

# **TALLAHASSEE WEEKLY REPORT**

## **February 21-25, 2011**

### **Pension Reform**

This week in Tallahassee, the Senate Government Oversight and Accountability Committee heard SB 1128 and SB 1130, both related to pension reform, and mentioned in earlier reports. While no votes were taken on either bill, the discussion was centered on an explanation of the legislation and public testimony.

Senator Jack Latvala proposed an amendment which would cap the amount that employees would be required to contribute to the state pension fund. Senator Latvala's plan would limit the contribution rate at 2 percent for rank-and-file employees and employees in special risk classes. Senior management and elected officials would contribute at 4 percent. The Senator based his cap on what state workers paid in 1974, which is the last time employees were required to pay into the pension fund. Senator Mike Fasano submitted a plan which went further than Senator Latvala's, by limiting the contribution for rank-and-file employees to 1 percent.

Senator Jeremy Ring, the committee chair and primary sponsor of the Senate's pension reform legislation, had planned to not designate a contribution amount to the bill and allow the Senate Budget Committee to determine the number during the budget writing process.

The committee will take up and vote on the legislation, during the first week of the legislative session, which begins on March 8.

### **Prescription Drug Database**

A prescription drug database created through legislation passed in 2009 by Senator Mike Fasano and former Representative Marcelo Llorente is the subject of a disagreement between Governor Rick Scott and legislative leaders. Though the database, aimed at curbing what are commonly referred to as "pill-mills" and end the practice of "doctor shopping" in an effort to procure prescription drugs, is not fully functional, Governor Scott has called it an invasion of privacy and recommended an end to the program. Senate President Mike Haridopolos forcefully stated this week that the database is needed, while House Majority Leader Carlos Lopez-Cantera stated otherwise.

The House Health and Human Services Committee spent a significant amount of time this week discussing the issue, including whether or not the use of databases in other states has been

successful. As it stands in Florida, two companies are feuding over the contract to develop and run the database.

A report that South Florida had become a haven for these “pill-mills” led to the legislature’s approval of this database in 2009. The proposed database would help the state keep track of controlled substances designated as Schedule II, III, and IV drugs, which includes codeine, methadone, amphetamines, anabolic steroids, and ketamine.

According to analysis done by legislative session for the 2009 legislation, the Office of Drug Control had provided cost estimates for the program ranging from \$100,000 to \$4,000,000. Department of Health (DOH) estimated costs for an in-house design and implementation of an electronic data base for the prescription drug monitoring program to be \$4.3 million in its first year, \$2.2 million in its second year, and \$1.9 million in the third year. The legislation required all costs incurred by DOH for the program to be reimbursed through federal grants or private funding applied for and received by the state.

OIA will continue to monitor this issue due to its public safety implications on residents of Miami-Dade County, as prescription drug deaths have been increasing at alarming rates over the years.

## **Growth Management**

The Florida House and Senate are each considering legislation which would rewrite the state’s growth management laws. Governor Rick Scott has proposed eliminating the Department of Community Affairs (DCA), and moving its planning functions to the Department of Environmental Protection (DEP). Senator Mike Bennett, chair of the Senate Community Affairs Committee and author of previous legislation on growth management, has stated that a “major growth management bill” will be passed this session.

This week, the House Community and Military Affairs Subcommittee held a workshop on growth management which covered three areas: state review, schools, and transportation. Representative Ritch Workman, the committee’s chair, echoed Senator Bennett by saying there will be a “complete overhaul” of the state’s growth management laws. Representative Workman says he wants to pass legislation which would allow cities and counties to manage their own growth and is immune to a legal challenge.

DCA Secretary Billy Buzzett testified before the House committee that he is proposing reducing the state’s review of local growth management in an effort to focus on state and regional resources.

# Interim Committee Meetings

The following bills of interest to Miami-Dade County were taken up in committee this past week in Tallahassee:

