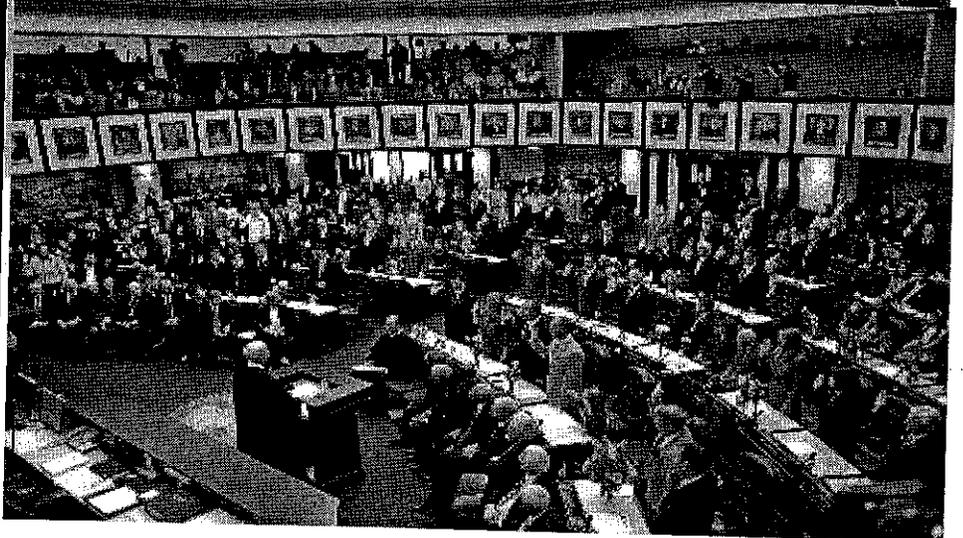
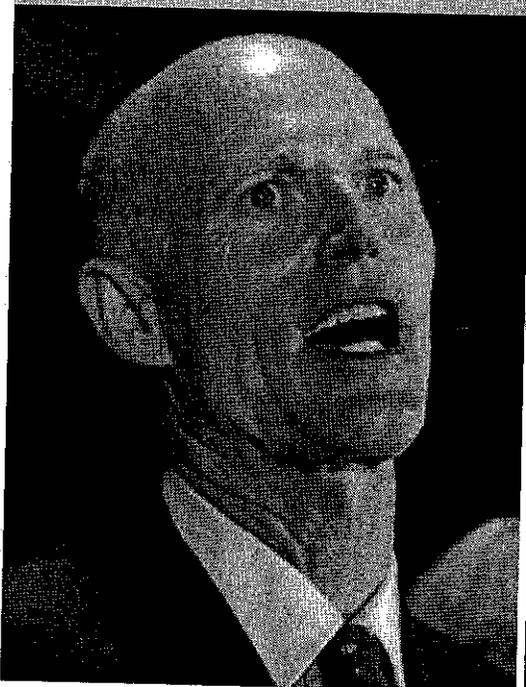
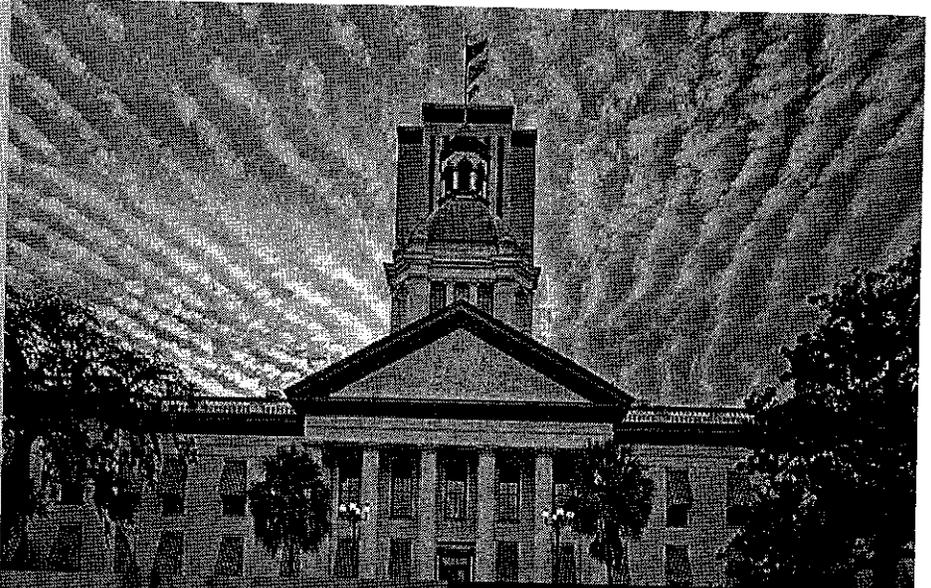


Miami-Dade County 2011 State Legislative Report July 2011

***Board of
County
Commissioners***

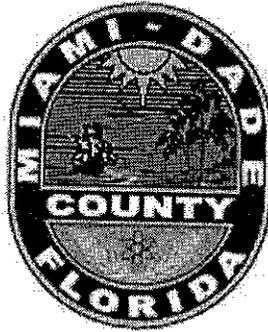
***Office of
Intergovernmental
Affairs***





Outline of 2011 Final Report

- I. Executive Summary**
- II. Issue by Issue Review**
 - **County Priorities**
 - **Other Issues of Interest**
 - **Budget**
 - **Board of County Commission Resolutions**
- III. Countywide Appropriations**
- IV. 2011 Miami-Dade State Legislative Delegation Vote Sheet**
- V. List of Registered Lobbyists**
- VI. Contract Lobbyist Final Reports**
 - **Ronald L Book, PA**
 - **Pittman Law Group**
 - **Rutledge Ecenia**
 - **Gomez Barker Associates**
 - **Dutko Poole McKinley**
 - **Becker Poliakoff**
- VII. Bills Passed by Miami-Dade State Legislative Delegation**
- VIII. Miami-Dade State Legislative Delegation Contact Information**
- IX. 2012 Preview**



2011 State Legislative Report Executive Summary

The 2011 legislative session ended at 3:30 am on May 7, 2011, only after a vote was taken to extend session to 6 pm that afternoon due to disagreement between the House and Senate on a variety of policy issues found in budget conforming bills.

Politics played a significant role this session, as Governor Rick Scott lobbied legislators to pass his ambitious agenda, Senate President Mike Haridopolos announced his campaign for the U.S. Senate, and House Speaker Dean Cannon presided over the most conservative, veto-proof House in recent memory.

The budget also played a vital role, as legislators were tasked with closing a deficit that surpassed \$4 billion. Governor Scott signed the budget, but not before vetoing over \$600 million in projects, including many in Miami-Dade County.

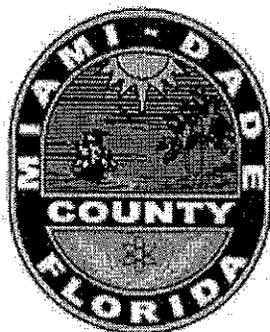
In terms of county priorities in the budget, the Port of Miami Deep Dredge project was funded at over \$55 million for the upcoming fiscal year, as Governor Scott made this a priority of his from the outset due to the project's potential to create jobs. The attainment of this funding was also a product of the county's efforts in advocating on behalf of the project's importance. Local services providers were held harmless despite the budget shortfall.

Also in the budget, Jackson Health System saw drastic reduction in its funding. It was re-appropriated \$35 million in the budget, but Low Income Pool (LIP) funding was reduced by approximately \$59 million and Medicaid funding was reduced by approximately \$71 million. Funding for Medically Needy and MEDS-AD was fully restored after the Senate showed a reduction. At this time, the final amount of Jackson funding is being compiled.

In terms of policy issues that appeared as county priorities, the Legislature passed a sweeping elections bill which reduces the number of days of early voting from 14 to 8, requires certain voters who have moved to cast provisional ballots, tightens the time for third party groups to submit voter registration forms, and reduces the time to collect signatures for citizen led ballot initiatives.

The pretrial release issue, once again, did not pass. Senator Bogdanoff tried to get it on another bill, SB 1398, she succeeded, but then stripped it out during the last week to not kill SB 1398. Representative Dorworth then amended his pretrial language onto 1398 when it was sent over to the House, but the issue was never taken up.

Legislation passed, sponsored by Senator Thrasher and Representative Artiles, that provides sovereign immunity for University of Miami doctors practicing at Jackson Memorial Hospital.



County Priorities

Below, please find the final outcome of Miami-Dade County's 2011 State Legislative Priorities, as approved by the Board of County Commissioners.

Jackson Health System: Jackson Health saw drastic reduction in its funding. It was re-appropriated \$35 million in the budget, but LIP funding was reduced by approximately \$59 million and Medicaid funding was reduced by approximately \$71 million. Funding for Medically Needy and MEDS-AD was fully restored after the Senate showed a reduction.

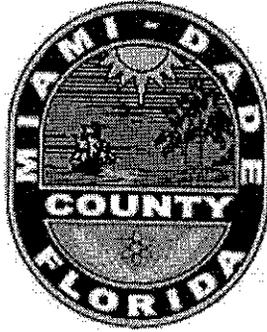
Port of Miami Deep Dredge: The deep dredge project was funded at over \$55M for the upcoming fiscal year. Governor Scott made this project a priority of his prior to session, noting its ability to create jobs.

Elections/Early Voting: The Legislature passed HB 1355, on its way to Governor, which reduces the days of early voting from 14 to 8; requires certain voters who have moved to cast provisional ballots, tightens the time for third party groups to submit voter registration forms, and reduces the time to collect signatures for citizen led ballot initiatives.

Elderly Funding: Local service providers were held harmless, however a specific appropriations in the amount of \$300,000 for the Little Havana Activities and Nutrition Center was vetoed by Governor Scott.

Pretrial Release: The pretrial issue did not pass. Senator Bogdanoff tried to amend it on to another bill, SB 1398, she succeeded, but then stripped it out during the last week to not kill SB 1398. Representative Dorworth then amended his pretrial language onto 1398 when it was sent over to the House, but the issue was never taken up.

Sovereign Immunity: Legislation was passed by Senator Thrasher and Representative Artiles which provides sovereign immunity for University of Miami doctors practicing at Jackson.



Other Issues of Interest

Below, please find a summary of other issues of interest to Miami-Dade County that were taken up by the Legislature this past session. A number of these summaries were provided directly from the Florida Senate's bill summary.

SB 2100, Retirement, Senate Budget Committee: The bill provides for the following changes with respect to the Florida Retirement System (FRS):

- Effective July 1, 2011, requires three percent employee contribution for all FRS members. DROP participants are not required to pay employee contributions.
- For employees initially enrolled on or after July 1, 2011, the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.
- For employees initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100 percent of employer contributions upon completion of 8 years of creditable service. For existing employees, vesting will remain at 6 years of creditable service.
- For employees, initially enrolled on or after July 1, 2011, increases the normal retirement age and years of service requirements, as follows:
 - For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
 - For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.
- Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.
- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire effective June 30, 2016, and the current 3 percent cost-of-living adjustment will be reinstated. • To implement the bill for the 2011-12 fiscal year, funds the Division of Retirement

with four positions and \$207,070 in recurring funds and \$31,184 in non-recurring funds.

Signed into law on May 26.

HB 7017, Medicaid Managed Care, Rep. Schenck: The bill establishes the Medicaid program as a statewide, integrated managed care program for all covered services, including long-term care services. The Agency for Health Care Administration (AHCA) is directed to apply for and implement amendments to the Medicaid state plan or waivers of applicable federal laws and regulations by August 1, 2011, necessary to implement the program. The AHCA is directed to provide public notice and seek public comment before applying for such waivers and is required to include public feedback in waiver applications.

The new Medicaid program consists of two components:

- **Managed Medical Assistance** Provides medically-necessary primary and acute health care services such as doctor's visits, hospitalization, pregnancy care, prescription drugs, etc.
- **Managed Long-Term Care** Provides individuals who are aged and/or disabled, and who meet additional acuity levels, with additional services beyond routine health care needs such as adult day care, home delivered meals, personal care, case management, etc.

All Medicaid recipients will be enrolled in managed care plans unless specifically exempt. Recipients who are exempted include persons with limited eligibility or benefits and persons with developmental disabilities.

Signed into law on June 2.

HB 7207, Growth Management, Select Committee on Government Reorganization: This bill makes the following changes to the state's growth management law:

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.
- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.
- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA's growth management regulations and incorporates certain provisions into the bill).

- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
- Clarifies when a local government can reject a proposed change to a development of regional impact.
- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.

Signed into law on June 2

HB 493, Tax on Sales, Use and Other Transactions, Rep. Brodeur: This bill would have provided definitions relating to the tourist development tax, the transient rentals tax, the convention development tax, and a municipal resort tax. The legislation would have exempted online travel companies (OTC's) from remitting applicable taxes on the retail price of transaction.

Bill passed the House, but not taken up in Senate

SJR 958, State Revenue Limitation, Senate Finance and Tax: This joint resolution puts on the 2012 ballot a constitutional amendment asking voters to limit increases in state revenue collections to match inflation plus population growth. The formula gives legislators the flexibility to exceed the cap if circumstances dictate.

Miami-Dade County has opposed this issue, commonly known as TABOR (short for Taxpayer Bill of Rights), when it also applied to counties. However, the amendment, as written, only applies to the state.

Joint Resolution passed both chambers, and will now go the ballot in 2012.

HJR 381, Recapture; Non-homestead Cap; First Time Homebuyers, Rep. Dorworth: This joint resolution asks the voters in 2012 to approve a constitutional amendment that does the following:

- Authorizes the Legislature to prohibit increases in assessed value of homestead and specified non-homestead property if just value of property decreases.
- Reduces the limitation on annual assessment increases applicable to non-homestead real property from 10 percent to 5 percent.
- Provides an additional homestead exemption for owners of homestead property who have not owned homestead property for specified time (three years) before purchase of current homestead property. The exemption is capped at 50 percent of a county's median just value and phases over a five year period.

This joint resolution passed both chambers and now goes to the 2012 ballot.

HB 399, Seaport Investment, Rep. Ray: This bill requires the Secretary of the Department of Transportation to designate an assistant secretary and assign them duties related to enhancing economic prosperity; requires the Florida Seaport Transportation and Economic Development (FSTED) Council to annually develop a project priority list and requires that each port to develop a strategic plan; exempts overwater piers, docks and similar structure in deepwater ports from the ports stormwater management system if the port has a Stormwater Pollution Prevention Plan for industrial activities; provides that the Department of Environmental Protection (DEP) must approve or deny a port conceptual permit application within 60 days; and provides that if a non-applicant petitions as a third party to challenge DEP's issuance of a port conceptual permit, the petitioner initiating the action has the burden of ultimate persuasion and has the burden of going forward with the evidence.

Bill was signed into law on June 17.

SB 408, Property Insurance, Sen. Hays: This bill reduces the time homeowners have to file claims from hurricanes and sinkhole damage, including two years for sinkhole claims and three years for windstorm claims. The bill also places limits on sinkhole coverage and makes changes to how insurers compensate homeowners for claims, including allowing insurers to require that repairs be made before they fully pay off a claim for damage to a home.

Bill was signed into law on May 17.

HB 883, Local Regulation of Vacation Rentals, Rep. Horner: The bill preempts local governments from prohibiting vacation rentals or treating them differently from other residential property based on their classification, use, or occupancy. This would remove authority for local governments to ban or restrict vacation rentals. This restriction will not apply to any local law, ordinance or rule adopted on or before June 1, 2011.

