken up in committee:

- **HB 293, Seaports, Rep. Young** – 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; includes Port Citrus within certain provisions relating to seaports. **PASSED THE HOUSE JUSTICE APPROPRIATIONS COMMITTEE and HOUSE ECONOMIC AFFAIRS COMMITTEE**
- **SB 592, Veteran’s Property Tax Discount, Sen. Bennett** - Proposes an amendment to the State Constitution to expand the availability of the property tax discount on the homesteads of veterans who became disabled as the result of a combat injury to veterans who were not Florida residents when they entered the military. **PASSED THE SENATE COMMUNITY AFFAIRS COMMITTEE**
- **HB 613, Domestic Wastewater Discharged Through Ocean Outfalls, Rep. Trujillo** - Postpones dates by which domestic wastewater facilities must meet more stringent treatment & management requirements; revises definition of "functioning reuse system" & changes term "facility's actual flow on an annual basis" to "baseline flow"; revises plan requirements for elimination of ocean outfalls; authorizes certain utilities to enter into binding agreements to share or transfer responsibility for meeting reuse requirements; requires DEP, SFWMD, & affected utilities to consider certain information for purpose of adjusting reuse requirements; requires DEP to submit report to Legislature. **PASSED THE HOUSE AGRICULTURE AND NATURAL RESOURCES SUBCOMMITTEE**

- **SB 1714, Citizens Property Insurance, Sen. Hays** - Discontinues policy discounts relating to the Citizens Property Insurance Corporation after a certain date. Directs the corporation to provide coverage to certain excluded residential structures but at rates deemed appropriate by the corporation. Provides that certain residential structures are not eligible for coverage by the corporation after a certain date. Prohibits the corporation from levying certain assessments with respect to a year's deficit until the corporation has first levied a specified surcharge. **PASSED THE SENATE BANKING AND INSURANCE COMMITTEE**
- **HB 1243, Citizens Property Insurance, Rep. Boyd** - Revises legislative intent; provides that certain residential structures are not eligible for coverage by Citizens after certain date; requires policies include provision that prohibits policyholders from engaging public adjuster; specifies percentage amount of emergency assessments; revises provisions relating to surcharges; prohibits corporation from levying assessments with respect to deficit until specified surcharge is levied; requires corporation to commission consultant to prepare report on outsourcing & submit report to FSC; revises provisions relating to wind coverage; prohibits corporation from accepting applications for commercial nonresidential risks; requires policyholders acknowledge they may be assessed surcharges; provides policies do not include coverage for screen enclosures & limits coverage for sinkhole damage; requires members of board of governors to abstain from voting on issues of personal interest; requires members to disclose nature of interest; provides that corporation operates as residual market mechanism; revises provisions relating to rates; clarifies corporation immunity from liability; deletes requirement for annual report on losses attributable to wind-only coverages; requires property owners in Special Flood Hazard Areas to maintain separate flood insurance. **PASSED THE HOUSE INSURANCE AND BANKING SUBCOMMITTEE**
- **SB 714, Disabled Parking Permits** - 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 CRIMINAL JUSTICE COMMITTEE**
- **HB 1155, Transportation Project Funding, Rep. Ray** - Redirects funds in State Transportation Trust Fund & portions of amounts contracted for construction projects of DOT to be used for prioritized projects. **WORKSHOPPED IN THE HOUSE TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS SUBCOMMITTEE, WHERE THE BILL SPONSOR WAS JOINED BY PORT OF MIAM DIRECTOR BILL JOHNSON**
- **HB 241, Wage Protection, Rep. Goodson** - Creates "Florida Wage Protection Law"; provides definition; provides legislative findings & intent; preempts regulation of wage

theft to state, except as otherwise provided by federal law, & supersedes any municipal or county ordinance or other local regulation on such subject. **PASSED THE HOUSE COMMUNITY AND MILITARY AFFAIRS SUBCOMMITTEE**

- **HB 767, Local Government, Rep. Rooney** - Authorizes board of county commissioners to negotiate lease of certain real property for limited period; authorizes transfers of right-of-way between local governments by deed. **PASSED THE HOUSE COMMUNITY AND MILITARY AFFAIRS SUBCOMMITTEE**
- **SB 1180, Transportation, Sen. Latvala** - Provides that the Florida Statewide Passenger Rail Commission has the primary and exclusive authority to monitor certain designated functions related to passenger rail systems. Removes from the Florida Transportation Commission the responsibility and duty to monitor the efficiency, productivity, and management of all publicly funded passenger rail systems in the state. **PASSED THE SENATE TRANSPORTATION COMMITTEE**
- **SB 768, Sen. Ring** - 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. Provides for certain revenue bonds and other indebtedness relating to the program to be issued by the Florida Ports Financing Commission. **PASSED THE SENATE TRANSPORTATION COMMITTEE**
- **SB 672, Uniform Traffic Control, Sen. Garcia** - Repeals a provision relating to the regulation of the use of cameras to enforce traffic laws being expressly preempted to the state. Repeals a provision relating to the Mark Wandall Traffic Safety Program, a program to install and operate a system of traffic infraction detectors at red light intersections. Removes the provisions relating to the training and duties of traffic infraction enforcement officers. **PASSED THE SENATE TRANSPORTATION 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 MILITARY AFFAIRS, SPACE AND DOMESTIC SECURITY 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 overwater piers, docks, & structures located in deepwater ports from stormwater management system requirements; requires DEP to issue notice of intent for port conceptual permit within

specified time; provides that notice creates rebuttable presumption of compliance with specified standards & authorization; provides standard for overcoming such presumption; requires DEP to issue certain permits within specified time & notify specified entities of certain compliance; 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; authorizes disposal of spoil material on specified sites. **PASSED THE HOUSE STATE AFFAIRS COMMITTEE**