- **SB 376, Tax on Sales, Use, and Other Transactions, Sen. Gaetz** - *Provides definitions related to the tourist development tax. Requires the owner of or the person operating transient accommodations to separately state the amount of the tourist development tax collected and the consideration charged on a receipt, invoice, or other documentation. Exempts certain unrelated persons from the requirement to separately state the amount of the tourist development tax. Provides that the proceeds of the tourist development tax are county funds.* **PASSED SENATE COMMUNITY AFFAIRS**
- **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.* **PASSED SENATE COMMUNITY AFFAIRS**
- **SB 478, Property Taxation, Sen. Thrasher** - *Tolls the statute of limitations relating to proceedings involving tax lien certificates or tax deeds during the period of an intervening bankruptcy. Revises, updates, and consolidates provisions of ch. 197, F.S., relating to definitions, tax collectors, lien of taxes, returns and assessments, unpaid or omitted taxes, discounts, interest rates, Department of Revenue responsibilities, tax bills, judicial sales, prepayment of taxes.* **PASSED SENATE COMMUNITY AFFAIRS**
- **HB 257, Financial Responsibility for Medical Expenses of Arrestees, Pretrial Detainees or Sentenced Inmates, Rep. Hooper** - *Provides that responsibility for paying for medical care, treatment, hospitalization, & transportation for person who is ill, wounded, or otherwise injured during or as result of arrest for violation of state law or county or municipal ordinance is responsibility of person receiving care or services; requires each arrestee, pretrial detainee, or sentenced inmate who receives medical care or other services to cooperate in seeking reimbursement for such expenses of facility; sets out order of resources from which third-party provider of medical services may seek reimbursement; requires each arrestee, pretrial detainee, or sentenced inmate who has health insurance, subscribes to health care corporation, or receives health care benefits from any other source to assign such benefits to health care provider.* **PASSED HOUSE CRIMINAL JUSTICE**
- **HB 265, Sexual Offenders and Predators, Rep. Harrell** - *Requires court considering whether to release defendant on bail to determine whether defendant is subject to*

registration as sexual offender or predator &, if so, to hold defendant without bail until first appearance on case. **PASSED HOUSE CRIMINAL JUSTICE**

- **HB 333, Community-based Juvenile Justice, Rep. Corcoran** - Provides legislative intent; defines term "regional coordinating agency"; provides requirements for regional coordinating agencies; provides for DJJ to contract with regional coordinating agencies for specified services relating to juvenile justice; provides for annual measurement & reporting concerning outcomes & effectiveness of community-based juvenile justice services; requires regional coordinating agencies to comply with specified requirements; provides for liability of regional coordinating agencies & contracted providers with respect to treatment of juvenile offenders; provides for governance of regional coordinating agencies; provides for 2-year pilot programs in specified judicial circuits. **PASSED HOUSE CRIMINAL JUSTICE**
- **SB 958, State Revenue Limitation, Senate Committee on Finance and Tax/Sen. Bogdanoff** - Proposes amendments to the State Constitution to replace the existing state revenue limitation with a new state revenue limitation based on inflation and population changes. **PASSED SENATE BUDGET AND RULES**
- **HB 381, Property Assessment; Homestead Value Decline; Nonhomestead Increase Limitation Reduction; Additional Homestead Exemption, Rep. Dorworth** - Nonhomestead Increase Limitation Reduction; Additional Homestead Exemption: Proposes amendment of ss. 4 & 6, Art. VII & creation of ss. 32 & 33, Art. XII of State Constitution to prohibit increases in assessed value of homestead property if fair market value of property decreases; reduce limitation on annual increases in assessments of 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 & provide for application & limitations with respect thereto; provide effective dates. **PASSED HOUSE FINANCE AND TAX**

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

- **HB 847, Mobile Home and Recreational Vehicle Parks, Rep. Broxson (identical to SB 292 by Sen. Dean)** - Specifies laws & rules to be enforced by DOH; provides for adoption of rules; revises applicability of recreational vehicle park requirements to mobile home parks; revises permit requirements; provides requirements for construction review & approval for private parks & camps; revises requirements for permit applications; revises fees charged to operators of certain parks or camps; authorizes persons to request from department review of plans for proposed park or camp. <http://www.flstate.gov/Session/Bill/2011/0847>

- **HB 849, Building Construction and Inspection, Rep. Davis (similar to SB 396 by Sen. Bennett)** - Redefines term "sustainable building rating" to include International Green Construction Code; expands categories of persons who may be certified as qualified for license by endorsement as home inspector; revises continuing education requirements for licensed home inspectors; requires that DBPR establish criteria for approval of continuing education providers & courses; revises conditions under which referrals by broker or agent to home inspector or inspection company are prohibited.  
<http://www.flsenate.gov/Session/Bill/2011/0849>
- **HB 879, Tax Refund Program/Target Industry Business, Rep. Eisnaugle (identical to SB 1318 by Sen. Benacquisto)** - Revises definition of term "target industry business" to revise eligibility criteria for tax refunds under program.  
<http://www.flsenate.gov/Session/Bill/2011/0879>
- **HB 887, Taxation of Communication Services, Rep. Dorworth (similar to SB 1198 by Sen. Bogdanoff)** - Requires tax amounts & brackets made available to communications services dealers by DOR for computing communication services tax to be based on rounding algorithm; specifies mathematical criteria for rounding algorithm; authorizes communications services dealer to compute tax on an item or an invoice basis; requires department to allow application of rounding algorithm to certain aggregated state & local taxes; directs department to allow, but not require, dealer to collect taxes on communications services based on bracket system.  
<http://www.flsenate.gov/Session/Bill/2011/0887>
- **HB 901, Household Moving Services, Rep. Horner (identical to SB 296 by Sen. Wise)** - Provides for biennial renewal of mover & moving broker registrations; authorizes DOACS to extend registration expiration dates in order to establish staggered dates; requires calculation of biennial registration fees based on annual rate; deletes provision requiring certain movers & moving brokers to obtain local license or registration & pay state registration fee; authorizes mover to exclude liability for household goods packed by shipper; authorizes mover to refuse to transport or ship household goods.  
<http://www.flsenate.gov/Session/Bill/2011/0901>
- **HB 905, Tax Refund Program/Target Industry Business, Rep. Ray** - Revises eligibility of qualified target industry businesses for tax refunds; authorizes tax refunds for certain businesses that make capital investments in project; revises application requirements & qualifications for review of applications by OTTED.  
<http://www.flsenate.gov/Session/Bill/2011/0905>
- **HB 909, Emergency Medical Services, Rep. Perry (similar to SB 1358 by Sen. Oelrich)** - Deletes requirement for EMTs & paramedics to complete educational course on modes of transmission, infection control procedures, clinical management, & prevention of HIV & AIDS; redefines term "basic life support" for purposes of Raymond H. Alexander, M.D.,

