

# **TALLAHASSEE WEEKLY REPORT**

## **January 31-February 4, 2011**

### **Jackson Health System (JHS) Funding**

The state's Low Income Pool (LIP) Council has recommended to the Legislature that Jackson receive \$203.7 million for the upcoming fiscal year, down from the \$259.4 million they are receiving this fiscal year, including a one-time payment of \$35 million made to help keep the hospital afloat.

The reduction in funding from the LIP Council results from an end to stimulus funds the Council was receiving from the federal government.

From Jackson's end, CFO Mark Knight has stated the \$56 million decrease in funding will not affect the hospital during the coming fiscal year, which ends on September 30, but will be a factor next year. Spokesman Ed O'Dell says Jackson expects to make up about \$10 million through other funding sources.

### **Governor Scott's Budget**

This coming Monday, Governor Rick Scott will unveil his proposed budget for upcoming fiscal year. While details have yet to be released, the Governor told business leaders in Tampa that his budget will include a tax cut for businesses that would decrease corporate income tax from 5.5 percent to 3 percent, and roll back property taxes by \$1 billion. The Governor, however, did not make clear how he plans to come up with these savings, while closing a \$3.62 billion budget deficit, a number that will increase if legislators go through with a plan to allocate over \$1 billion for state reserves.

### **Online Travel Companies**

Next Tuesday, the Senate Community Affairs Committee will take up SB 376 by Senator Don Gaetz, related to online travel companies. This bill would permanently allow online travel companies to remit taxes on the wholesale price of a hotel room, not the retail price. The Florida Association of Counties adopted a policy statement in opposition of exempting online travel companies from remitting the appropriate tax on the full consideration/retail price of a hotel room, and will be present before the committee advocating on behalf of its members.

# Interim Committee Meetings

Aside from SB 376, mentioned above, the following bills will also be taken up in committee next week:

- Senate Governmental Oversight and Accountability Committee, Tuesday February 8, 11:15 am:
  - SB 276, Procurement of Professional Services, Sen. Bennett - Allows compensation to be a considering factor during the competitive selection process for architectural, engineering, and other professional services. Authorizes the governmental agency or school board to reopen negotiations with a selected firm following termination of negotiations with other firms. <http://www.flsenate.gov/Session/Bill/2011/0276>
- Senate Community Affairs, Tuesday February 8, 2pm:
  - SB 390, Homestead Property Assessed Value, Sen. Flores - Proposes amendments to the State Constitution to prohibit increases in the assessed value of homestead property if the just value of the property decreases and provide an effective date. <http://www.flsenate.gov/Session/Bill/2011/0276>
  - SB 382, Tax Certificates, Sen. Bogdanoff - Authorizes tax collectors to recover reimbursement for fees paid to vendors for providing electronic tax deed application services. Authorizes certain tax collectors to require the use of electronic tax deed application services. <http://www.flsenate.gov/Session/Bill/2011/0382>
- House Community and Military Affairs Subcommittee, Wednesday February 9, 1 pm:
  - HB 107, Local Government Accountability, Rep. Smith - Revises provisions relating to procedures for declaring special districts inactive; specifies level of detail required for local governmental entity's proposed budget; revises provisions for local governmental entity's audit & annual financial reports; requires local governmental entity's budget to be posted online; revises budgetary guidelines for district school boards. <http://www.flsenate.gov/Session/Bill/2011/0107>

## Florida Lottery

Governor Scott named Cynthia O'Connell, a public relations executive, to serve as Secretary of the Lottery. Prior to starting her own consulting firm, O'Connell served as director of the Florida Lottery research and promotions division.

O'Connell is the widow of former University of Florida President Stephen O'Connell, and serves on the University of Florida Board of Trustees.