- **HB 189, Free Trade Agreements Between the United States and Colombia, Panama, and Republic of Korea** - Supports establishment of Free Trade Agreements between United States & Colombia, Panama, & Republic of Korea. **PASSED THE HOUSE ECONOMIC AFFAIRS COMMITTEE**
- **HB 1393, Sovereign Immunity, Reps. Artilles and Nunez** - 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 CRIMINAL JUSTICE SUBCOMMITTEE**

## **County Officials Visit Tallahassee**

In addition to the aforementioned visit by Port Director Bill Johnson, County Manager Alina Hudak and County Budget Director Jennifer Glazer-Moon also visited Tallahassee this week, where they took time to meet with members of our state delegation in both the House and Senate.

## **Greater Miami Chamber of Commerce**

The Greater Miami Chamber of Commerce held its Tallahassee Fly-In this week. Members of the Chamber's leadership met with Governor Rick Scott and key members of the Legislature. Over 20 Chamber members participated in the visit, allowing for ample opportunity to communicate the important local and business issues in its Legislative Platform.

## Week 5 Preview

The following issues of interest will be taken up during the fifth week of the legislative session:

- The House and Senate will both be taking up and voting on their respective budgets. Once passed, the chambers will begin the conference process, whereby any differences will be negotiated. House Speaker Dean Cannon and Senate Budget Chair JD Alexander have stated the two chambers are working one week ahead of schedule and left open the idea of either ending session early or sending Governor Scott the budget once the final product is passed in an effort to override any possible line-item vetoes.
- Miami-Dade Days will take place on April 6-7 in Tallahassee.
- **SB 880, Value Adjustment Boards, Sen. Garcia** - Requires a petitioner challenging ad valorem taxes before the value adjustment board to pay a specified percentage of the taxes by a certain date. Requires the board to deny the petition if the required amount of taxes is not timely paid. Deletes a provision providing for a discount for ad valorem taxes paid within 30 days after the mailing of a tax notice resulting from the action of the value adjustment board. **MONDAY IN SENATE COMMUNITY AFFAIRS**
- **SB 982, Wage Protection, Sen. Norman** - Cites this act as the "Florida Wage Protection Act." Provides legislative findings. Prohibits a county, municipality, or political subdivision of the state from adopting a wage theft ordinance or regulation that exceeds certain state and federal laws. Preempts such activities to the state. **MONDAY IN SENATE COMMUNITY AFFAIRS**
- **SB 372, Pretrial Programs, Sen. Bogdanoff** - Requires each pretrial release program established by ordinance of a county commission, by administrative order of a court, or by any other means in order to assist in the release of a defendant from pretrial custody to conform to the eligibility criteria set forth by the act. Preempts any conflicting local ordinances, orders, or practices. Requires that the defendant satisfy certain eligibility criteria in order to be assigned to a pretrial release program. **MONDAY IN SENATE CRIMINAL JUSTICE**
- **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. **MONDAY IN SENATE JUDICIARY**

- **SB 476, Public Lodging Establishments, Sen. Evers** - Provides that vacation rentals are residential property for purposes of provisions related to the treatment of such properties. Providing that public lodging establishments formerly classified as resort condominiums and resort dwellings are classified as vacation rentals. Revises mandatory education requirements for certain violations. Revises membership of the advisory council of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. **MONDAY IN SENATE JUDICIARY**
- **SB 2040, Unauthorized Immigrants, Senate Judiciary Committee** - 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 in the case of employees who present specified documents to the employer. Requires the Attorney General to request from the Department of Homeland Security a list of employers who are registered with the E-Verify Program and to post that list to the Attorney General's website **MONDAY IN SENATE JUDICIARY**
- **SB 1836, Captive Insurance, Sen. Diaz de la Portilla** - Expands the kinds of insurance for which a captive insurer may seek licensure. Limits the risks that certain captive insurers may insure. Specifies requirements and conditions relating to a captive insurer's authority to conduct business. Requires that before licensure certain captive insurers must file or submit to the Commissioner of Insurance Regulation specified information, documents, and statements. Requires a captive reinsurance company to annually pay a specified tax amount. **TUESDAY IN SENATE BANKING AND INSURANCE**
- **SB 994, Public Records/Public Airports, Sen. Latvala** - Provides an exemption from public records requirements for proprietary confidential business information submitted to or held by a public airport and for any proposal or counterproposal exchanged between the governing body of a public airport and a nongovernmental entity relating to the sale, use, development, or lease of airport land or airport facilities. Provides for exceptions to the exemptions. Provides for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act. Provides a finding of public necessity. **TUESDAY IN SENATE COMMERCE AND TOURISM**