*Emergency Medical Transportation Services Act; revises period for review of comprehensive state plan for emergency medical services & programs; revises requirements for certification or recertification as EMT or paramedic.*  
<http://www.flsenate.gov/Session/Bill/2011/0909>

- **HB 915, Disposition of Human Remains, Rep. Boyd (identical to SB 1324 by Sen. Bennett)** - *Defines terms relating to disposition of human remains; revises procedures for reporting & disposition of unclaimed remains; prohibits certain uses or dispositions of remains of deceased persons whose identities are not known; requires that local governmental contracts for final disposition of unclaimed remains comply with certain federal regulations; revises procedures for anatomical board's retention of human remains before their use; provides for claims by, & release of human remains to, legally authorized persons after payment of certain expenses.*  
<http://www.flsenate.gov/Session/Bill/2011/0915>
- **HB 921, Early Voting, Rep. Jenne (identical to SB 848 by Sen. Rich, similar to SB 1266 by Sen. Altman)** - *Expands list of available sites at which early voting may be held to include specified facilities or any other location designated by supervisor of elections as meeting requirements of state law; deletes requirement that early voting site be designated & used as such for at least 1 year before election; provides requirements for determining number of early voting sites each county must operate; expands early voting hours to 12 hours per weekday & 12 hours in aggregate each weekend at each site during applicable periods.* <http://www.flsenate.gov/Session/Bill/2011/0921>
- **HB 923, Public Works Projects, Rep. Van Zant (similar to SB 1352 by Sen. Hays)** - *Prohibits state & political subdivisions that contract for construction, maintenance, repair, or improvement of public works from imposing certain conditions on certain contractors, subcontractors, material suppliers, or carriers; provides exception; prohibits state & political subdivisions from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on public works project; revises written protest filing requirements for protests to contract solicitations or awards.*  
<http://www.flsenate.gov/Session/Bill/2011/0923>
- **HB 931, Sale/Lease/County, District, Municipal Hospital, Rep. Clarke-Reed** - *Requires Legislature to approve sale or lease of county, district, or municipal hospital to not-for-profit Florida corporation.* <http://www.flsenate.gov/Session/Bill/2011/0931>
- **HB 945, Growth Management, Rep. Young** - *Authorizes Fish and Wildlife Conservation Commission, in cooperation with other specified state agencies, to provide assistance to landowners & local governments in implementing provisions relating to rural land stewardship areas; revises criteria for establishing rural land stewardship area; revises provisions relating to transferrable land use credits; revises credit limitations; provides legislative findings & intent; prohibits state land planning agency from adopting certain rules.* <http://www.flsenate.gov/Session/Bill/2011/0945>