Bill signed into law on June 2.

HB 7095, Prescription Drugs, Rep. Schenck: This bill aims to cut down on prescription drug abuse by increasing penalties for overprescribing, forcing wholesale distribution to be strictly tracked, and continues the statewide prescription drug database, while limiting the time a prescription is required to be entered into the database. It also reforms the pharmacy permitting process and includes a 5,000 unit limit on prescriptions, while exempting hospices, cancer centers and nursing homes. A \$3 million appropriation is provided for law enforcement to enforce the new laws.

Bill signed into law on June 3.

HB 4087, Red Light Camera Repeal, Rep. Corcoran: This bill would have repealed the bill passed in 2010 related to red-light cameras. The bill passed the House, but was never taken up by the Senate. The Senate version, SB 672 by Sen. Garcia, only passed its first of three committees.

Bill passed House, never taken up in Senate.

HB 613, Ocean Outfalls, Rep. Trujillo: This bill would have given South Florida counties more time and leeway to fulfill requirements limiting the discharge of rainwater and treated sewage into the Atlantic Ocean, as a result of legislation passed in 2008. The bill passed the House, but was only taken up in one committee in the Senate.

Bill passed House, never taken up in Senate.

HB 7089, Immigration, Rep. Snyder (SB 2040): This bill would have required certain public and private employers to use the federal government's E-Verify system to check a person's immigration status. The House version would have allowed for law enforcement to check the immigration of a suspect or inmate. The Senate version, SB 2040 by the Judiciary Committee, passed the full Senate, but did not contain the law

enforcement measures found in the House bill. The full House never voted on an immigration bill, and thus, the bill died.

Bill passed Senate, never taken up in House.

HB 767, Local Government, Rep. Rooney: This bill authorizes the Board of County Commissioners to negotiate leases of property for five years or less without going to bid, and also allows local governments to transfer property by deed rather than by mapping and surveying.

Bill was vetoed by the Governor.

SB 1954, Miami-Dade Charter, Sen. Garcia: This bill would have proposed an amendment to the state Constitution to authorize revisions to the County's home rule charter through the state legislative process. While both bills were heard in all committees of reference in the two chambers, the Senate bill failed on the Senate floor. The House version, HB 1321 by Rep. Lopez-Cantera, was never heard on the floor.

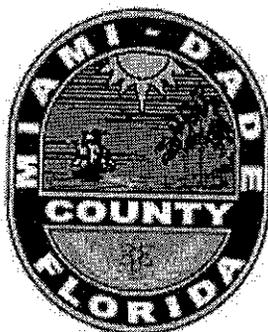
Bill died in the Senate, and was never taken up in House.

HB 283, Seaport Security, Rep. Young: This bill addresses duplicative security requirements mandated by both state and federal government by repealing statewide minimum security standards; eliminating the Florida Department of Law Enforcement's role in the security of the seaports; and prohibiting seaports from charging a fee for a seaport specific access credential issued in addition to the federal Transportation Worker Identification Credential.

Bill was signed into law on May 24.

HB 281, Value Adjustment Boards, Rep. Logan: This bill requires a value adjustment board petitioner that is challenging an assessment to pay all non-ad valorem assessments and make a partial payment of at least 75 percent of taxes due before the taxes become delinquent.

Bill was signed into law on June 23.



County Budget Issues

The Legislature passed its \$69.7 billion budget on the final day of session. On May 26, Governor Rick Scott signed this budget into law, but not before vetoing over \$600 million in projects. Despite the nearly \$4 billion budget shortfall, Miami-Dade County was still able to secure hundreds of millions of dollars in state funding. Below, please find a listing of projects in the budget relevant to Miami-Dade County.

Port of Miami Deep Dredge: The deep dredge project was funded at \$55,831,244 in the budget. Governor Rick Scott made this item one of his budget priorities.

Jackson Health: Jackson Health saw drastic reduction in its funding. It was re-appropriated \$35 million in the budget, but LIP funding was reduced by approximately \$59 million and Medicaid funding was reduced by approximately \$71 million. Funding for Medically Needy and MEDS-AD was fully restored after the Senate showed a reduction. At this time, the final amount of Jackson funding is being compiled.

Venetian Causeway Bridge Replacement: This project was funded at \$1,750,000 as part of the Department of Transportation's five year work plan.

Advanced Traffic Management Systems: This project was funded at \$2,235,000.

Viaduct: The viaduct was funded at \$2,892,400 for the cost of engineering and inspection from NW 82 Avenue to SR 826, \$26,858,000 for other arterials related to the viaduct from NW 82 Avenue to SR 826, and \$4,000,000 for other arterials related to the viaduct from SR 826 to NW 68 Avenue.

Miami International Airport Runway 8R/26L: This project was funded at \$1,580,786.

Local Service Providers: LSPs were fully funded at \$4,361,205, despite a proposal by Governor Scott to eliminate their funding.

Beach Renourishment: Miami-Dade County's request for \$1.7 million was fully funded out of the \$16.2 million allocated for beach renourishment.

Title V/Air Permitting Funds: This program was funded at \$5.4 million.

Inland Protection Trust Fund: The local cleanup of petroleum tank contamination was funded at \$7 million statewide. This trust fund was swept in 2009, and funded at \$142 million in 2010.

Florida Forever: The state's land buying program was not funded this year.

Everglades Restoration: This was funded at \$29.2 million, a \$20 million cut from last year.

Libraries: The libraries were funded at \$24.09 million, which will allow for a \$8.4 million federal match and was a \$3 million increase over the previous fiscal year's funding.

Below, please find a list of projects located in Miami-Dade County that were vetoed by Governor Scott:

- Miami Dade College, site improvement and acquisition, \$3,624, 269
- Miami Dade College, support services Facility, \$6,700,000
- Florida International University, satellite chiller plant expansion, \$6,000,000
- University of Miami, cancer research, \$1,213,765
- Barry University, School of Podiatry, \$100,000
- Barry University, Juvenile Justice Program, \$100,000
- University of Miami, Institute for Cuban American Studies, \$10,000
- Mount Sinai Medical Center, \$5,000,000
- Richmond Heights Homeowners Association, \$100,000
- Little Havana Activities and Nutrition Center, \$300,000
- Allapattah Community Center Hot Meals Program, \$430, 298
- University of Miami Crohn's Disease and Ulcreative Colitis Project, \$777, 169
- University of Miami Fragile X Clinic, \$10,000
- Miami Project to Cure Paralysis, \$500,000
- La Liga Contra El Cancer, \$100,000
- Cuban American Bar Association Pro Bono Project, \$50,000
- We Help Community Development Corporation, Miami - \$100,000
- Regional Planning Councils, \$2,500,000
- Goodwill Industries of South Florida, \$250,000
- Florida Association of Volunteer Action/Caribbean and Americas, Haiti Business Linkage Program - \$300,000
- Florida Association of Volunteer Action/Caribbean and Americas, Pilot Project - \$50,000
- Greater Caribbean Chamber of Commerce, \$50,000
- CAMACOL Film and Entertainment Industry Development Program, \$150,000
- Historic Hampton House, Miami, \$100,000
- Jessie Trice Cancer Center, Miami, \$53,204
- Miami Stormwater Master Plan Initiative, \$1,000,000

2011 STATE LEGISLATIVE RESOLUTIONS PASSED BY BCC

1	R-407-10 NAICS by Tax Collectors Local Business Tax	This issue was not taken up.
2	R-411-10 Reduce State Prison Spending	Legislation related to this issue did not pass.
3	R-413-10 Implement Certain Landlord Disclosures	Legislation related to this issue did not pass.
4	R-448-10 Residential Property Insurance Premiums	Legislation passed related to sinkhole insurance.
5	R-572-10 Moratorium on Offshore Oil Drilling	No moratorium on offshore drilling passed.
6	R-646-10 Reinstate Federal Assault Weapons Ban	This issue was not taken up.
7	R-815-10 Ban Possession of K2 and other Synthetic Marijuana-Like Drugs	Legislation related to this issue passed.
8	R-816-10 Memorial re: Repeal of Section 511 of Tax Increase Prevention and Reconciliation Act	A memorial related to this issue did not pass.
9	R-817-10 Co-Designate "Rev. Jorge Comesanas Way"	There was no road-designation legislation approved this past session.
10	R-913-10 \$5 Surcharge on Animal Violation Penalty	Legislation related to this did not pass.
11	R-918-10 Early Voting	Legislation related to this issue passed allowing early voting flexibility, but not as to time and location of early voting sites.
12	R-919-10 Bailbonds/Pretrial Supervision Programs)	The pretrial issue did not pass,
13	R-950-10 Prohibit Talking & Texting While Driving	Legislation related to this issue did not pass.
14	R-957-10 Oppose Immigration Legislation Similar to Arizona SB 1070	Immigration reform legislation did not pass.
15	R-1023-10 Co-Designate Biscayne Blvd as Hugh Anderson	There was no road-designation legislation approved this session.
16	R-1028-10 Taxing Authority Millage Rates	Rutledge
17	R-1030-10 Oppose TABOR	TABOR passed, but only related to the state, not counties.
18	R-1055-10 Low & Middle Income Senior Freeze	Rutledge
19	R-1056-10 Sovereign Immunity to UM	This issue passed and was signed into law.
20	R-1057-10 Revisit Red Light Camera Legislature	No issue related to red-light cameras was passed by the Legislature.
21	R-1112-10 Long Term Mobile Home Park Tenants	This issue did not pass.
22	R-1113-10 Online Travel Companies	This issue passed the House, but was not taken up by the Senate.
23	R-1139-10 Beacon Council-Urban Job Creation	Legislation related to this issue did not pass.

2011 STATE LEGISLATIVE RESOLUTIONS PASSED BY BCC

24.	R-1217-10 Working Waterfront	This issue did not pass this past session.
25.	R-1218-10 Inmate Medical Care	Legislation related to this issue did not pass.

2011 STATE LEGISLATIVE RESOLUTIONS PASSED BY BCC

26.	R-32-11 Southeast Florida Climate Change Compact	No issues related to this were taken up.
27.	R-33-11 Waste Tire Fee	This issue was not taken up.
28.	R-35-11 Carbon Monoxide Detectors	This issue was not amended onto any legislation.
29.	R-36-11 Red Light Camera Logos of various Cities and County	This issue was not taken up.
30.	R-37-11 Reenactment of DCA	DCA was disbanded with some functions moving to DEP.
31.	R-101-11 Community Redevelopment Agencies (CRAs)	Legislation related to this issue did not pass.
32.	R-102-11 Assault Weapons Ban	This issue was not taken up.
33.	R-103-11 Vehicle Detection Alarms in Vehicles Transporting Children	Legislation related to this issue did not pass.
34.	R-104-11 Work With Local Governments/New Business	Economic development with numerous incentives passed, but not legislation specifically approving the funds mentioned.
35.	R-111-11 Title V Air Permit Fees	Funded at \$5.4 million.
36.	R-119-11 SB 612 Crane Preemption	No preemption of cranes passed this past session.
37.	R-121-11 Seaport Deep Dredge	The deep dredge project was funded at \$55 million.

40.	R-170-11 SB 494; HB 265 Sexual Predator	The House bill passed, but the Senate bill did not.
41.	R-171-11 SB 1836; HB 1235 Captive Insurance	These bills did not pass.
42.	R-172-11 SB 522; HB 299 Bingo at Parimutuel Facilities	Neither of these bills passed.
43.	R-174-11 5-year Minimum for Felon in Possession of Firearms	This issue was not taken up.
44.	R-175-11 20-year Minimum for Aggravated Assault or Battery with a Firearm	This issue was not taken up.
45.	R-184-11 Websites and Email for Public Notices	These bills did not pass.
46.	R-206-11 Homeowners Property Insurance	A bill passed which would allow insurance companies to increase their rates.
47.	R-209-11 SB 1670; HB 1361 Tour Guides	These bills did not pass.
48.	R-211-11 SunPass Rental Cars	This issue was not taken up.
49.	R-253-11 SB 1138; HB 791 Public High School Students from leaving School Grounds	These bills did not pass.
50.	R-262-11 Regulate VAB Agents	This issue was not taken up.

2011 STATE LEGISLATIVE RESOLUTIONS PASSED BY BCC

51.	R-263-11 EPA Numeric Nutrient Criteria	No issue passed related to numeric nutrient criteria.
52.	R-265-11 SB 1296 Repeal of Enterprise Zone Program	This bill did not pass.
53.	R-266-11 SB 1352; HB 923 Preempt Responsible Wages, Community Workforce	This bill did not pass.
54.	R-267-11 SB 468; HB 1343 Community Redevelopment Act	This issue did not pass.
55.	R-268-11 Port Deep Dredge Project	The deep dredge was funded at \$55 million.
56.	R-270-11 Secondary Metal Recyclers	This issue did not pass.

County Allocations Contained in the Conference Report for Senate Bill 2000, 2011-2012 General Appropriations Act*

Project	Program	County	Amount
SR 64 from Wingate Road East to Hardee County Line	Resurfacing	Manatee	4,341,740
SR 789 from N of Northshore Road to S of Coquina Park	Bridges	Manatee	1,720,066
State College of Florida, Manatee-Sarasota	Community College - Lottery Funds	Manatee	2,765,064
State College of Florida, Manatee-Sarasota	Community College Program Funds	Manatee	18,672,477
State College of Florida, Manatee-Sarasota - Gen ren/rem, infrastructure, site improvement & acquisition	PECO - State College System	Manatee	599,976
State College of Florida, Manatee-Sarasota - Rem/Rem/ Add Bldg 8 & 9 Library - Bradenton part	PECO - State College System	Manatee	5,000,000
University of South Florida - USF Sarasota/Manatee Utilities/Infrastructure/Capital Renewal/Roots	PECO - State Universities	Manatee	162,723
US 301/US 41 from N of 3rd Ave W to S of 1st E	Bridges	Manatee	1,514,324
US 41 (SR 45) At 57th Avenue West	Right-of-Way Land	Manatee	1,891,845
US 41 At SR 70 (53rd Avenue W)	Right-of-Way Land	Manatee	1,373,459
Adults with Disabilities Funds - College of Central Florida	Vocational Rehabilitation	Marion	50,000
College of Central Florida	College Reach Out Program	Marion	78,178
College of Central Florida	Community College - Lottery Funds	Marion	2,533,963
College of Central Florida	Community College Program Funds	Marion	17,111,853
College of Central Florida - Gen ren/rem, infrastructure, site improvement & acquisition	PECO - State College System	Marion	579,514
Florida Horse Park	Agricultural Project	Marion	500,000
I-75 from SW 95th St to SW 49th Ave	Preliminary Engineering	Marion	1,220,000
I-75 Northbound Weigh Station Adm Bldg Rebuild	SIS/Infrastructure Highways	Marion	1,900,000
Public Schools Workforce Education Performance Based Incentives	Workforce Education	Marion	108,487
Public Schools Workforce Education Program Funds	Workforce Education	Marion	3,489,772
SE 92nd Loop (Bellevue Bypass) from US27/441 to SR35	Right-of-Way Land	Marion	3,424,384
SR 200 from Citrus Co Line to CR 484	Preliminary Engineering	Marion	1,050,000
SR 40 from CR 328 to SW 80th Ave (CR 225A)	Right-of-Way Land	Marion	3,538,125
SR 600 (US 441) from Sumter Co Line to CR 42	Preliminary Engineering	Marion	2,005,000
Adults with Disabilities Funds	Vocational Rehabilitation	Marin	242,797
CR 714/Indian St from 1pk/Martin Downs Bv to W. of Mapp Road	Preliminary Engineering	Marin	1,000,000
Marin County Beach Nourishment	Beaches	Marin	2,957,258
Public Schools Workforce Education Performance Based Incentives	Workforce Education	Marin	18,193
Public Schools Workforce Education Program Funds	Workforce Education	Marin	1,933,115
SR 710/Warfield Blvd from MP 9.771 to MP 14.967	Preliminary Engineering	Marin	2,530,000
SR 76/Kanner Hwy from W of Turnpike to St Lucie River Bridge	Resurfacing	Marin	1,848,065
SR 76/Kanner Hwy from West of I-95 to Monterey Road	Preliminary Engineering	Marin	2,807,000
Miami-Dade Beach Nourishment	Beaches	Miami-Dade	1,737,050
Adults with Disabilities Funds	Vocational Rehabilitation	Miami-Dade	1,323,776
Barry University	Academic Program Contracts	Miami-Dade	284,215
Barry University	College Reach Out Program	Miami-Dade	27,787
CAMACOL Film Industry Development Program	Economic Development	Miami-Dade	150,000
CAMACOL Trade and Exhibition Center	Economic Development	Miami-Dade	350,000
CR 934/NW 74 Street from NW 87 Avenue to SR 826/Paimetto Expy	Right-of-Way Land	Miami-Dade	6,098,450
Crohn's Disease and Ulcerative Colitis Project at University of Miami	Health	Miami-Dade	777,169
Cuban American Bar Association Pro Bono Project	Dept of Legal Affairs	Miami-Dade	50,000
Dade Co. TD Commission Trip And Equipment Grant	Transit	Miami-Dade	3,968,663
DeAlapattiah Community Center Hot Meals Program	Elder Affairs	Miami-Dade	430,298
FEC (Daltirk) from NW 74 St (C. Medley) to NW 121 St (Hia R/R Yd)	Intermodal Access	Miami-Dade	1,454,326
Florida International University	Universities - Education & General Activities	Miami-Dade	139,223,760

* This report lists projects that are identifiable to specific counties. The FEFP and money distributed to counties by state agencies are not included.