## **Pretrial Release**

Representative Matt Caldwell, a newly elected legislator from Ft. Myers, filed HB 575 this week, which would provide more discretion for the courts in determining whether someone should be removed from their pretrial release program and put in jail. Rep. Caldwell noted that the possibility of having more people in jail due to his legislation is only a short-term cost that could end up saving the state in the long run.

The bill, entitled the "Officer Andrew Widman Act" is named after a Ft. Myers officer who was shot and killed a few years ago by a person who was out on felony probation.

The bill was originally filed last session by former Rep. Nick Thompson, who decided not to run again after being appointed as a Circuit Judge by Governor Crist. Rep. Caldwell ran for this same seat in 2010. The 2010 version of the bill passed the House, but died in the Senate after the Senate Criminal Justice Committee concluded that the bill had constitutional issues, which forced its sponsor, Senator Mike Bennett, to add several amendments. Rep. Thompson refused to accept these amendments onto his bill.

This bill does not have a Senate sponsor as of yet.

## **Immigration**

A report put out by the Pew Hispanic Center shows a 230,000 drop in Florida's illegal immigration numbers, the largest decrease of any state in the country. These numbers come in the midst of several different bills filed for the upcoming session that address the topic, all of which have been reported on by OIA. Our office would be happy to provide further information on any of these bills. Representative William Snyder, chair of the House Judiciary Committee and a former police officer in Miami, has led the legislature's charge on the issue, which has led to an email threat on his life.

Representative Snyder said he would continue meeting with stakeholders, including members of the Florida Hispanic Legislative Caucus, and gather public input in an effort to build consensus on how to best implement immigration reform in Florida. Governor Rick Scott continues to support passage of legislation that would allow a police officer to check on someone's citizenship status if they are pulled over or detained.

## **Select Committee on Government Reorganization**

House Speaker Dean Cannon announced the formation of the House Select Committee on Government Reorganization, asking any member interested in joining the committee to contact his office by February 7. The select committee will have two missions: to look at government programs that “purport to promote or regulate private sector economic activity” and to examine government programs involved with health and human service delivery systems. The committee will be chaired by Speaker Pro Tempore John Legg from Pasco County.

## **Bills of Interest Filed This Week**

**HB 571, Fire-fighting Equipment, Rep. Roberson** - Exempts firefighting equipment from certain motor vehicle size & weight restrictions.

<http://www.flsenate.gov/Session/Bill/2011/0571>

**HB 575, Pretrial Proceedings, Rep. Caldwell** - Designates act "Officer Andrew Widman Act"; provides that at first appearance of probationer or offender on community control arrested for new offense for which court finds existence of probable cause, court may determine likelihood of prison sanction for violation based on new arrest; provides that court may order detention if it appears more likely than not that prison sanction may be forthcoming on violation; provides that court may release probationer or offender on community control with or without bail on violation.

<http://www.flsenate.gov/Session/Bill/2011/0575>

**HB 589, Emergency Medical Services, Rep. Hooper** - Provides requirements for applicant for advanced life support nontransportation licensure; permits municipal, independent special district, & community development district fire departments to provide certain life support services; authorizes county governing body to adopt ordinances establishing standards for issuing certificate of public convenience & necessity; provides conditions for issuance of temporary certificate of public convenience & necessity.

<http://www.flsenate.gov/Session/Bill/2011/0589>

**HB 615, Sovereign Immunity, Rep. Coley** - Provides that certain health care providers & vendors who primarily serve clients with specified conditions may be considered agents & employees of state or its subdivisions with respect to such services while acting within scope of & pursuant to guidelines established in contractual agreement or Medicaid provider agreement; requires indemnification; provides construction of provisions.

<http://www.flsenate.gov/Session/Bill/2011/0615>

**SB 724, Cellular Telephone Use, Sen. Bullard** - Prohibits the use of a cellular telephone while operating a motor vehicle in a school zone. Provides an enhanced penalty.

