

# TALLAHASSEE WEEKLY REPORT

## January 3-7, 2010

### Florida Cabinet Inauguration

Earlier this week, the newly elected members of the Florida Cabinet were sworn into office on the steps of the Old Capitol in Tallahassee. Rick Scott was sworn in as Florida's 45<sup>th</sup> Governor. Joining him were Lieutenant Governor Jennifer Carroll, Attorney General Pam Bondi, CFO Jeff Atwater and Commissioner of Agriculture and Consumer Services Adam Putnam.

Miami-Dade County Commissioners Jose Pepe Diaz and Lynda Bell attended the events in Tallahassee.

In his speech, Governor Scott vowed to create "the most favorable business climate in the world" in Florida. He also referred to regulation, taxation and litigation as the "axis on unemployment".

Shortly after being sworn in, Governor Scott issued four Executive Orders. They are, as follows:

- Executive Order 11-01, Suspending Rulemaking and Establishing the Office of Fiscal Accountability and Regulatory Reform. This order does the following:
  - Immediately suspends rulemaking for all agencies under the direction of the Governor.
  - Establishes the Office of Fiscal Accountability and Regulatory Reform to review all rules (including those suspended by the Order) prior to promulgation and to review agency practices and contracts.
  - Imposes 90-day suspension on execution of any contracts with a value in excess of \$1 million, without prior approval from the Office.
  - Prohibits agencies from promulgating rules unless they obtain prior approval from the Office.
- Executive Order 11-02, Requiring state agencies to use the E-verify system to verify employment eligibility. This order does the following:
  - All state agencies under the direction of the Governor must use E-Verify system to check employment eligibility of their current and prospective employees.
  - Requires state agencies under the direction of the Governor to include in all state contracts a requirement that contractors utilize the E-Verify system to verify the employment eligibility of all persons employed during

the contract term by the contractor to perform employment duties within Florida; and all persons (including subcontractors) assigned by the contractor to perform work pursuant to the contract with the state agency.

- Executive Order 11-03, Establishing Governor's policy on ethics and open government. This order does the following:
  - Orders the adoption and implementation of a revised, stronger, code of ethics in the Governor's office, and directs agencies under the direction of the Governor to revise their codes of ethics accordingly.
  - Recognizes the work of the 19<sup>th</sup> Statewide Grand Jury and directs Governor's Special Counsel and Chief Ethics Officer to review their Report and recommend a plan for implementation of all or certain, as advisable, of the Grand Jury Recommendations.
  - Reaffirms commitment to Office of Open Government and calls for establishment of new web site providing access to accountability information.
- Executive Order 11-04, Reaffirms the Governor's commitment to diversity in government. This order does the following:
  - Reaffirms prohibition on discrimination in employment based on race, gender, creed, color or national origin, and affirms commitment to hiring, retaining and promoting the highest quality candidates regardless of the above.
  - Reaffirms policy of non-discrimination in state contracting without regard for race, gender, creed, color or national origin.

## **Governor Scott Transition**

### **Appointments**

Governor Rick Scott began the process of appointing agency secretaries this week. This nominations are pending approval by the Senate. The first appointments were as follows:

- Wansley Walters was chosen to lead the Department of Juvenile Justice. Ms. Walters most recently served as director of Miami-Dade County Juvenile Services.
- Major General Emmett Titshaw was chosen to serve as Adjutant General of the state National Guard and Director of the Department of Military Affairs. General Titshaw currently serves in these positions, dating back to last year.

- Herschel Vinyard was chosen to serve as Secretary of the Department of Environmental Protection. Mr. Vinyard most recently served as director of business operations at BAE Systems Southeast Shipyards in Jacksonville.
- Billy Buzzet was chosen to serve as Secretary of the Department of Community Affairs. Mr. Buzzet is the vice president of strategic planning for the St. Joe Company.

## **Transition Team Recommendations**

The Governor's various transition teams also made several recommendations of interest to Miami-Dade County. They are as follows, followed by the links to the relevant documents:

- A \$42 million statewide cost of property tax oversight shifted from the Florida Department of Revenue to counties.
- Exploring the sale, lease or restructuring of government-owned hospitals, including Jackson.
- A 1-2 year moratorium and limit on the use of impact fee revenues to directly-affected infrastructure.
- Full funding of corrections at \$62.5 million annually.
- An increase in state funding for seaports to a minimum of \$50 million annually.
- Development of increased bonding capacity at the state level for each containerized seaport.
- Preemption of local government regulations of wetlands and stormwater, eliminate the DRI process, transportation concurrency and comprehensive plan amendments.
- An end to the diversion of transportation trust fund revenues and restoration of the annual shortfall of Strategic Intermodal System funding.