County Allocations Contained in the Conference Report for Senate Bill 2000, 2011-2012 General Appropriations Act*

Project	Program	County	Amount
Florida International University	Universities - Lottery Funds	Miami-Dade	26,950,631
Florida International University	Universities - Student Financial Assistance	Miami-Dade	540,866
Florida International University - Satellite Chiller Plant Expansion-MMC	PECO - State Universities	Miami-Dade	6,000,000
Florida International University - Utilities/Infrastructure/Capital Renewal/Roofs	PECO - State Universities	Miami-Dade	1,676,584
Florida International University Medical School	Universities - Grants and Aids	Miami-Dade	26,293,035
Florida Memorial University	Historically Black Private Colleges	Miami-Dade	2,878,978
Florida Memorial University	College Reach Out Program	Miami-Dade	28,217
Girls Advocacy Project Inc. (GAP)	Dept of Juvenile Justice	Miami-Dade	650,000
Goodwill Industries of South Florida	Workforce Projects	Miami-Dade	250,000
Gould's Coalition of Ministries and Lay People, Inc.	Homeless Assistance	Miami-Dade	100,000
Here's Help	Substance Abuse Services	Miami-Dade	100,000
Historic Hampton House - Miami	Historic Preservation Grants	Miami-Dade	100,000
La Liga - League Against Cancer	Health	Miami-Dade	100,000
Little Havana Activities and Nutrition Centers of Dade County	Elder Affairs	Miami-Dade	300,000
MDT - Purchase New Buses For Serv Expansion So. Miami-Dade Busway	Other Arterials	Miami-Dade	3,500,000
MDT - State Transit Block Grant	Transit	Miami-Dade	19,448,660
Miami Dade College	College Reach Out Program	Miami-Dade	66,003
Miami Dade College	Community College - Lottery Funds	Miami-Dade	21,163,760
Miami Dade College	Community College Program Funds	Miami-Dade	142,918,856
Miami Dade College - Gen ren/rem, infrastructure, site improvement & acquisition	PECO - State College System	Miami-Dade	3,624,269
Miami Dade College - Rem/rem/add Clsrm/Labs/Supp Svcs Fac 2-Hialeah part	PECO - State College System	Miami-Dade	6,700,000
Miami Intermodal Ctr (MIC) MIC Central Station	Const Engineering & Inspection	Miami-Dade	1,488,980
Miami Intermodal Ctr (MIC) MIC Central Station	Intermodal Access	Miami-Dade	44,819,460
Miami Int'l Airport Airside - Runway 8R/26L Resurfacing	Aviation	Miami-Dade	1,580,786
Miami Project to Cure Paralysis	Health	Miami-Dade	500,000
Miami River Greenway 5 St. Miami River Between I-95 And N.W. 12 Avenue	Other Arterials	Miami-Dade	2,112,328
Miami-Dade Aviation MIC/MIA Connector (Fixed Guideway)	Aviation	Miami-Dade	14,652,887
Miami-Dade Co - MPO FTA Section 5303 Metro Planning	Transit	Miami-Dade	1,381,883
Miami-Dade Countywide Agreement- Traffic Signals Maintenance & Operations	Traffic Eng & Operations	Miami-Dade	2,235,000
Miami-Dade MPO UPWP FY 2010/2011 & 2011/2012 PI	Planning And Environment	Miami-Dade	2,106,868
Mount Sinai Medical Center	Graduate Medical Education	Miami-Dade	5,000,000
New World School of the Arts	New World School of the Arts	Miami-Dade	400,000
NW 25 Street Viaduct from NW 82nd Avenue to SR 826	Const Engineering & Inspection	Miami-Dade	2,892,400
NW 25 Street Viaduct from NW 82nd Avenue to SR 826	Other Arterials	Miami-Dade	26,858,000
NW 25 Street Viaduct from SR 826 to NW 68 Avenue	Other Arterials	Miami-Dade	4,000,000
NW 25th Street from NW 89th Court to SR 826	Const Engineering & Inspection	Miami-Dade	5,888,100
NW 25th Street from NW 89th Court to SR 826	Other Arterials	Miami-Dade	47,358,055
NW 25th Street from SR 826 to NW 67th Ave	Other Arterials	Miami-Dade	1,000,000
Oppa-locka Airport Rehab Runway 9L-27R, Twy & Aprons OPF Airside	Aviation	Miami-Dade	1,562,799
Port of Miami Cargo Container Yard Improvements	Seaport Development	Miami-Dade	1,687,530
Port of Miami South Fisherman's Channel	Seaport Development	Miami-Dade	55,831,244
Port of Miami Tunnel from Port of Miami to SR 836/I-395	Const Engineering & Inspection	Miami-Dade	5,492,034
Port of Miami Tunnel from Port of Miami to SR 836/I-395	Preliminary Engineering	Miami-Dade	4,330,000
Port of Miami Tunnel from Port of Miami to SR 836/I-395	SIS/Intrastate Highways	Miami-Dade	90,000,000
Public Schools Workforce Education Performance Based Incentives	Workforce Education	Miami-Dade	849,190
Public Schools Workforce Education Program Funds	Workforce Education	Miami-Dade	81,814,780
Richmond Heights Homeowners Association	Homeless Assistance	Miami-Dade	100,000
S.W. 328 Street from S.W. 152 Avenue to S.W. 137 Avenue	Preliminary Engineering	Miami-Dade	1,050,000

* This report lists projects that are identifiable to specific counties. The FEFP and money distributed to counties by state agencies are not included.

County Allocations Contained in the Conference Report for Senate Bill 2000, 2011-2012 General Appropriations Act*

Project	Program	County	Amount
SFRC Tri-Rail Maintenance & Dispatching Operating Assistance	Rail	Miami-Dade	5,586,000
South Florida Fragile X Clinic at University of Miami	Health	Miami-Dade	10,000
SR 112/A Godfrey Rd from SR 907/Alton Road to Collins Avenue	Resurfacing	Miami-Dade	2,014,350
SR 25/Okeechobee Rd from M-Dade/Broward Cnty. Line to W of NW 118 Ave	Resurfacing	Miami-Dade	5,920,123
SR 25/Okeechobee Rd. At NW 118 Avenue	Safety	Miami-Dade	1,173,509
SR 25/Okeechobee Rd. from NW 79th Avenue to SR 997/Krome Avenue	Preliminary Engineering	Miami-Dade	3,030,000
SR 5/US 1 from MM 115.94 to SW 344 St. (W/ Except)	SIS/Intrastate Highways	Miami-Dade	40,371,881
SR 5/US 1 from SR 94/Kendall Drive to 37' North of SW 80 St.	Resurfacing	Miami-Dade	1,373,890
SR 5/US 1/Biscayne Blvd from NE 15th Street to NE 35th Terrace	Resurfacing	Miami-Dade	1,000,000
SR 5/US 1/S. Dixie from 68'N of SW 136 St. to 205' S of SW 102 St.	Resurfacing	Miami-Dade	2,995,700
SR 5/US 1/S Dixie from SW 168 Street to 68 Ft. N of SW 136 St	Resurfacing	Miami-Dade	3,935,730
SR 7/SR 826/ SR 9A Golden Glades Interchange Various Ramps	Resurfacing	Miami-Dade	1,169,356
SR 7/SR 826/ SR 9A Golden Glades Interchange Various Ramps	Safety	Miami-Dade	1,725,110
SR 823/NW 57 Avenue from W. 46th Street to W. 53rd Street	Other Arterials	Miami-Dade	11,228,934
SR 826/NW/Ne/167 St from N.E. 10th Avenue to NE 22nd Avenue	Other Arterials	Miami-Dade	1,830,476
SR 826/NW/Ne/167 St from North Miami Avenue to NE 10th Avenue	Other Arterials	Miami-Dade	1,638,405
SR 826/Palmetto Expy from N of Sunset Dr/SW 72 Street to SW 32nd Street	SIS/Intrastate Highways	Miami-Dade	5,700,000
SR 826/Palmetto Expy from S.W. 16 Street to S.W. 2 Street	SIS/Intrastate Highways	Miami-Dade	1,041,264
SR 826/SR 836 from N of SW 8 St to S of NW 25 St & Em NW 87 to 57 Ave's	SIS/Intrastate Highways	Miami-Dade	126,511,066
SR 836/I-395 from East of I-95 to MacArthur Cswy Bridge	Right-of-Way Land	Miami-Dade	15,544,000
SR 836/I-395 from East of I-95 to MacArthur Cswy Bridge	Right-of-Way Support	Miami-Dade	1,160,000
SR 860/Miami Gardens from NW 57 Avenue to 90' W of NW 28 Place	Resurfacing	Miami-Dade	4,648,500
SR 9/NW 27 Avenue from 112' N of NW 103 St to 107' N of NW 116 St	Resurfacing	Miami-Dade	1,400,124
SR 9/NW 27 Avenue from 5.28' S of Rmp from Park & Ride to GGI Intch	Resurfacing	Miami-Dade	1,265,425
SR 90/SW 8th Street from 5.7 Mi E of Miccos. E to 1.3 Mi W. of Krome Ave	Resurfacing	Miami-Dade	4,776,161
SR 90/SW 8th Street from Collier County Line to 1045' W of Loop Road	Resurfacing	Miami-Dade	1,709,440
SR 90/SW 8th Street from SR 821/Heft to SR 826/Palmetto Expy.	Resurfacing	Miami-Dade	4,730,107
SR 953/Lejeune Rd from SE 11 Place to S of SR 934/E 25 St	Resurfacing	Miami-Dade	2,403,791
SR 959/SW 57 Avenue from SR 972/SW 24 Street to SR 90/SW 8 Street	Resurfacing	Miami-Dade	4,441,900
SR 994/Quail Roost from 100' E of SW 113 Ave to E of Heft On/off Ramps	Resurfacing	Miami-Dade	1,072,254
SR 997/Krome Avenue from 1 Mile N. of SW 8 St to S. of Okeechobee Rd	Resurfacing	Miami-Dade	4,132,001
SR 997/Krome Avenue from SR 90/SW 8 Street to US 27/Okeechobee Road	Resurfacing	Miami-Dade	3,595,177
SR 997/Krome Avenue from SR 90/SW 8 Street to US 27/Okeechobee Road	Preliminary Engineering	Miami-Dade	11,888,323
SR 9A/I-95 Express Operations & Maintenance	SIS/Intrastate Highways	Miami-Dade	3,747,696
SR 9A/I-95 from N.W. 17th Street to N.W. 8th Street	Traffic Eng & Operations	Miami-Dade	1,915,309
SR A1A/Collins Ave from 75th Street to Harding Avenue	SIS/Intrastate Highways	Miami-Dade	1,653,420
SR A1A/Collins Ave from N of Lincoln Road to Indian Creek Drive	Resurfacing	Miami-Dade	1,526,774
SR A1A/Harding/Abbot Ave. from 75th Street to Indian Creek Drive	Resurfacing	Miami-Dade	1,051,785
Sylvester Cancer Center at University of Miami	Resurfacing	Miami-Dade	5,000,000
TheIma Gibson Health Initiative - Coconut Grove	Health	Miami-Dade	25,000
Toll Operations Miami Dade Xway - Dolphin	Health	Miami-Dade	4,688,818
University of Miami	Toll Operations	Miami-Dade	309,782
University of Miami	Academic Program Contracts	Miami-Dade	396,525
University of Miami - Cancer Research	Florida Diagnostic and Learning Resources Centers	Miami-Dade	1,213,765
University of Miami - College of Medicine	First Accredited Medical School - UM	Miami-Dade	3,921,395
University of Miami - Medical Simulation Lab	First Accredited Medical School - UM	Miami-Dade	2,777,493
University of Miami - PhD Program in Biomedical Science	UM Medical Simulation Lab	Miami-Dade	700,249
University of Miami - Regional Diabetes Center	First Accredited Medical School - UM	Miami-Dade	305,015
	Regional Diabetes Center - UM	Miami-Dade	

* This report lists projects that are identifiable to specific counties. The FEFP and money distributed to counties by state agencies are not included.