<http://www.flsenate.gov/Session/Bill/2011/0724>

**SB 736, Education Personnel, Sen. Wise** - Cites this act as the "Race to the Top for Student Success Act." Revises provisions related to the evaluation of instructional personnel and school administrators. Requires that the Department of Education approve school district evaluation systems. Requires the Department of Education to collect evaluation information from school districts and to report such information to the Governor and Legislature. Provides requirements for the evaluation systems.  
<http://www.flsenate.gov/Session/Bill/2011/0736>

**SB 766, Public Records/Law Enforcement/Firefighters, Sen. Fasano** - Expands a public records exemption for specified personal information of the spouses and children of active and former law enforcement and investigatory personnel. Expands a public records exemption for specified personal information of firefighters and for their spouses and children. Provides for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act. Provides a statement of public necessity.  
<http://www.flsenate.gov/Session/Bill/2011/0766>

**SB 768, Seaports, Sen. Ring (similar to HB 399 by Rep. Ray)** - Increases the amount of funds the Department of Transportation is required to make available for the Florida Seaport Transportation and Economic Development Program. Requires the Florida Seaport Transportation and Economic Development Council and the Assistant Secretary of Intermodal Systems Development of the Department of Transportation to identify certain state funds for the purpose of funding the program.  
<http://www.flsenate.gov/Session/Bill/2011/0768>

**SB 774, Economic Development, Sen. Ring** - Creates the Commercialization Credit Transfer Program. Provides legislative findings that it is in the state's interest to promote the commercialization of products and services developed by technology companies. Authorizes the Department of Revenue to share certain confidential information with the Office of Tourism, Trade, and Economic Development (OTTED). Requires the OTTED to certify eligible companies for the transfer of corporate income tax net operating loss amounts as certified credits.  
<http://www.flsenate.gov/Session/Bill/2011/0774>

**SB 776, Public School Class Size Maximums, Sen. Diaz de la Portilla** - Deletes provisions which impose financial penalties, and provide calculations therefore, on school districts that do not meet maximum class size requirements.  
<http://www.flsenate.gov/Session/Bill/2011/0776>

**SB 796, Domestic Wastewater Discharged/Ocean Outfalls, Sen. Diaz de la Portilla/HB 613, Rep. Trujillo** - Postpones the dates by which domestic wastewater facilities must meet more stringent treatment and management requirements. Provides exceptions and alternatives.  
<http://www.flsenate.gov/Session/Bill/2011/0796>  
<http://www.flsenate.gov/Session/Bill/2011/0613>

**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.

<http://www.flsenate.gov/Session/Bill/2011/0808>

**SB 814, Ad Valorem Tax Exemptions, Sen. Richter** - Provides partial ad valorem tax exemptions for nonexempt owners of real property leased or gratuitously provided to exempt entities for exclusive use for charitable purposes. Authorizes nonexempt owners of real property to apply for ad valorem tax exemptions relating to real property leased or gratuitously provided for charitable purposes. Provides eligibility criteria for partial ad valorem tax exemptions relating to real property leased or gratuitously provided for charitable purposes.

<http://www.flsenate.gov/Session/Bill/2011/0814>

**SB 816, Enterprise Program Development Zones, Sen. Flores (similar to SB 620 by Sen. Garcia)** - Designates the act as the "Urban Job Creation Investment Act." Creates the Urban Investment Job Creation Authority. Specifies the duties of the authority to include specifying enterprise program zone boundaries, reviewing applications from businesses to become eligible for certain tax benefits, reviewing proposed projects for eligibility to receive funding from a local enterprise program zone development corporation, and conducting studies and filing.

<http://www.flsenate.gov/Session/Bill/2011/0816>

**SB 7050, State Government Revenue Limitation, Senate Budget Subcommittee on Finance and Tax (Chaired by Sen. Bogdanoff)** - Expresses the legislative intent to propose an amendment to the State Constitution to revise the state government revenue limitation.

<http://www.flsenate.gov/Session/Bill/2011/7050>