The materials produced by the various transition teams can be found, categorized by department and subject matter, on the links below.

### **Economic Development Transition Team**

[http://scotttransition.com/Economic\\_Development.pdf](http://scotttransition.com/Economic_Development.pdf)

*\*Please note due to the large size of the file, the page will take time to load.*

## **Good Government Transition Team**

[http://scotttransition.com/Enabling\\_Good\\_Government.pdf](http://scotttransition.com/Enabling_Good_Government.pdf)

[http://scotttransition.com/FL\\_DOR\\_Agency\\_Review\\_Overview.doc](http://scotttransition.com/FL_DOR_Agency_Review_Overview.doc)

[http://scotttransition.com/GOOD\\_GOVERNMENT\\_FINDINGS.doc](http://scotttransition.com/GOOD_GOVERNMENT_FINDINGS.doc)

[http://scotttransition.com/Summary\\_Key\\_Findings\\_DMS.doc](http://scotttransition.com/Summary_Key_Findings_DMS.doc)

[http://scotttransition.com/AEIT\\_Agency\\_Review\\_Summary.doc](http://scotttransition.com/AEIT_Agency_Review_Summary.doc)

## **Health and Human Services Transition Team**

<http://www.scotttransition.com/wp-content/uploads/2010/12/Health.pdf>

## **Regulatory Reform Transition Team**

<http://www.scotttransition.com/wp-content/uploads/2010/12/Reg-Reform.pdf>

## **Education Transition Team**

[http://www.scotttransition.com/SKMBT\\_C45110122115260.pdf](http://www.scotttransition.com/SKMBT_C45110122115260.pdf)

[http://www.scotttransition.com/SKMBT\\_C45110122115210.pdf](http://www.scotttransition.com/SKMBT_C45110122115210.pdf)

[http://www.scotttransition.com/SKMBT\\_C45110122115220.pdf](http://www.scotttransition.com/SKMBT_C45110122115220.pdf)

[http://www.scotttransition.com/Seven\\_Steps\\_for\\_Saving\\_Kids\\_While\\_Saving\\_Money.doc](http://www.scotttransition.com/Seven_Steps_for_Saving_Kids_While_Saving_Money.doc)

## **Law and Order Transition Team**

<http://www.scotttransition.com/DOCTransitionReport1.pdf>

<http://www.scotttransition.com/DOCTransitionReport2.pdf>

<http://www.scotttransition.com/DOCTransitionReport3.pdf>

<http://www.scotttransition.com/DOCTransitionReport4.pdf>

[http://www.scotttransition.com/FDVA\\_A\\_Business\\_in\\_a\\_State\\_Agency.doc](http://www.scotttransition.com/FDVA_A_Business_in_a_State_Agency.doc)

[http://www.scotttransition.com/FDVA\\_Agency\\_Priorities.doc](http://www.scotttransition.com/FDVA_Agency_Priorities.doc)

[http://www.scotttransition.com/FDVA\\_Agency\\_Review.doc](http://www.scotttransition.com/FDVA_Agency_Review.doc)

[http://www.scotttransition.com/FDVA\\_Legislative\\_Initiatives.doc](http://www.scotttransition.com/FDVA_Legislative_Initiatives.doc)

[http://www.scotttransition.com/FDVA\\_Organization\\_Chart.doc](http://www.scotttransition.com/FDVA_Organization_Chart.doc)

[http://www.scotttransition.com/Juvenile\\_Justice\\_Transition\\_Team\\_FINAL\\_REPORT.pdf](http://www.scotttransition.com/Juvenile_Justice_Transition_Team_FINAL_REPORT.pdf)

[http://www.scotttransition.com/EM\\_Final\\_Report.doc](http://www.scotttransition.com/EM_Final_Report.doc)

<http://www.scotttransition.com/lawenforcement.sub.12.16.2010.doc>

[http://www.scotttransition.com/FDVA\\_Summary\\_Budget.pdf](http://www.scotttransition.com/FDVA_Summary_Budget.pdf)

[http://www.scotttransition.com/EM\\_Powerpoint\\_Report.pdf](http://www.scotttransition.com/EM_Powerpoint_Report.pdf)

## **Pre-Trial Release**

A report released this week by the Office of Program Policy Analysis and Government Accountability showed that there is no way to determine if pre-trial release programs in Florida are more effective than requiring criminal defendants to post bonds in order to be released from jail. There are currently 28 counties in Florida that operate pre-trial release programs, and, as such, because there is no statewide data on defendants posting bonds, there is no way to compare them to the pre-trial programs.