County Allocations Contained in the Conference Report for Senate Bill 2000, 2011-2012 General Appropriations Act*

Project	Program	County	Amount
University of Miami (Department of Pediatrics)	Autism Centers	Miami-Dade	945,826
Venetian Causeway from North Bayshore Drive to Purdy Avenue	Other Arterials	Miami-Dade	1,750,000
We Help Community Development Corporation	Community Affairs	Miami-Dade	100,000
WLRN-FM, Miami (Dade County District School Board)	Public Broadcasting	Miami-Dade	61,715
WLRN-TV, Miami (Dade County District School Board)	Public Broadcasting	Miami-Dade	307,447
WPBT-TV, Miami (Community TV Foundation of South Fla)	Public Broadcasting	Miami-Dade	307,447
Adults with Disabilities Funds	Vocational Rehabilitation	Monroe	77,480
Florida Keys Community College	College Reach Out Program	Monroe	28,231
Florida Keys Community College	Community College - Lottery Funds	Monroe	745,360
Florida Keys Community College	Community College Program Funds	Monroe	5,033,419
Florida Keys Community College - Gen ren/rem, infrastructure, site improvement & acquisition	PECO - State College System	Monroe	269,727
Glenn Archer Drive from SR 5/N Roosevelt Blvd to Flagler Ave	Other Arterials	Monroe	1,895,000
Public Schools Workforce Education Performance Based Incentives	Workforce Education	Monroe	6,410
SR 5/N. Roosevelt from Eisenhower Drive to SR 5/US 1	Workforce Education	Monroe	665,124
SR 5/Overseas Hrt. Trl At Spanish Harbor Historic Bridge (MM 33)	Const Engineering & Inspection	Monroe	3,956,390
SR 5/Overseas Hrt. Trl Kemp Channel Bridge (MM 23.6) Lap	Other Arterials	Monroe	1,220,000
SR 5/Overseas Hwy. Bahia Honda Bridge Bridge#900016 & 900045	Other Arterials	Monroe	1,215,000
SR 5/Overseas Hwy. from MM 14.574 to MM 15.219(Saddle Bunch Key)	Bridges	Monroe	4,338,600
SR 5/Overseas Hwy. from MM 90.07 to MM 90.98	Resurfacing	Monroe	1,028,868
SR 5/US 1/Long Key V-Piers Repl. & Deviation Block Repairs (Br#900094)	Resurfacing	Monroe	1,091,881
	Bridges	Monroe	8,264,000
Public Schools Workforce Education Performance Based Incentives	Workforce Education	Nassau	6,349
Public Schools Workforce Education Program Funds	Workforce Education	Nassau	223,609
SR 10 (US 90) from Baker C/L to Duval C/L	Resurfacing	Nassau	3,037,020
SR 200 (A1A) W of Still Quarters Rd to West of Rubin Ln	Right-of-Way Land	Nassau	3,452,022
SR A1A from Nassau Sound Bridge to E of Amelia Isl Pkwy	Other Arterials	Nassau	1,676,559
SR A1A(SR 200) At Amelia River Bridge No's 740087 & 88	Bridges	Nassau	5,666,534
Bob Sikes Airport	Aviation	Okaloosa	3,000,000
Bob Sikes Airport	Aviation	Okaloosa	1,000,000
FAMU - Crestview	Health	Okaloosa	1,500,000
Northwest Florida State College	Community College - Lottery Funds	Okaloosa	2,276,357
Northwest Florida State College	Community College Program Funds	Okaloosa	15,372,236
Northwest Florida State College - Gen ren/rem, infrastructure, site improvement & acquisition	PECO - State College System	Okaloosa	362,639
Public Schools Workforce Education Performance Based Incentives	Workforce Education	Okaloosa	10,632
SR 123 from N of Turkey Creek to SR 85 North	Workforce Education	Okaloosa	2,096,275
SR 123 from North of SR 85 South to North of Toms Creek	Preliminary Engineering	Okaloosa	1,312,011
SR 123 from North of Toms Creek to North of Turkey Creek	Preliminary Engineering	Okaloosa	1,617,180
SR 189 Lewis Turner from Roberts Boulevard to SR 397 Eglin Parkway	Preliminary Engineering	Okaloosa	1,700,000
SR 189 Over Five Mile Bayou Bridge Nos. 570053 & 0941	Resurfacing	Okaloosa	6,125,794
SR 30 (US 98) from Santa Rosa Sound Br to East Pass Bridge	Right-of-Way Land	Okaloosa	6,585,295
SR 85 Eglin Pkwy from SR 30 (US 98) to N of Richbourg Avenue	Resurfacing	Okaloosa	4,648,500
SR 85 Eglin Pkwy from SR 30 (US 98) to N of Richbourg Avenue	Const Engineering & Inspection	Okaloosa	1,142,610
SR 85 from CR 85A Bill Lundy Rd to Walton Co Line	Resurfacing	Okaloosa	5,459,368
SR 85 from CR 85A Bill Lundy Rd to Walton Co Line	Const Engineering & Inspection	Okaloosa	1,259,672
	Resurfacing	Okaloosa	6,483,928

* This report lists projects that are identifiable to specific counties. The FEFP and money distributed to counties by state agencies are not included.

2011 Legislative Session

Miami-Dade Delegation Floor/Committee Votes

Below, please find votes taken on key issues passed this legislative session by the Miami-Dade County Legislative Delegation. The list details both floor votes and committee votes. If a bill only has a floor vote listed, this means there was no committee action taken.

The list of bills is taken directly from a list published in the Miami Herald on Sunday, May 8, 2011.

Consumers

BIKE SAFETY (FAILED)

Says bicycle helmets worn by riders under 16 must meet federal safety requirements. (SB 118/HB 981 – **Senate version sponsored by Senator Larcenia Bullard of the Miami-Dade Legislative Delegation**)

Senate Transportation Committee: Garcia NO

Senate Criminal Justice Committee: Margolis YES

Senate Budget Committee: Flores YES, Margolis YES, Rich YES

Senate Floor: Entire delegation voted YES

Bill never heard in House.

This bill failed because it was never taken up in committee in the House.

BOOSTER SEATS (FAILED)

Requires booster seats for children between 4 and 7 years old who are shorter than 4 feet 9 inches. (SB 238/HB 11 – **House version sponsored by Representative Richard Steinberg of the Miami-Dade Legislative Delegation**)

Senate Transportation Committee: Garcia YES

Senate Criminal Justice Committee: Margolis YES

Senate Budget Committee: Flores YES, Margolis YES, Rich YES

Senate Floor: Entire delegation voted YES

Bill never heard in House

This bill died because it was never taken up in committee in the House.

Criminal and Civil justice

BATH SALTS (PASSED)

Bans Methylenedioxypropylone, or bath salts. (SB 1886/HB 1039)

Senate Criminal Justice: Margolis YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Entire delegation voted YES (vote was on House bill, which was substituted for Senate version)

House Criminal Justice Subcommittee: Julien YES

House Justice Appropriations Subcommittee: Bullard YES

House Judiciary Committee: Campbell YES, Julien YES

House Floor: Entire delegation voted YES

BESTIALITY (PASSED)

Bans, for the first time in Florida, abuse that involves sexual contact with an animal. (HB 125/SB 344 – **Senate version sponsored by Senator Nan Rich of the Miami-Dade Legislative Delegation**)

Senate Criminal Justice Committee: Margolis YES

Senate Agriculture Committee: N/A

Senate Judiciary Committee: Braynon YES, Flores YES

Senate Floor: Entire delegation voted YES

House Agriculture and Natural Resources Subcommittee: Bullard YES, Garcia YES

House Criminal Justice Subcommittee: Bullard YES, Julien YES

House State Affairs Committee: Garcia YES

House Floor: Entire delegation voted YES (vote was on Senate bill, which was substituted for House version)

CIVIL CITATIONS (PASSED)

Requires program to issue civil citations to first-time juvenile offenders. (HB 997)

Senate Floor: Entire delegation voted YES (vote was on House bill, there was no Senate companion)

House Criminal Justice Subcommittee: Julien YES

House Justice Appropriations Subcommittee: Bullard YES
House Judiciary Committee: Campbell YES, Julien YES
House Floor: Entire delegation voted YES

CIVIL RIGHTS (PASSED)

Allows some ex-felons to apply for an occupational license and public employment before having rights restored. (SB 146/HB 449)

Senate Governmental Oversight and Accountability: Flores YES, Garcia YES, Margolis YES
Senate Criminal Justice: Margolis YES
Senate Judiciary: Braynon YES, Flores YES
Senate Floor: Entire delegation voted YES

House Government Operations Subcommittee: Bileca YES, Gonzalez YES, Logan YES, Watson YES
House Judiciary Committee: Campbell YES, Julien YES
House State Affairs Committee: Garcia YES
House Floor: Entire delegation voted YES (vote was on Senate bill, which was substituted for House version)

CONCEALED WEAPONS (PASSED)

A concealed weapon permit holder who accidentally shows a gun would no longer be subject to penalty. Dramatically narrower than original bill, which allowed permit holders to carry their guns openly, including on elementary school and college campuses. (SB 234)

Senate Criminal Justice: Margolis NO
Senate Judiciary: Braynon NO, Flores YES
Senate Rules: Flores YES, Margolis NO
Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO

House Floor: Artilles YES, Bileca, YES, Bullard No, Campbell, NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Stafford NO, Steinberg YES, Trujillo YES, Watson NO (vote was on Senate bill, which was substituted for House version)

DOCTORS AND GUNS (PASSED)

Limits instances when doctors can ask patients if they own firearms. (HB 155)

Senate Floor: Braynon NO, Diaz de la Portilla YES, Garcia YES, Margolis NO, Rich NO (vote was on House bill, which was substituted for Senate version)

House Criminal Justice Subcommittee: Campbell NO, Julien YES, Trujillo NO
House Health and Human Services Committee: Gonzalez YES, Logan YES

House Judiciary Committee: Campbell NO, Julien YES, Steinberg NO

House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

INMATE RE-ENTRY (FAILED)

Allows more inmates who are near the end of their sentences to live in supervised residential areas after they prove their trustworthiness. (SB 1390)

Senate Criminal Justice: Margolis YES

Senate Criminal and Civil Justice Appropriations: N/A

Senate Floor: Braynon YES, Diaz de la Portilla YES, Flores YES, Garcia NO, Margolis YES, Rich YES

House never voted on this bill

This bill died because it was never taken up in committee in the House.

MANDATORY SENTENCES (FAILED)

Eliminates minimum mandatory sentences for nonviolent offenders convicted of drug offenses. (SB 1334/HB 917)

Senate Criminal Justice: Margolis YES

Senate Judiciary: Braynon YES, Flores YES

House Criminal Justice Subcommittee: Campbell YES, Julien YES

House Rulemaking and Regulation Subcommittee: Artilles NO, Watson YES

In the Senate, this bill died after it was withdrawn from its last committee of reference, but never heard on the floor. In the House, this bill died after it was never taken up in its third of four committees of references.

PILL MILLS (PASSED)

Limits ability of doctors to dispense prescription drugs. Establishes stiff penalties for illegally dispensing prescription drugs. (SB 818/HB 7095)

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

Senate Criminal Justice: Margolis YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Every delegation member voted YES (Vote was on House version, as it was substituted for Senate version)

House Health and Human Services Committee: Gonzalez YES, Logan YES
House Judiciary Committee: Campbell NO, Julien YES, Steinberg NO
House Appropriations Committee: Lopez-Cantera YES, Saunders YES
House Floor: Every delegation member voted YES

POLICE LINEUPS (FAILED)

Sets new guidelines for police lineups — for example, having them supervised by officers not involved in an investigation — to try to reduce the number of wrongful convictions. (SB 1206/HB 0821)

Senate Criminal Justice: Margolis YES
Senate Judiciary: Braynon YES, Flores YES
Senate Budget: Flores YES, Margolis YES, Rich YES
Senate Floor: Every delegation member voted YES

House Criminal Justice Subcommittee: Campbell YES, Julien YES
House Judiciary Committee: Campbell NO, Julien NO, Steinberg YES

This bill died in messages after the House did not take it up.

PRETRIAL RELEASE PROGRAMS (FAILED)

Limits pretrial release programs to indigent defendants represented by public defenders. Sheriffs opposed bill, saying it would increase jail costs because fewer inmates could post bail. (SB 372/HB 1379)

Senate Judiciary: Braynon NO, Flores YES

House Criminal Justice Subcommittee: Bullard NO, Campbell NO, Julien NO
House Judiciary Committee: Campbell NO, Julien NO, Steinberg NO

The Senate Judiciary vote listed above is for SB 1398, which was eventually taken up on the House floor, but with the pretrial language removed from it. On the House side, the bill was never taken up on the floor, even though it passed all of its committees of reference. The original Senate bill listed above, SB 372, was temporarily postponed numerous times and never voted on.

RED-LIGHT CAMERAS (FAILED)

Outlaws traffic infraction cameras at intersections, repealing legislation adopted last year. (SB 672/ HB 4087 – **Senate version sponsored by Senator Rene Garcia of the Miami-Dade Legislative Delegation. Representative Carlos Trujillo was a main co-sponsor of the House version.**)

Bill never heard in Senate

House Economic Affairs Committee: Artilles YES, Bovo NO, Nunez YES

House Appropriations Committee: Lopez-Cantera YES, Saunders NO

House Floor: Artilles YES, Bileca YES, Campbell NO, Diaz YES, Fresen NO, Garcia YES, Gonzalez NO, Julien NO, Logan YES, Lopez-Cantera YES, Nunez NO, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson YES

This bill died after it was not taken up in any Senate committee.

SYNTHETIC MARIJUANA (PASSED)

Outlaws synthetic marijuana. (SB204/HB39)

Senate Criminal Justice: Margolis YES

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

Senate Judiciary: Braynon YES, Flores YES

Senate Floor: Every delegation member voted YES (Vote was on House bill which was substituted for Senate version)

House Criminal Justice Subcommittee: Bullard NO, Campbell NO, Julien YES, Trujillo YES

House Justice Appropriations Subcommittee: Bullard NO, Stafford NO

House Floor: Artilles YES, Bileca YES, Bullard NO, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg YES, Trujillo YES, Watson NO

TREATMENT BASED-DRUG COURTS (SIGNED INTO LAW)

Expands treatment-based court programs as a sentencing option in eight counties, including Pinellas and Hillsborough. (SB 400)

Senate Criminal Justice: Margolis YES

Senate Judiciary: Braynon YES, Flores YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Every delegation member voted YES

Hours Floor: Every delegation member voted YES (Vote was on Senate bill)

Education

CHARTER SCHOOLS (PASSED)

Lifts barriers for charter schools to expand, in part by designating certain schools as “high-performing.” (SB 1546/HB 7195)

Senate Education PreK-12: N/A

Senate Higher Education: N/A

Senate Budget: Flores YES, Margolis YES

Senate Floor: Braynon YES, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich NO

House K-20 Innovation Subcommittee: Bileca YES, Gonzalez YES, Stafford NO

House Appropriations Committee: Lopez-Cantera YES, Saunders YES

House Education Committee: Bileca YES, Bullard NO, Fresen YES, Stafford NO, Watson NO

House Floor: Artilles YES, Bileca YES, Bullard, Campbell NO, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

CLASS SIZE (PASSED)

Changes the definition of the educational core curriculum, reducing the number of courses that must meet class-size caps. (SB 2120/HB 5101)

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich NO

House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

EDUCATIONAL ACCOUNTABILITY (PASSED)

Catch-all bill that, among other things, limits gifts to school board members and their relatives to \$50. (SB 1696/HB 1255)

Senate Education PreK-12: N/A

Senate Education PreK-12 Appropriations: Flores YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich NO (Vote was on the House bill, which was substituted for the Senate version)

House K-20 Competitiveness Subcommittee: Bullard YES, Fresen YES, Trujillo YES
House Education Committee: Bileca YES, Bullard YES, Fresen YES, Stafford YES, Watson YES
House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

SAGGY PANTS (PASSED)

Requires school boards to prohibit students from wearing clothes that show their underwear or body parts. (HB 61/SB 228)

Senate PreK-12: N/A

Senate Judiciary: Braynon YES, Flores YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: All delegation members voted YES

House K-20 Innovation Subcommittee: Bileca YES, Gonzalez YES

House PreK-12 Appropriations Subcommittee: Bileca YES, Fresen YES, Logan YES, Watson YES

House Education Committee: Bileca YES, Bullard NO, Fresen YES, Stafford NO, Watson NO

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO (Vote was on Senate bill which was substituted for House version.)