- **HB 969, Convention Development Taxes, Rep. Gibbons (identical to SB 980 by Sen. Bennett)** - *Authorizes increase in rate of charter county convention development tax; specifies permissible uses of additional revenues.*  
<http://www.flsenate.gov/Session/Bill/2011/0969>
- **HB 991, Environmental Permitting, Rep. Patronis (similar to SB 1404 by Sen. Evers)** - *Creates, amends, & revises numerous provisions relating to development, construction, operating, & building permits; permit application requirements & procedures, including waivers, variances & revocation; local government comprehensive plans & plan amendments; programmatic general permits & regional general permits; permits for projects relating to coastal construction, surface water management systems, dredge & fill activities, inland multimodal facilities & commercial & industrial development, biofuel & renewable energy facilities, & mining.*  
<http://www.flsenate.gov/Session/Bill/2011/0991>
- **HB 1001, Permitting of Consumptive Uses of Water, Rep. Williams** - *Requires consumptive use permits to be issued for period of 20 years; provides exception; eliminates requirements for permit compliance reports; removes authority of DEP & governing boards to modify or revoke consumptive use permits; provides for modification of existing consumptive use permits; provides requirements for water management districts in evaluating applications for consumptive use of water in mandatory reuse zones; requires water management districts to implement sustainable water use permit program.* <http://www.flsenate.gov/Session/Bill/2011/1001>
- **SB 1266, Early Voting, Sen. Altman (similar to HB 921 by Rep. Jenne an SB 848 by Sen. Rich)** - *Authorizes the supervisor of elections to designate any public university, college, or community college facility as an early voting site. Requires that the supervisor for each county establish early voting hours. Provides a minimum and a maximum daily duration for such early voting hours.* <http://www.flsenate.gov/Session/Bill/2011/1266>
- **SB 1296, Enterprise Zones, Sen. Detert** - *Advances the date of the expiration of the Florida Enterprise Zone Act. Provides for the expiration of a provision to conform to the expiration of the Florida Enterprise Zone Act which authorizes the governing body of a county or municipality containing an enterprise zone to make a funding request for capital improvements relating to crime prevention under certain circumstances. Provides that the repeal of the Florida Enterprise Zone Act does not affect the availability of certain tax credits or tax refunds.* <http://www.flsenate.gov/Session/Bill/2011/1296>
- **SB 1324, Disposition of Human Remains, Sen. Bennett (identical to HB 915 by Rep. Boyd)** - *Transfers, renumbers, and amends provisions. Revises procedures for the reporting and disposition of unclaimed remains. Prohibits certain uses or dispositions of the remains of deceased persons whose identities are not known. Requires that local*

governmental contracts for the final disposition of unclaimed remains comply with certain federal regulations. Revises procedures for the anatomical board's retention of human remains before their use. <http://www.flsenate.gov/Session/Bill/2011/1324>

- **SB 1352, Public Works Projects, Sen. Hays (similar to HB 923 by Rep. Van Zant)** - Prohibits the state and political subdivisions that contract for the construction, maintenance, repair, or improvement of public works from imposing certain conditions on certain contractors, subcontractors, or material suppliers or carriers. Provides an exception. Prohibits the state and political subdivisions from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on a public works project. Revises written protest filing requirements for protests to contract solicitations or awards. <http://www.flsenate.gov/Session/Bill/2011/1352>
- **SB 1354, Juvenile Detention, Sen. Storms (similar to HB 983 by Rep. Glorioso)** - Requires that points be added to a supervised child's risk assessment instrument if the child is charged with committing a new offense. Provides for the continued detention of a child who is alleged to have violated the conditions of home detention. Extends the period that a child may be held under a special detention order. Clarifies that a child may not be held in detention for more than 15 days pending disposition. Provides that a child who is awaiting placement and who is arrested for any offense may be placed in secure detention. <http://www.flsenate.gov/Session/Bill/2011/1354>
- **SB 1400, Early Voting, Sen. Smith** - Authorizes the supervisor of elections to designate sites, other than city halls or public libraries, as early voting sites if the early voting site is convenient, spacious, accessible, and secure. <http://www.flsenate.gov/Session/Bill/2011/1400>
- **SB 1404, Environmental Permitting, Sen. Evers (similar to HB 991 by Rep. Patronis)** - Authorizes the provision of certain notices under the Administrative Procedure Act via a link to a publicly available Internet website. Provides that the construction and operation of a biofuel processing facility or renewable energy generating facility and the cultivation of bioenergy by a local government is a valid and permitted land use. Authorizes expedited permitting for certain inland multimodal facilities and for commercial or industrial development projects that individually or collectively will create a minimum number of jobs. <http://www.flsenate.gov/Session/Bill/2011/1404>
- **SB 1418, Traffic Safety, Sen. Altman (identical to HB 835 by Rep. Slosberg)** - Creates the Alex Brown Act. Prohibits the use of handheld cellular telephones and other handheld electronic communications devices by drivers under 18 years of age. Provides exceptions. Provides penalties. <http://www.flsenate.gov/Session/Bill/2011/1418>
- **SB 1432, County Government Funding, Sen. Fasano (similar to HB 889 by Rep. Corcoran)** - Provides circumstances under which a board of county commissioners may

*use certain revenues for a purpose other than that specified by law. Defines the term "eligible county." Specifies that county eligibility must be determined annually and exercised for a limited time. Prohibits the use of certain revenues for such purposes.*

<http://www.flsenate.gov/Session/Bill/2011/1432>