The report also stated that pretrial release programs reported that few participants failed to appear in court or were arrested while in the program. These numbers ranged from 0 in St. Lucie County to 1,861 in Miami-Dade County.

During the 2010 legislative session, OIA helped work towards killing legislation that would have tightened the number of defendants eligible for pretrial release programs. The sponsors, Senator John Thrasher and Representative Chris Dorworth, have stated they will come back during the upcoming session with legislation that would reach a “middle ground”. This issue appears as a Critical Priority in the 2011 State Legislative Agenda, as per a resolution sponsored by Commissioner Sally Heyman.

## **Miami Dolphins**

OIA attended a meeting at the Greater Miami Chamber of Commerce this week, also attended by Commissioners Diaz and Monestine, in which the Miami Dolphins presented their plan to push for changes in state law which would allow Broward County to spend hotel taxes on a \$225 million renovation to Sun Life Stadium.

The plan would make changes to the state law which bars counties from charging their hotel guests more than a 6 percent tax on their stay. It would also raise the sales tax to 7 percent, allowing Miami-Dade County to split the revenue between the stadium and expansion of the Miami Beach Convention Center.

## Bills of Interest Filed This Week

- **HB 113, Term Limits, Rep. Kriseman:** Proposes amendment to s. 15, Art. III & s. 4, Art VI & creation of provision in Art. XII of State Constitution to increase length of terms of state senators to 6 years & state representatives to 4 years & limit state senators, state representatives, & elected county & municipal officers to 12 consecutive years in office.  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44940&SessionIndex=1&SessionId=66&BillText=&BillNumber=113&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>
- **HB 117, Homestead Property Assessments, Rep. Crisafulli:** Provides additional limitations on annual changes in assessments of homestead real property.  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44955&SessionIndex=1&SessionId=66&BillText=&BillNumber=117&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>
- **HB 119, Health Care, Rep. Hudson:** Amends provisions relating to Drug-Free Workplace Act; revises distribution of funds from civil penalties imposed for traffic infractions by county courts; amends various provisions relating to nursing homes, licensed facility peer review, child protection cases, licensed facility beds, respite patients, home health agencies, hospices, home medical equipment providers, intermediate care facilities for the developmentally disabled, health care clinics, portable equipment providers, the Medicaid prescribed-drug spending-control program, assisted living facilities, extended congregate care, limited nursing services, adult family-care homes, adult day care centers, multiphasic health testing centers, wellness programs, & medical negligence claims; revises general licensure requirements; updates terminology.  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44956&SessionIndex=1&SessionId=66&BillText=&BillNumber=119&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>
- **HB 135, Procurement of Architectural, Engineering, and other Professional Services by a Governmental Agency or School Board, Rep. Costello:** Allows compensation to be a considering factor during the

competitive selection process for architectural, engineering, & other professional services by a governmental agency or school board; authorizes the agency or board to reopen negotiations with a selected firm following termination of negotiations with other firms.

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44971&SessionIndex=1&SessionId=66&BillText=&BillNumber=135&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>

- **HB 141, Tourist Development Tax, Rep. Fresen:** Provides additional bonding authority for specified additional tourist development tax; provides limitation on tax revenues received from such tax & used for specified purposes; limits expenditure of ad valorem tax revenue for expansion of facilities by county imposing tourist development tax for certain purposes; provides for nonapplication of prohibition against levying such tax in certain cities & towns under certain conditions; provides for controlling application notwithstanding certain contrary authority.

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44974&SessionIndex=1&SessionId=66&BillText=&BillNumber=141&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>

- **HB 143, Tax Credits, Rep. Workman:** Revises priority of tax credits that may be taken against corporate income tax or franchise tax; redefines term "adjusted federal income" to include amount of certain tax credits; authorizes aerospace-sector jobs tax credits & tuition reimbursement tax credits; defines terms; authorizes tax credit to aerospace businesses based on salary or tuition reimbursed to certain employees; specifies maximum annual amount of tax credits for aerospace business; limits annual amount of tax credits available; prohibits business from claiming aerospace-sector jobs tax credit & tuition reimbursement tax credit for same employee; provides for Department of Revenue to approve applications for tax credits; prohibits increases in amount of unused tax credits carried over in amended tax returns; provides fines & criminal penalties for certain unlawful claims of tax credits; authorizes DOR to adopt rules; provides for expiration of tax credit program; provides for applicability.

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=44977&SessionIndex=1&SessionId=66&BillText=&BillNumber=143&BillSponsorIndex=0&BillListIndex=0&BillStatuteText=&BillTypeIndex=0&BillReferredIndex=0&HouseChamber=H&BillSearchIndex=0>