SCHOOL BOARD MEMBERSHIP (FAILED)

Restructures the Miami-Dade County School Board to condense the number of single-member districts from nine to seven and add two at-large, countywide seats. (SB 778/HB 307 – **Both the Senate and House versions were sponsored by Members of the Miami-Dade Legislative Delegation, Senator Miguel Diaz de la Portilla and Representative Ana Rivas Logan respectively.**)

Senate PreK-12: N/A

House K-20 Innovation Subcommittee: Bileca YES, Gonzalez YES, Stafford NO

House Government Operations Subcommittee: Bileca YES, Gonzalez YES, Logan YES, Watson NO

House Education Committee: Bileca YES, Bullard NO, Fresen YES, Stafford NO, Watson NO

House Floor: Artiles YES, Bileca YES, Campbell NO, Diaz YES, Fresen NO, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez NO, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

This bill died after it was never taken up by any of its committees of reference in the Senate.

SCHOOL LUNCH (PASSED)

Transfers school food and nutrition programs from the Department of Education to the Department of Agriculture and Consumer Services. (SB 1312/HB 7219)

Senate Agriculture: N/A

Senate General Government Appropriations: Braynon YES, Diaz de la Portilla YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: All delegation members voted YES

House State Affairs Committee: Garcia YES

House Education Committee: Bileca YES, Bullard YES, Fresen YES, Stafford YES, Watson YES

House Floor: All delegation members voted YES (Vote was on Senate bill, which was substituted for House version)

SCHOOL VOUCHERS — FLORIDA TAX CREDIT SCHOLARSHIPS (PASSED)

Removes a limitation on tax credits for companies that fund private-school vouchers for low-income students. (SB 1388/HB 965 – **Senate version sponsored by Senator Anitere Flores of the Miami-Dade Legislative Delegation**)

Senate PreK-12: N/A

Senate Floor: Braynon YES, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich NO (Vote was taken on House bill, which was substituted for Senate version)

House Finance and Tax Committee: Diaz YES, Fresen YES, Julien YES, Trujillo YES

House State Affairs Committee: Garcia YES

House Appropriations Committee: Lopez-Cantera YES, Saunders YES

House Floor: Artiles YES, Bileca YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson YES

SCHOOL VOUCHERS — MCKAY SCHOLARSHIPS (PASSED)

Allows more children to qualify for private-school vouchers under the McKay Scholarship program for students with disabilities. (SB 1656/HB 1329 – **House version sponsored by Representative Michael Bileca of the Miami-Dade Legislative Delegation**)

Senate PreK-12: N/A

Senate Budget: Flores YES, Margolis YES, Rich NO

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO (Vote was on House bill, which was substituted for Senate version.)

House K-20 Innovation Subcommittee: Bileca YES, Gonzalez YES, Stafford YES

House PreK-12 Appropriations Subcommittee: Bileca YES, Fresen YES, Watson NO
House Education Committee: Bileca YES, Bullard NO, Fresen YES, Stafford NO, Watson NO
House Floor: Artiles YES, Bileca YES, Bullard NO, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg YES, Trujillo YES, Watson NO

SCHOOL VOUCHERS — OPPORTUNITY SCHOLARSHIPS (PASSED)

Allows more students to qualify to move to other public schools by expanding the definition of a “failing” school. (SB 1822/HB 1331 – **House version sponsored by Representative Michael Bileca of the Miami-Dade Legislative Delegation**)

Senate PreK-12: N/A

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: All delegation members voted YES (Vote was on House bill, which was substituted for Senate version.)

House K-20 Innovation Subcommittee: Bileca YES, Gonzalez YES

House PreK-12 Appropriations Subcommittee: Bileca YES, Fresen YES, Logan YES, Watson YES

House Floor: Artiles YES, Bileca YES, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Steinberg NO, Stafford NO, Watson NO

TEACHER TENURE (SIGNED INTO LAW)

Teacher evaluations will be based in part on student test scores, and administrators will be able to more easily fire teachers with weak evaluations. (SB 736/HB 7019)

Senate PreK-12: N/A

Senate PreK-12 Appropriations: Flores YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores Yes, Garcia YES, Margolis NO, Rich NO

House K-20 Competiveness Subcommittee: Bullard NO, Fresen YES, Nunez YES, Trujillo YES

House Education Committee: Bileca YES, Bullard NO, Fresen YES, Stafford NO, Watson NO

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson YES (Vote was taken on Senate bill, which was substituted for House version.)

VIRTUAL SCHOOLS (PASSED)

Expands online school offerings by allowing more students to enroll in virtual school and letting private companies participate in online education. Requires incoming high school students take

at least one online course before graduating. (SB 1620/HB 7197 – **Senate version sponsored by Senate Anitere Flores of the Miami-Dade Legislative Delegation**)

Senate PreK-12: N/A

Senate Budget: Flores YES, Margolis YES, Rich NO

Senate Rules: Flores YES, Margolis YES

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO (Vote was taken on House bill, which was substituted for Senate version.)

House K-20 Innovation Subcommittee: Bileca YES, Gonzalez YES, Stafford YES

House Appropriations Committee: Saunders YES

House Education Committee: Bileca YES, Bullard NO, Fresen YES, Stafford NO, Watson NO

House Floor: Artilles YES, Bileca YES, Campbell YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

PROFESSOR TENURE (FAILED)

Ends tenure in the state's community colleges. (HB 7193 – **Representative Erik Fresen of the Miami-Dade Legislative Delegation was a prime co-sponsor of this committee legislation**)

Senate did not have a version of this bill.

House did not vote on this bill.

This bill was workshopped on the House, but never actually voted on in committee. The Senate never discussed a similar measure, or had a bill filed.

Energy and Environment

BILLBOARDS (FAILED)

Lets billboard companies decide whether they want to pay into a fund for planting trees — instead of requiring them to — when they get permits to chop down trees that belong to taxpayers. (SB 1570)

Senate Transportation: Bullard YES, Garcia YES

Senate Community Affairs: N/A

House did not have a companion version.

CITIZEN CHALLENGES (PASSED)

Reverses state's "burden of proof" requirement that potential polluters show their project won't contaminate air or water. Replaces it with requirement that citizens and other challengers provide proof that project will harm air or water. (HB 993/SB 1382)

Senate Governmental Oversight and Accountability: Flores YES, Garcia YES, Margolis YES

Senate Budget: Flores YES, Margolis YES, Rich YES

*Senate Floor: Braynon YES, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich NO
(Vote was taken on House bill, which was substituted for Senate version.)*

House Rulemaking and Regulation Subcommittee: Artiles YES, Watson NO

House Government Operations Subcommittee: Bileca YES, Logan YES

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

GROWTH MANAGEMENT (PASSED)

Shifts review and regulation for development from the state to local governments with repeal of 1985 Growth Management Act. (HB 7207)

*Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich NO
(Vote was taken on House version, which was a product of the Budget Conference Committee.)*

House Select Committee on Government Reorganization: Julien NO

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

OCEAN OUTFALLS (FAILED)

Gives South Florida counties more time and leeway to fulfill requirements limiting the discharge of rainwater and treated sewage into the Atlantic Ocean. (SB 796/HB 613 – **Both the Senate and House version were sponsored by Members of the Miami-Dade Legislation Delegation, Senator Miguel Diaz de la Portilla and Representative Carlos Trujillo respectively.**)

Senate Environmental Preservation and Conservation: Rich YES

Senate Community Affairs: N/A

*House Agriculture and Natural Resources Appropriations Subcommittee: Artiles YES, Garcia YES,
House State Affairs Committee: Garcia YES*

House Floor: Artiles YES, Bileca YES, Campbell YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford YES, Steinberg NO, Trujillo YES, Watson YES

This bill died in messages to the Senate, after its unwillingness to take the bill up. It was never heard in its final committee of reference.

RENEWABLE ENERGY (FAILED)

Allows utilities to raise rates \$377 million, or as much as \$2.60 a month for average customers, every year for the next five years to build solar or biomass renewable energy plants and bypass the Public Service Commission. (SB 7082)

SB 7082 was a committee bill which eventually became SB 2078, which died after it was twice temporarily postponed in the Senate Budget Committee. The House did not have a similar measure.

SEAPORTS (PASSED)

Gives Citrus County until July 2014 to apply for state funding to study feasibility of a "Port Citrus" on the old barge canal and removes state regulations that mirror federal government security measures. (SB 524/HB 283)

Senate Military Affairs, Space and Domestic Security: N/A

Senate Transportation: Bullard YES, Garcia YES

Senate Criminal and Civil Justice Appropriations: N/A

Senate Floor: All delegation members voted YES (Vote was taken on House bill, which was substituted for Senate version.)

House Transportation and Highway Safety Subcommittee: Artiles YES, Steinberg YES

House Criminal Justice Subcommittee: Campbell YES, Julien YES, Trujillo YES

House Justice Appropriations Subcommittee: Bullard YES, Stafford YES

House Economic Affairs Committee: Artiles YES, Nunez YES

House Floor: All delegation members voted YES.

SEWAGE AS FERTILIZER (FAILED)

Lifts not-yet-implemented ban on spraying treated waste from septic tanks as fertilizer on farmers' fields. (HB 1479)

No votes taken in the Senate.

House Agriculture and Natural Resources Subcommittee: Bullard NO, Garcia NO

House State Affairs Committee: Garcia YES

House Floor: Artilles YES, Bileca YES, Campbell NO, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford YES, Steinberg NO, Trujillo YES, Watson NO

This bill died after it was not taken up in the Senate in messages from the House.

Ethics and Elections

BLIND TRUSTS (FAILED)

Requires the governor, lieutenant governor and three Cabinet members to place their personal assets into blind trusts. (SB 86)

Senate Governmental Oversight and Accountability: Flores YES, Garcia YES, Margolis YES

No votes taken in the House.

This bill only made it out of one committee in the Senate, and was never heard in the House.

CAMPAIGN CONTRIBUTIONS (FAILED)

Increases the \$500 maximum campaign contribution to \$10,000 for gubernatorial candidates, \$5,000 for Cabinet races and \$2,500 for state legislative candidates. (SB 1690 – **Sponsored by Senator Miguel Diaz de la Portilla of the Miami-Dade Legislative Delegation**)

Senate Ethics and Elections: Braynon NO, Diaz de la Portilla YES

No votes taken in the House

This bill only made it out of one committee in the Senate, and was never heard in the House.

ELECTED OFFICIAL RECALL (FAILED)

Constitutional amendment proposal to allow recalls of state officials either through petition or statute. (HJR 785/HB 787)

No votes taken in the Senate.

No votes taken in the House.

ELECTIONS (PASSED)

Reduces days of early voting from 14 to 8, requires some voters who have moved to cast provisional ballots, tightens the time for third-party groups to submit voter registration forms and reduces the time that signatures on citizen-led ballot initiatives are valid. (SB 2086/HB 1355)

Senate Ethics and Elections: Braynon NO, Diaz de la Portilla YES

Senate Rules: Flores YES, Margolis NO

Senate Budget: Flores YES, Margolis NO, Rich NO

*Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO
(Vote was taken on House bill, which was substituted for Senate version.)*

House Government Operations Subcommittee: Bileca YES, Gonzalez YES, Logan YES

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

Gambling

CASINO RESORTS (FAILED)

Allows for development of resort casinos in up to five areas of state. (SB 2050/HB 1415 – **Senate version sponsored by Senator Oscar Braynon, II of the Miami-Dade Legislative Delegation**)

Senate Commerce and Tourism: Flores NO

No votes taken in the House.

GAMBLING COMMISSION (FAILED)

Consolidates lottery and pari-mutuels; imposes new regulations on sweepstakes gambling operations. (SB 666)

No votes taken in either chamber.

GREYHOUND RACING (FAILED)

Frees dog track owners from requirement that they hold certain number of live races each year to maintain licenses for a casino or card room. (SB 1594/HB 1145)

Senate Regulated Industries: Braynon YES, Diaz de la Portilla YES

Senate Finance and Tax: Margolis YES

*Senate Floor: Braynon YES, Diaz de la Portilla YES, Flores YES, Garcia NO, Margolis YES, Rich YES
(Senate voted on the House bill.)*

House Business and Consumer Affairs Subcommittee: Artilles YES, Bovo YES, Nunez YES, Stafford YES

House Finance and Tax: Diaz YES, Fresen YES, Trujillo YES, Watson YES

House Economic Affairs Committee: Artilles YES, Nunez YES

House Floor: Artilles YES, Bileca NO, Bullard YES, Campbell YES, Diaz YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg YES, Trujillo NO, Watson NO

This bill died on the final day of Session after it was passed in the Senate and sent back to the House, where it was never taken back up.

ONLINE POKER (FAILED)

Regulates online poker games by allowing Floridians to play with other Floridians through an Intranet system operated out of pari-mutuel card rooms. (SB 812 – **Sponsored by Miguel Diaz de la Portilla of the Miami-Dade Legislative Delegation**)

Senate Regulated Industries: Braynon YES, Diaz de la Portilla YES, Rich YES

No votes taken in House.

SWEEPSTAKES CAFES (FAILED)

Prohibits use of simulated gaming for promotional purposes. (HB 217)

No votes taken in the Senate.

House Business and Consumer Affairs Subcommittee: Artilles NO, Nunez YES, Stafford NO

Government and Rulemaking

GOVERNMENT PENSIONS (PASSED)

Local government employees face new limits on sick leave and overtime under a compromise plan. (SB 1128/HB 7241)

Senate Governmental Oversight and Accountability: Flores YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich YES

House State Affairs Committee: Garcia NO

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg No, Trujillo YES, Watson NO

GUN CONTROL (PASSED)

Prohibits local governments from regulating firearms. (HB 45)

*Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO
(Vote was taken on House bill, as it was substituted for Senate version.)*

House Criminal Justice Subcommittee: Julien NO, Trujillo YES

House Community and Military Affairs Subcommittee: Diaz YES, Julien NO

House Judiciary Committee: Campbell NO, Julien NO, Steinberg NO

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

PENSION REFORM (PASSED)

Employees in the Florida Retirement System will pay three percent of their salaries into their retirement accounts, face higher retirement ages and their retirement accounts will no longer collect cost-of-living-adjustment starting July 1. (SB 2100, HB 1405)

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien No, Logan YES, Lopez-Cantera YES, Nunez, YES, Saunders NO, Stafford No, Steinberg NO, Trujillo YES, Watson NO

Healthcare and Human Services

ABORTION — CHOOSE LIFE (PASSED)

Proceeds from Choose Life license plates will go to Choose Life, Inc., to assist pregnant women, instead of counties. (SB 196/HB 501)

Senate Transportation: Bullard NO, Garcia YES

Senate Community Affairs: N/A

Senate Budget: Flores YES, Margolis NO, Rich NO

*Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO
(Vote was taken on House bill which was substituted for Senate version.)*

House Transportation and Highway Safety Subcommittee: Artilles YES, Steinberg NO

House Transportation and Economic Development Appropriations Subcommittee: Steinberg NO

House Economic Affairs Committee: Artilles YES, Bovo YES, Nunez YES

*House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell YES, Diaz YES, Fresen YES, Garcia NO,
Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO,
Steinberg NO, Trujillo YES, Watson NO*

ABORTION — ULTRASOUND (PASSED)

Women preparing to undergo an abortion must be offered the opportunity to have the results and images of an ultrasound explained to them. Woman can decline to see the image. (SB 1744/HB 1127)

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

*Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia, YES, Margolis NO, Rich NO
(Vote was taken on House bill, which was substituted for the Senate version.)*

House Health and Human Services Quality Subcommittee: Diaz YES, Gonzalez YES

House Health and Human Services Committee: Gonzalez YES, Logan YES

*House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell YES, Diaz YES, Fresen YES, Garcia NO,
Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO,
Steinberg NO, Trujillo YES, Watson NO*

MEDICAID (PASSED)

Reforms place the program's three million recipients into managed care. HMOs and other large, managed-care networks will bid with the state on managing any number of 11 regions in state. Also makes it more difficult for recipients to sue Medicaid doctors and hospitals. (SB 1972/HB 7107)

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

Senate Health and Human Services Appropriations Committee: Garcia YES, Rich NO

Senate Budget: Flores YES, Margolis YES, Rich NO

*Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO
(Vote was on the House bill, which was substituted for the Senate version.)*

House Health and Human Services Committee: Gonzalez YES, Logan YES

House Appropriations Committee: Saunders NO

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

SALE OR LEASE OF A PUBLIC HOSPITAL (FAILED)

Requires a judge — or in some cases, voters — to sign off on the proposed sale or lease of a public hospital. (SB 1448/HB 619 – **Senate version sponsored by Senator Rene Garcia of the Miami-Dade Legislative Delegation**)

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

Senate Community Affairs: N/A

Senate Judiciary: Braynon NO, Flores YES

House Health and Human Services Quality Subcommittee: Diaz YES, Gonzalez YES

House Community and Military Affairs Subcommittee: Diaz YES

House Judiciary Committee: Campbell NO, Julien NO, Steinberg NO

House Health and Human Services Committee: Gonzalez YES

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

This bill died after the Senate did not take it up in messages from the House.

SOVEREIGN IMMUNITY (PASSED)

Extends state lawsuit protection to university doctors teaching at public hospitals. (SB 1676/HB 1393 – **House version sponsored originally by former Representative Steve Bovo but eventually passed by Representative Frank Artiles, both of the Miami-Dade Legislative Delegation**)

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

Senate Judiciary: Braynon YES

Senate Floor: Every member of the delegation voted YES.

House Civil Justice Subcommittee: Stafford NO, Steinberg NO

House Health and Human Services Committee: Gonzalez YES

House Judiciary Committee: Campbell YES, Julien YES, Steinberg NO

House Floor: Artiles YES, Bileca YES, Campbell YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg YES, Trujillo YES, Watson NO (The House voted on the Senate version of the bill.)

Insurance

CITIZENS PROPERTY INSURANCE (FAILED)

Allows state-run insurer to raise rates by up to 25 percent. The current maximum 10 percent. (SB 1714/HB 1243)

Senate Banking and Insurance: Margolis NO

House Insurance and Banking Subcommittee: Fresen YES, Julien YES

House Economic Affairs Committee: Artilles NO, Nunez YES

This bill died on the House calendar when it was not placed on the Special Order Calendar. The Senate version was only heard in its first committee of reference.

PROPERTY INSURANCE (PASSED)

Allows insurance companies to offer comprehensive sinkhole coverage for primary structures only. Sets a three-year window for filing claims for damage caused by hurricanes and windstorms. (SB 408/HB 803)

Senate Banking and Insurance: Margolis NO

Senate General Government Appropriations: Diaz de la Portilla YES

Senate Budget: Flores NO, Margolis NO, Rich NO

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores NO, Garcia NO, Margolis NO, Rich NO

House Insurance and Banking Subcommittee: Fresen YES, Julien YES

House Economic Affairs Committee: Artilles NO, Nunez NO

House Floor: Artilles NO, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen NO, Garcia NO, Gonzalez NO, Julien YES, Logan NO, Lopez-Cantera NO, Nunez NO, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO (The House voted on the Senate bill.)

Military Affairs

PROPERTY TAXES (PASSED)

Extends certain property tax breaks to disabled veterans 65 years or older who have a service-connected disability but were not Florida residents before entering service. (SB 592/HB 439)

Senate Military Affairs, Space and Domestic Security: N/A

Senate Community Affairs: N/A
Senate Budget: Flores YES, Margolis YES, Rich YES
Senate Floor: Every member of the delegation voted YES.

House Community and Military Affairs Subcommittee: Diaz YES, Julien YES
House Finance and Tax Committee: Diaz YES, Fresen YES, Trujillo YES
House Economic Affairs Committee: Artilles YES, Nunez YES
House Floor: Every member of the delegation voted YES. (The House voted on the Senate bill.)

Rick Scott Priorities

DRUG TESTS FOR WELFARE RECIPIENTS (PASSED)

Requires drug screening for adult welfare recipients, who will lose benefits for a year if they test positive. (HB 353)

Senate Criminal Justice: Margolis YES
Health and Human Services Appropriations: Garcia YES, Rich NO
Senate Budget: Flores YES, Margolis NO, Rich NO
Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis YES, Rich NO
(The Senate voted on the House bill.)

House Health and Human Services Access Subcommittee: Logan YES, Nunez YES
House Rulemaking and Regulation Subcommittee: Artilles YES, Watson NO
House Judiciary Committee: Campbell NO, Julien YES, Steinberg NO
House Health and Human Services Committee: Gonzalez YES
House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

IMMIGRATION (FAILED)

Requires some public or private employers to use the federal government's E-Verify system, and changes rules for law enforcement to check the immigration status of suspects or inmates. (SB 2040/HB 7089)

Senate Judiciary: Braynon NO, Flores YES
Senate Floor: Every member of the delegation voted NO on this bill.

House Judiciary Committee: Campbell NO, Julien NO, Steinberg NO

This bill, one of the most contentious of the Session, died after the House did not want to take up the version sent to it by the Senate, as the two chambers had vast differences in their bills. The House sponsor said he would not be able to get his chamber to agree to hearing the bill.

Taxes and Budget

CORPORATE INCOME TAX (PASSED)

A tax break of \$1,100 a year on average for 15,000 small businesses as Republicans vowed that it will be the first step in a multi-year effort to cut the state's annual \$2 billion corporate tax. (HB 7185)

Senate Finance and Tax: Margolis YES

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Every member of the delegation voted YES. (The Senate voted on the House bill.)

House Finance and Tax Committee: Diaz YES, Fresen YES, Trujillo YES

House Economic Affairs Committee: Artiles YES, Nunez YES

House Floor: Every member of the delegation voted YES.

ONLINE TRAVEL TAX (FAILED)

Shields online travel companies from paying taxes on retail price of hotel rooms they sell and allows them to continue to pay based on wholesale cost. (SB 376 /HB 493)

Senate Community Affairs: N/A

Senate Finance and Tax: Margolis NO

House Economic Development and Tourism Subcommittee: Logan YES, Trujillo YES

House Finance and Tax Committee: Diaz YES, Fresen YES, Trujillo YES

House Economic Affairs Committee: Artiles YES, Nunez YES

House Floor: Artiles YES, Bileca YES, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

This bill died after the Senate did not take it up in messages from the House.

PROPERTY TAXES (PASSED)

Requires property owners to pay 75 percent of their taxes while they appeal their property appraisals. (HB 281 – Both the House and Senate versions were sponsored by Members of the

Miami-Dade Legislative Delegation, Representative Ana Rivas Logan and Senator Rene Garcia respectively)

Senate Community Affairs: N/A

Senate Budget: Flores YES, Margolis YES, Rich YES

Senate Floor: Every member of the delegation voted YES. (The Senate voted on the House bill.)

House Economic Affairs Committee: Artilles YES, Nunez YES

House Finance and Tax Committee: Diaz YES, Fresen YES, Trujillo YES

House Floor: Every member of the delegation voted YES.

UNEMPLOYMENT COMPENSATION (PASSED)

Pays for a tax cut for businesses by cutting state benefits for unemployed Floridians. Instead of making the maximum \$275 weekly benefit available for 26 weeks, the state would use a sliding scale based on the unemployment rate. Benefits would be available for no more than 23 weeks and no less than 12 weeks. (HB 7005)

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO (The Senate voted on the House bill.)

House Economic Development and Tourism Subcommittee: Trujillo YES

House Finance and Tax Committee: Diaz YES, Fresen YES, Julien NO, Trujillo YES

House Economic Affairs Committee: Artilles YES, Bovo YES, Nunez YES

House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

Constitutional amendments (require voter approval in 2012)

ABORTION (PASSED)

Prohibits use of taxpayer money for abortions. (SJR 1538/HJR 1179 – **Senate resolution was sponsored by Senator Anitere Flores of the Miami-Dade Legislative Delegation**)

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

Senate Judiciary: Braynon NO, Flores YES

Senate Rules: Flores YES, Margolis NO

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO (The Senate voted on the House bill.)

House Health and Human Services Committee: Gonzalez YES, Logan YES

House Judiciary Committee: Campbell YES, Julien YES, Steinberg NO

House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell YES, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders No, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

COURT REVAMP (PASSED)

Lets Senate confirm new justices and makes it easier for the Legislature to void court rules. Also gives House access to now-confidential investigations of judicial misconduct in advance of impeachment proceedings. (HJR 7111)

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Margolis NO, Rich NO (The Senate voted on the House bill.)

House Civil Justice Subcommittee: Stafford NO, Steinberg NO

House Judiciary Committee: Campbell NO, Julien NO, Steinberg NO

House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO

FUNDING FOR RELIGIOUS INSTITUTIONS (PASSED)

Does away with provision prohibiting the use of public money for religious institutions and adds language prohibiting the government from denying funding based on religion. (SJR 1218/HJR 1471)

Senate Judiciary: Braynon NO, Flores YES

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO (The Senate voted on the House bill.)

House Civil Justice Subcommittee: Stafford NO, Steinberg NO

House Judiciary Committee: Campbell NO, Julien YES, Steinberg NO

House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES

INSURANCE MANDATES (PASSED)

Prohibits government from compelling someone to buy health insurance. (SJR 2/HJR1)

Senate Health Regulation: Diaz de la Portilla YES, Garcia YES

Senate Judiciary: Flores YES

Senate Budget: Flores YES, Margolis YES, Rich NO

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO

House Health and Human Services Quality Subcommittee: Gonzalez YES

House State Affairs Committee: Garcia NO

House Health and Human Services Committee: Gonzalez YES, Logan YES

House Floor: Artiles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO (The House voted on the Senate bill.)

MIAMI-DADE CHARTER (FAILED)

Lets Miami-Dade lawmakers place county charter amendments directly on the ballot. (HJR 1321 – **Both the House and Senate versions were sponsored by Members of the Miami-Dade Legislative Delegation, Representative Carlos Lopez-Cantera and Senator Rene Garcia respectively**)

Senate Community Affairs: N/A

Senate Judiciary: Braynon NO, Flores YES

Senate Rules: Flores YES

Senate Floor: Braynon NO, Diaz de la Portilla NO, Flores YES, Garcia YES, Margolis NO, Rich NO

House Economic Affairs Committee: Artiles YES, Nunez YES

House State Affairs Committee: Garcia YES

Even though this bill made it out of all its committees of reference in both chambers, it died on the Senate floor, 15-21. The House version was never taken up on the floor.

PROPERTY TAXES (PASSED)

Provides additional tax breaks for first-time homebuyers, businesses and second-home owners. (HJR 381)

Senate Community Affairs: N/A

Senate Judiciary: Braynon NO, Flores YES

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia NO, Rich NO (The Senate voted on the House bill.)

House Finance and Tax Committee: Diaz YES, Trujillo YES

House Community and Military Affairs Subcommittee: Campbell NO, Diaz YES, Julien YES

House Appropriations Committee: Lopez-Cantera YES, Saunders YES

House Economic Affairs Committee: Artiles YES, Nunez YES

House Floor: Artilles YES, Bileca YES, Campbell YES, Diaz YES, Fresen YES, Garcia YES, Gonzalez YES, Julien YES, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders YES, Stafford NO, Steinberg YES, Trujillo YES, Watson NO

REVENUE CAP (PASSED)

Limits growth of state revenues to new formula based on changes in population and inflation. (SJR 958)

Senate Finance and Tax: Margolis NO

Senate Budget: Flores YES, Margolis NO, Rich NO

Senate Rules: Flores YES, Margolis NO

Senate Floor: Braynon NO, Diaz de la Portilla YES, Flores YES, Garcia YES, Margolis NO, Rich NO

House Finance and Tax Committee: Diaz YES, Fresen YES, Trujillo YES

House Appropriations: Lopez-Cantera YES, Saunders NO

House Floor: Artilles YES, Bileca YES, Bullard NO, Campbell NO, Diaz YES, Fresen YES, Garcia NO, Gonzalez YES, Julien NO, Logan YES, Lopez-Cantera YES, Nunez YES, Saunders NO, Stafford NO, Steinberg NO, Trujillo YES, Watson NO (The House voted on the Senate bill.)



Lobbyists Registered for Miami-Dade County 2011 Legislative Session

Office of Intergovernmental Affairs

Joe Rasco, Director
Juan del Cerro, State Affairs Coordinator

County Attorney's Office

Jess McCarty

Lobbyists

Ronald Book, PA (prime contract lobbyist)
Ron Book, Kelly Mallette, Rana Brown

Pittman Law Group

Sean Pittman, Eddie Metzger

Rutledge, Ecenia & Purnell, P.A (prime contract lobbyist)
Gary Rutledge, Margie Menduni, Diana Ferguson

Gomez Barker

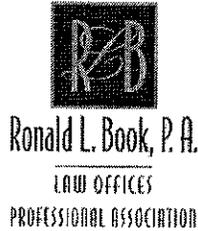
Fausto Gomez, Manny Reyes, Evan Power

Becker Poliakoff

Yolanda Cash Jackson, Cedric McMinn, Edgar Castro, Nelson Diaz

Dutko Poole McKinley

Will McKinley, Sophia Patent, Nancy Texeira



Memorandum

To: Jess McCarty, Esq.
Assistant County Attorney

From: Ronald L. Book, Esq.
Kelly C. Mallette
Rana G. Brown

Date: June 6, 2011

RE: 2011 Session - Final Session Report

Ronald L. Book, P.A. would like to first and foremost extend our appreciation for the continued opportunity to represent Miami-Dade County.

The Florida Legislature ended the 2011 session in the wee hours of Saturday morning, after a short extension to address budget conforming bills. What began as a session of cooperation and admiration between the House and Senate came to a somewhat contentious end, after Senators became concerned about the large number of budget conforming bills, which included provisions that were not fully vetted by the large majority of Senators.

Despite the snag at the end, the overwhelming Republican majorities were able to pass some meaningful reforms that were part of their overall agenda. Changes to education including teacher tenure, tort reform and Medicaid reform quickly come to mind. Additionally, they managed to balance the budget after tense negotiations which led to nearly \$4 billion in cuts.

Below, please find a summary of action on legislation assigned to our firm from Miami-Dade County's legislative package.

Bill Assignments

SB 982 and HB 241 – Wage Theft

Proposed by the Florida Retail Federation, these bills would have simply preempted Miami-Dade County's wage theft ordinance. We worked closely with our Delegation, particularly Senator Flores, who chairs the Senate's Judiciary Committee, the second committee of reference in the Senate. Senator Flores assisted in amending the bill to exempt Miami-Dade County from the statewide preemption. Ultimately, the bill did not pass.

SB 884 – Taxi Operators

SB 884 would have preempted portions of Miami-Dade County's taxi ordinance, and created a property right in certain circumstances. The substance of SB 884 was amended in the Department of Transportation's legislative package, and we worked closely with the Senate sponsor, Senator Latvala, to amend the legislation to ease Miami-Dade's concerns. Although the final version of the legislation was in a form that we could support, the DOT package did not pass.

SJR 1954 and HJR 1321- Home Rule Charter of Miami-Dade County

The House version of this legislation passed, while the Senate version of the bill was defeated on the Senate floor by a vote of 21 nays to 15 yeas.

SB 1354 and HB 983- Juvenile Detention

The County had several concerns with this legislation. The bills were not heard in any committees in the House or Senate, and did not pass.

SB 990 and HB 877 - Title Loans

This bill would have preempted the regulation of title loans to the state. The bill was not heard in any committees in either the House or Senate and did not pass.

SB 396 and HB 849 - Building Construction and Inspection

SB 396, the 2011 building code package, included language that would have detrimentally impacted Miami-Dade County's design requirements for building and structures within the High Velocity Hurricane Zone (HVHZ). This legislation would have forced expiration of any amendment to the building code when a new edition of the Florida Building Code is issued every 3 years.

We worked closely with the industry representative and with Senator Bennett to insert language that would ensure the amendments and modifications relating the design of buildings and structures with the HVHZ would not expire and would be carried forward with the currently required review.

CS/CS/CS/HB 849, 2nd Engrossed and Enrolled passed and is awaiting action by the Governor

SB 1198 and HB 887 - Communications Services Tax

Language was filed to HB 887 which would have capped the communications services tax at 4 percent. If approved, the cap would have had a \$13 million annual fiscal impact on Miami-Dade County. We worked closely with the House and Senate sponsors on the bill, and the amendment including the 4 percent cap was not approved.

HB 887 was approved by the Legislature, without the harmful language, and has since been approved by the Governor.

SB 2118 - Crime Lab Fee

SB 2118 was a budget conforming bill which included language requiring defendants, through fines, to pay for certain crime lab costs. The bill was approved by the Legislature and later vetoed by the Governor due to other provisions in the bill relating to oversight of private prison contracts.

Library Funding

Once again, funding for public libraries was decided in the final days of Florida's Budget conference. We worked closely with the House and Senate budget chairs, and funding for Public Libraries was allocated at \$21.3 million, this funding will allow for an \$8.4 million federal match.

Resolutions

R-411-10 – Reduce State Prison Spending

Senator Bogdanoff led the charge on this issue, and filed SB 1338 which removed minimum mandatory sentences for certain offenses and required DOC to develop and implement reentry programs for nonviolent offenders. Although the issue received a great deal of discussion, legislation related to reducing state prison spending via this route did not pass. Rather, the Legislature found savings via prison privatization initiatives.

R-815-10 – Ban Possession of K2 and other synthetic marijuana-like drugs

*This item was assigned to Pittman Law Group, P.L. A full update can be found in their report. However, this legislation passed.

R-816-10 – Memorial re: Repeal of Section 511 of the Tax Increase Prevention and Reconciliation Act

*This item was assigned to Pittman Law Group, P.L. A full update can be found in their report. However, this memorial did not pass.

R-918-0 Early Voting

*This item was assigned to Pittman Law Group, P.L. A full update can be found in their report. However, language was approved to provide counties additional flexibility related to early voting and county elections that do not involve state or federal offices or issues. Specifically, the ability to offer early voting for one week opposed to two weeks.

A second issue of importance to Miami-Dade County was language to allow the Supervisor of Elections to use any site convenient and accessible as an early voting location. In addition, allow for the Supervisor of Elections (SOE) to dictate hours of operation. This language was not approved.

R-950-10 – Prohibit Texting while Driving

A number of bills were filed to provide various limitations on texting while driving. It was apparent, however, early in the session, that there was not an appetite to approve such legislation. Although we worked closely with the House and Senate appropriations chairs, no language to prohibit texting while driving was approved.

R-957-10 – Oppose Immigration Legislation similar to Arizona SB 1070

Throughout the session, it seemed that approval of immigration legislation was a priority for House and Senate leaders. However, both bodies approved conflicting proposals, and ultimately, no legislation was approved.

R-1056-10 – Sovereign Immunity to the University of Miami

SB 1676 by Senator Thrasher and HB 1393 by Representative Artiles (formerly Representative Bovo) and Representative Nunez, extends the sovereign immunity of Jackson Memorial Hospital, as a public teaching hospital, to University of Miami physicians and employees when working at Jackson Memorial Hospital.

SB 1676 was approved by the Legislature. It has not yet been transmitted to the Governor, but we do expect the Governor to sign the legislation when it reaches his desk.

R-1112-10 – Long-Term Mobile Home Park Tenants

While legislation was introduced related to mobile home park tenants, we were unable to get support for the resolution offering tenant's the right of first refusal on underlying property.

R-1113-10 – Beacon Council – Urban Job Creation

SB 1962 and HB 1269 were the Beacon Councils' update of the Enterprise Zone program. We were successful in moving the bills through committees in both the House and Senate, but ultimately, the bills did not pass.

R-1218-10 – Inmate Medical Care

Once again, legislation was proposed (SB 490 and HB 257) that would have compelled the County to pay a higher reimbursement for health services rendered to inmates. While the bill did get some movement, particularly in the Senate, it did not pass.

R-35-11 – Carbon Monoxide Detectors

This session, no legislation relating to discounts for the installation of carbon monoxide detectors was filed. Although we did review possible amendatory vehicles, we were not able to amend any language to an appropriate vehicle.

R-104-11 – Work with Local Governments/New Business

This resolution called on the state to work with the County to provide funds to subsidize licensing requirements for new businesses. While the Legislature did not approve specific legislation providing said funds, they did approve an economic development package with numerous incentives. A description can be found later in our report.

R-119-11 – Crane Preemption

Miami-Dade County once again opposed SB 612 and HB 1057, which would have preempted the regulation of cranes to the state. Neither of these bills was heard in any committee and did not pass.

R-170-11 – Sexual Predators

SB 494 and HB 265 prohibited the release of sexual offenders prior to first appearance. We made significant progress on this legislation, which was approved by the House. However, the bill stalled in the final Senate committee and did not pass.

R-172-11 – Bingo at Parimutuel Facilities

Senator Diaz de la Portilla and Representative Fresen introduced legislation (SB 522 and HB 299) that would have allowed pari-mutuel facilities to conduct bingo games. Unfortunately,

very few "gaming" type issues were heard, and although SB 522 was approved in one committee in the Senate, HB 299 was not heard and the bills were not approved.

R-184-11 – Website and E-mail for Public Notices

Senator Bennett and Representative Workman (SB 914 and HB 89) introduced legislation to enable local governments to utilize their websites and e-mail for public notice purposes. Ultimately, we could not overcome the strong opposition to this legislation by the newspaper industry, and the bills did not pass.

R-209-11 – Tour Guides

*This issue was assigned to Pittman Law Group, P.L. A full update can be found in their report. However, this legislation did not pass.

R-253-11 – Public High School Students from Leaving Grounds

SB 1138 and HB 791 did not receive hearings in either the House or Senate.

R-267-11 – Community Redevelopment Act

SB 468 and HB 1343 would have included former lands used as military bases in the definition of slum and blight for CRA purposes. We worked with Senator Bullard and Representative Bullard on the passage of the legislation. While we made good progress in the Senate, we were unable to move the bill in the House.

R-270-11 – Secondary Metals Recyclers

SB 1528 and HB 753 provided additional regulation for secondary metals recyclers. While SB 1528 did make progress in the Senate, HB 753 did not get a hearing.

Departmental Assignments

Consumer Services

- **National Criminal Background Checks** – Amendatory language was offered to authorize national criminal background checks to taxi drivers. The language was included in the Department of Transportation package, SB 1180, but was not approved.
- **Taxicab Lease Rates** – No language impacting taxicab lease rates was approved.

Corrections

- **Limited Arrest Authority** – No legislation was introduced providing corrections officers with limited arrest authority.
- **Lewd or Lascivious Behavior** – Although we worked to create additional penalties for lewd and lascivious behavior by inmates, we were unsuccessful as the Legislature was generally opposed to creating new penalties this session, except in certain very limited exceptions.

Cultural Affairs

- **Cultural Affairs Grants** – Funding provided for Cultural Affairs Grants. See amounts below.
- **Cultural Museum Grants** - \$2.2 million for an increase of \$1.2 million from the previous fiscal year

- **Historic Preservation Grants** - \$1.1 million for an increase of \$450,000 from the previous fiscal year
- **Public Libraries** - \$21.3 million in funding, which will draw down an \$8.4 million federal match

Elections

- **Early Voting** – This issue was assigned to Pittman Law Group, P.L., and a full update can be found in their report.
- **HAVA Funds** – This issue was assigned to Pittman Law Group, P.L., and a full update can be found in their report.
- **Community Development District Elections** – This issue was assigned to Pittman Law Group, P.L., and a full update can be found in their report.

Emergency Management

- **Florida Building Commission/High Velocity Hurricane Zone** – SB 396 proposed changes to the Zone. We amended the bill to alleviate the County's concerns as described earlier in our report.
- **EMPA Trust Fund** – EMPA Trust Fund funded.

Homeless Trust

- **GAP Funding** – At the time of this report submittal, we are still working with the Department of Corrections to determine if funding will be provided for the Jail Diversion GAP Program. This funding has traditionally been funded via the Department.
- **Crisis Outplacement Beds** – Recurring funding in the amount of \$180,000 was provided for Crisis Outplacement Beds.

Human Services

- **Elderly High Risk Meals** – Recurring funds provided for all Local Services Programs. The Legislature provided increases for two programs, one in Little Havana and the other in Allapattah. However, the increased funds were vetoed by the Governor.
- **Wait-List Reduction** – No additional funds were provided for waitlist reduction.

Jackson Health System

A high priority for Jackson Health System throughout the session was release of the \$35 million in funds from the Agency for Health Care Administration. We worked closely with key leaders and the Office of the Governor to ensure provisions were made to release said funds. Language was included in the back of the appropriations bill to ensure the release of funds.

Health Care Budget

Clearly, budget issues were also a high priority. With Florida's revenues down, Medicaid utilization up and no increased FMAP to speak of, it was again a very challenging year to put together a health care budget for Florida. House and Senate Health Budget Committees began in very different places. The House Health Care budget fully funded programs such as Medically Needy and MEDS-AD, but proposed a hospital rate cut of 7 percent. The Senate

version of the budget limited Medically Needy to coverage for ONLY physician services, and eliminated MEDS-AD in its entirety. It also included a 10 percent rate cut for hospitals.

Had the initial Senate proposal been approved and these cuts implemented, the total projected loss to Jackson would have been absolutely devastating.

However, our firm worked closely with other hospital stakeholders and after a highly coordinated lobbying effort amongst the various hospital associations and hospital interests, House and Senate leaders ultimately decided to fully fund Medically Needy and MEDS-AD, but did include a 12 percent hospital rate cut. While cuts are never pleasant, the decision to fully fund Medically Needy and MEDS-AD was paramount to fully funding rates, since rate cuts can be somewhat mitigated through buybacks, as is the case for Jackson.

Medicaid Reform (HB 7107 and HB 7109)

After numerous public hearings throughout the state and more than a year of work, the House and Senate passed Medicaid reform legislation, which, in the simplest terms, requires Medicaid recipients to enroll in managed care plans. The term managed care is not limited to traditional Health Maintenance Organizations, but also includes Provider Service Networks and Accountable Care Organizations. We worked closely with hospital interests to ensure that hospitals have an opportunity to participate via provider service networks and accountable care organizations, and to ensure that the plans are required to be responsive to hospitals.

Another aspect of Medicaid Reform debate this session was discussion regarding tort reform. The Senate's original Medicaid Reform proposal included several tort reform provisions, such as sovereign immunity for the University of Miami Medical School and Shands Healthcare along with limited liability for nursing homes and developmentally disabled service providers. Early House versions included only limited tort reform. Ultimately, the Legislature agreed to tort reform for Medicaid service providers, including physicians and hospitals. Specifically, HB 7109 limits non-economic damages that a Medicaid recipient can recover against hospital and physician providers to a maximum of \$300,000, regardless of the number of provider defendants. The maximum that can be recovered against any single hospital or physician is \$200,000 per claimant in non-economic damages. The bill does allow the court to pierce these caps in circumstances where the provider has acted in bad faith or with willful disregard of human rights.

Here are the specifics of the reform plan:

- Creates two separate managed care programs: the medical assistance program for primary and acute care; long-term managed care for residential, home and community-based care.
- The Agency will issue Invitations to Negotiate for plans. Full enrollment in long-term managed care must be completed by October 1, 2013, and full enrollment of medical assistance program must be completed by October 1, 2014.
- Establishes 11 state regions within which plans will compete for state Medicaid contracts based on value, and limits the number of plans allowed in each region. In each

region, one slot is reserved for a PSN. Miami-Dade and Monroe comprise one region, region 11.

- Plans are paid risk-adjusted rates, based on patient encounter data. PSNs may opt for fee-for-service rates with a shared savings settlement for the first two-years of operation, but are required full capitation thereafter. This was critical for Jackson's PSN.
- Medically Needy and MEDS-AD population are covered, and would pay a premium for coverage.
- Preference will be given to plans that demonstrate:
 - Signed contracts with primary and specialty physicians and with essential providers;
 - Well-defined programs for recognizing patient-centered medical homes and accountable care organizations;
 - Ability to produce a greater economic benefit by being headquartered in Florida and employing Floridians to meet contract terms;
 - Provider networks in which over 10 percent of providers use electronic health records;
 - A contract with AHCA to provide managed long-term care services in the same region;
 - Contracts or other arrangements for cancer disease management programs;
 - Contracts or other arrangements for diabetes disease management programs;
 - A process for prompt payment of claims.
- The bill requires the plans to contract with "essential providers," which include:
 - Federally qualified health centers;
 - Statutory teaching hospitals;
 - Hospitals that are trauma centers;
 - Hospitals located at least 25 miles from any other hospital with similar services;
 - Faculty plans of Florida medical schools;
 - Regional perinatal intensive care centers;
 - Specialty children's hospitals;
 - Accredited and integrated systems serving medically complex children that comprise separately licensed, but commonly owned, health care providers delivering at least the following services: medical group home, in-home and outpatient nursing care and therapies, pharmacy services, durable medical equipment, and prescribed pediatric extended care.

HB 7107 and HB 7109 were approved by the Governor on June 2, 2011.

Sovereign Immunity

SB 1676 and HB 1393 were also priorities for Jackson. SB 1676 was approved by the Legislature and a full explanation can be found on page 3 of this report.

Library

- **State Aid to Libraries** - \$21.3 million in funding provided in the General Appropriations Act.

Countywide Healthcare Planning

- **Miami-Dade Premium Assistance Program** – Funding provided in the General Appropriations Act via Florida’s LIP program.
- **Miami-Dade County Health Department** – No capital funds for the Miami-Dade County Health Department were approved this session.

Police

- **Public Resource Accountability and Profiteering Act** – This legislation was not considered this session, due largely to the Legislature’s position not to create new felony offenses.

Procurement

- **Repeal of 511** – This issue was assigned to Pittman Law Group, P.L. However, the memorial urging the repeal of 511 was not approved.

Senior Advocate

- **Maintain Funding of General Revenue Programs** – Funding maintained.

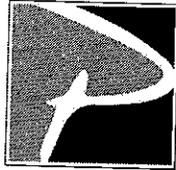
Tourism

- **Local Regulation of Tour Guides** – This issue was assigned to Pittman Law Group, P.L. A full update can be found in their report. However, no legislation authorizing local regulation of tour guides was approved.

~~~~~

We will gladly provide you with any additional information or background requested on any issue. Please contact us at your convenience with any questions or comments.

Thank you.



**PITTMAN**  
Law Group

Wilhelmina Square  
1028 East Park Avenue  
Tallahassee, Florida 32301  
850.216.1002/ph  
850.224.7477/fax

## Miami-Dade County 2011 Legislative Session Report

---

Pittman Law Group, P.L. would like to express our sincere appreciation for the continued opportunity to represent Miami-Dade County.

Like the 2010 Legislative Session, "contentious" was again the underlying word used to describe the 2011 Legislative Session. That contentious attitude came to a boiling point during the 60<sup>th</sup> day of Session. It appeared that Session had begun to wrap-up on Friday evening when the Senate, seemingly out of the blue, overwhelmingly voted down two House conforming deregulations bills (5005 and 5007), which included the hair braid and interior design industries. As a retaliatory response, Speaker Cannon and House leadership let two Senate driven claims bills die in messages and held the "tax relief" bill temporarily hostage. As a result, President Haridopolos sent the Senate home for the evening. In a strategic move, Speaker Cannon and House leadership chose to strip the "tax relief" language out of the conforming bill, excluding the Senate amended gaming issue, and pass the remaining language in another bill. After a 3 hour plus extension into Saturday morning, the 2011 Legislative Session adjourned "Sine Die" on May 7 at 3:35 a.m.

Also on Saturday morning, after a required "72 hour cool-off" period, the \$69.7 billion budget passed (H 79-39 and S 31-8) with 44 "conforming bills". In order to close a \$3.7 billion deficit, leadership cut nearly \$4 billion in budget spending, including environmental programs, public schools, colleges and universities, hospitals and 4,492 state jobs (1,300 currently occupied). The Legislature also mandated a 3% employee contribution to all state and local public employees in the Florida Retirement System (FRS). The measure is expected to draw down nearly \$1.2 billion in state funds.

During Interim Committee Weeks, Governor Scott proposed government consolidation and a number of tax cuts in his, at that time, "outlandish" budget requests. Late in the Conference process, with Gov. Scott threatening to warm up his veto pen, House and Senate leadership conceded to some of the Governor's demands. One of the Governor's budget provisions called for a 2.5% reduction to the 5.5% corporate income tax. While that provision was not met, a compromise was agreed upon that increased the exemption level from \$5,000 net income to \$25,000 net income (HB7185), exempting about half of the 31,000 businesses currently paying the tax and costing the state nearly \$37 million. A separate conforming bill will shield multi-state corporations from corporate taxes if they spend more than \$250 million in Florida capital expenditures (HB143). Also included in the budget at Scott's request is the privatization of prisons (SB2118), a three day sales tax holiday (HB143), \$210 million in property tax cuts (SB2142), the development of the "Department of Economic Opportunity" (SB2104/HB2156) and a \$210 million tax cut to the state's water management districts (SB2142).

In addition to the required budget, several controversial issues were also vetted through the process. Only 285 total bills passed during the 2011 Legislative Session (2<sup>nd</sup> lowest number in 10 years). One of the major reasons for the decrease in bill passages was the highly controversial nature of the legislation that was debated during the process. Below is a sample of some of those bills:

PASSED:

- Abortion Legislation (HB1127 and HB501)
- Concealed Weapons (SB234)
- Elections Package (SB2086)
- Medicaid Reform (HB7107)
- Pension Reform (SB1128)
- Pill Mill Legislation (SB818)
- Teacher Tenure Reform (SB736)

FAILED:

- Destination Resorts (SB2050/HB1415)
- Immigration Reform (HB691/SB2040)
- Increased Campaign Contributions (SB1690)
- Ocean Outfall (HB613/SB796)
- Pretrial Release (HB257/SB490)
- Union Dues (HB1021/SB830)
- Red-Light Repeal (HB4087/SB672)

Additionally, with the 2012 Presidential Election still more than a year away, the heavy Republican Florida Legislature passed seven constitutional amendments. These primarily Republican initiatives have drawn major criticism from Democrats and the media who argue that the amendments were added to the ballot as bait to draw Republican voters to the polls. The constitutional amendments will need a 60% voter approval rate in order to pass on Election Day. The proposed constitutional amendments are listed below:

- **SJR 2 relating to Health Care Services by Senate President Haridopolos:** A constitutional amendment that would ban health insurance mandates as part of an effort to blunt the impact of federal health care reform.
- **HJR 381 relating to Additional Homestead Exemption by Representative Dorworth:** A proposed constitutional amendment that would offer first time homebuyers a property tax break and would put a cap on how much the value of non-homesteaded and commercial properties can change each year (lower cap from 10% to 5%).
- **SJR 592 relating to Veterans Property Tax Discount by Senator Bennett:** An amendment that expands a property tax discount for veterans who are disabled as the result of a combat injury.
- **SJR 958 relating to State Revenue Limitation (State TABOR) by Senator Bogdanoff:** A proposed constitutional amendment that would limit the growth of state revenues to a new formula based on changes in population and inflation.

- **HJR 1179 relating to Abortions by Representative Baxley:** A proposed constitutional amendment that would prohibit public funding of abortions.
- **HJR 1471 relating to Religious Freedom by Representative Plakon:** A repeal of a ban on state money going to religious institutions.
- **HJR 7111 relating to the Supreme Court by Representative Eisnaugle:** An overhaul of the state's court system including giving the Legislature power over court rule-making and subjecting Supreme Court justices to Senate confirmation.

Over the next month, we expect Gov. Scott to be a bit of a wild card with his veto pen in hand. To this point, his political tendencies are still greatly unknown, which could lead to additional vetoes. With that said, the Majority Party worked much closer with the Governor as the Legislative process came to a conclusion. These compromises were made by House and Senate leadership to limit the number of line item or bill vetoes. We will continue to keep our eyes and ears open during our post-session conversation with the Governor's office.

Looking ahead to the 2013 Legislative Session, Sen. Gaetz and Rep. Weatherford were elected to lead as the next Senate President and Speaker of the House, respectively. Meanwhile, during the final week of Session, Sen. Smith was elected as the next Senate Minority Leader. Minority Leader-elect Smith said it was an honor to be elected and joked that he is looking forward to being the next "Senate President". Also during Session, the House Minority Party announced their decision to name Rep. Thurston the next Minority Leader.

## **BUDGET**

---

After a required "72 hour cool-off" period, the \$69.7 billion budget (SB2000) passed (H 79-39 and S 31-8) early Saturday morning. With the loss of stimulus funds, Florida was left with a \$3.7 billion deficit. In order to close the deficit, leadership included nearly \$4 billion in spending cuts, including environmental programs, public schools, colleges and universities, hospitals and 4,492 state jobs (1,300 currently occupied). The Legislature also enacted a mandatory 3% employee contribution (SB2100) to all state and local public employees in the FRS system. The measure is expected to draw down nearly \$1.2 billion in state funds.

One of the major irregularities of the 2011 Session was the passing of 44 "conforming bills" that are linked to the budget. On the final day of Session, Sen. Storms (R) and Sen. Latvala (R) both publically opposed the merits of filing so many substantive "conforming bills" at the last minute. The few "conforming bills" issues that actually failed are listed below:

- Greyhound Reform
- State Health Insurance Reform
- Deregulation

The following budget and conforming bill highlights are of particular note to local government. We have accounted for all the Governor vetoes to the majority of the "member projects" or "turkey's" in the budget. As always, please let us know if you have any questions or concerns regarding the 2011 legislative budget overview.

### **Natural Resources, Environmental, Growth Management and Transportation**

The *Transportation & Economic Development Appropriations Subcommittee* crafted a \$10.6 billion budget for the 2011-12 fiscal year (FY), including \$334 million in GR and \$10.3 billion in trust funds. The total budget reflects an increase of approximately 6% over the previous FY. The budget includes an increase of \$11 million or 6% in GR.

**Department of Environmental and Natural Resources:**

*Florida Forever* – Zero funded (However, budget language allocates \$305 million in spending if specified state land is sold.)

*Everglades Restoration* – \$29.2 million - \$20 million cut from last year (provides funding for the comprehensive Everglades Restoration Plan and the implementation of the Northern Everglades and Estuaries Program)

*Solid Waste Management* - \$2.4 million (provides grant funding to counties for litter prevention control, solid waste management services, recycling and waste tires)

*Title V (Air Quality)* - \$1.4 million

*Mosquito Control* – \$1.29 million

*Beach Restoration* - \$16.3 million - \$8.3 million unspent from last year included (will fund the first 12 projects on the state's renourishment project prioritization list)

*Water Management District Trust Fund* – \$15.8 million

*Wastewater and Drinking Water Revolving Loans* - \$255.4 million (provides financial assistance to local governments for construction of critical environmental infrastructure and drinking water systems)

*Petroleum Tanks Cleanup Program* - \$128 million (provides funding for the clean-up of contaminated petroleum sites)

***Department of Transportation:***

The 2011-12 FY budget totals \$7.9 billion. This includes \$6.8 billion to fund the 5-Year Work Program and \$34 million for transferring Motor Carrier Compliance to the Department of Highway Safety & Motor Vehicles. The budget also includes operational reductions totaling \$44.3 million.

*Transportation Disadvantaged* – \$39.9 million

*Transportation Disadvantaged (Medicaid)* – \$65.4 million (4% less)

***Department of State:***

The 2011-12 FY budget for the Department of State totals \$82.2 million. This includes \$2.2 million for Cultural Museum Grants, an increase of \$1.2 million from the previous fiscal year, \$1.1 million for Historic Preservation Grants, an increase of \$450,000 from the previous fiscal year and \$1.6

million for Special elections. The budget also includes operational reductions totaling \$1 million and 21 Full Time Equivalent positions.

*Public Libraries* – \$24.09 million (\$21.3 in direct aid)

\*Again, library funding was a very contentious line item during the 2011 Legislative Session. While it came down to the final days, we were able to work with the two chambers to completely fund the program. The full funding will allow for an \$8.4 million federal match.

*Library Cooperatives* – \$1 million

***Department of Community Affairs:***

*Trust Fund Transfers* - The 2011-12 fiscal year allocation requires \$348 million in trust fund transfers. This largely comes from two sources: \$189.5 million from the State Housing and Local Government Housing Trust Funds and \$150 million from the State Transportation Trust Fund.

*Regional Planning Councils* - \$2.5 million

*State Housing Initiatives Partnership Program (SHIP)* - \$5 million (The fund was zero funded last year.)

*Housing Finance Corporation – Affordable Housing Programs* - \$32.5 million

***\*Below is the final bill analysis of an “Affordable Housing” conforming bill that may negatively affect local government.***

**SB2154 relating to Affordable Housing (Conforming Bill/Oppose)** – The bill is expected to divert Documentary tax dollars from the State and local funds to General Revenue. The bill could prove to be very harmful to local government. Despite our efforts, the legislation passed as a conforming bill. The bill details are listed below:

- Eliminates the distribution of documentary stamp tax revenues into the State Housing Trust Fund and the Local Government Housing Trust Fund.
- Requires certain Florida Housing Finance Corporation (FHFC) funds to be accounted for by the Corporation and deposited into the State Housing Trust Fund in which the expenditure of such funds will be appropriated by the Legislature.
- Requires FHFC program loan repayments, proceeds and interest to revert to the General Revenue Fund.
- Provides FHFC budget amendment requests
  - Shall be subject to approval by the Legislative Budget Commission.
- Provides for the deposit of certain moneys into the Local Government Housing Trust Fund and for certain investment interests within the fund to be credited to General Revenue.
- Replaces all references to the Department of Community Affairs with Jobs Florida and all references to the Secretary of the Department of Community Affairs with the Commissioner of Jobs Florida.

***Economic Development:***

The 2011-12 FY budget for the Office of Tourism, Trade, & Economic Development is \$125.3 million. This includes \$21.3 million for Economic Development Tools, \$15 million for The Road Fund, \$10 million for Space Florida, \$11.1 million for Enterprise Florida, \$34.9 million for Visit Florida and \$6 million for Military Base and Defense Industry Protection.

*Economic Development* - \$125.3 million

~\*~

*\*Below are the final bill analyses of some "economic development" conforming bills that may positively or negatively affect local government.*

***HB7205 relating to State Economic Enhancement and Development Trust Fund (Conforming Bill)*** – The bill creates the State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity. Moneys deposited in the trust fund shall be used for infrastructure and job creation opportunities and for the following purposes or programs:

- Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state.
- Affordable housing programs and projects in accordance with chapter 420, Florida Statutes.
- Economic development incentives for job creation and capital investment.
- Workforce training associated with locating a new business or expanding an existing business.
- Tourism promotion and marketing services, functions, and programs.

The trust fund is established for use as a depository for funds credited to the trust fund, to consist of documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds.

In accordance with the State Constitution, the trust fund shall be terminated on July 1, 2015. Before its scheduled termination, the trust fund shall be reviewed.

The effective date of this act is July 1, 2011.

***HB7203 relating to Economic Development (Passed as HB143)*** – The bill would create the following:

- Emergency Excise Tax - The bill repeals the corporate income emergency excise tax, but allows taxpayers with unused credits related to the tax to take such credits against corporate income tax.
- Entertainment Industry Financial Incentive Program - Increases funding from \$38 million to \$42 million per year for fiscal years 2012-13, 2013-14 and 2014-15. The bill creates incentives for using regions of the state that have been underutilized by the film industry. The bill limits total combined credits for a project to 30% of expenses. The bill removes television from the general production queue when more than 25% of credits over the history of the

program have been granted to television series. Additional credits are created for employing film/entertainment/digital media students and recent graduates. Additional credits are created for using certain types of production facilities. Reporting requirements are expanded to include full time equivalent jobs.

- Enterprise Zone Provisions - Provides local governments the ability to apply to OTTED to have certain rural enterprise zones expanded by up to 3 square miles. It provides authority to Martin County and Lake County to apply for designation of an Enterprise Zone of up to 10 square miles and to the City of Palm Bay to apply for designation of an Enterprise Zone of up to 5 square miles.
- Single Sales Factor Apportionment - Allows corporations to use a single sales factor apportionment formula to calculate their corporate income tax liability if they invest a total of \$250 million in qualifying capital expenditures within Florida.
- Spaceflight - Allows a certified spaceflight business to apply for a credit equal to 50% of the business's corporate income tax liability in a given year or for a transferable corporate income tax credit based upon a business's net operating loss incurred over a three-year period. The total amount of credits that may be approved under the bill is \$10 million.
- Research and Development Credits - Provides an annual corporate tax credit for qualifying research and development expenses in Florida, equal to 10% of the current year's expenses that exceed the average expenses over the past four years. The amount of credits available to be awarded under the bill is \$9 million.
- Sales Tax Holiday - Creates a 3 day sales tax holiday on clothing and shoes valued at \$75 or less and school supplies valued at \$15 or less, starting August 12, 2011. A non-recurring General Revenue appropriation of \$218,905 is provided to the Department of Revenue for purposes of administering the tax holiday.
- Amusement Machines - The bill reduces the tax rate from 4 percent to 1 percent on coin-operated amusement machines located in licensed cardroom facilities. In order to qualify for the reduced rate, a local community must pass an ordinance to authorize, license, regulate, and tax the machines in the cardroom facility.
- Brownfield Rehabilitation Tax Credits - The bill increases from \$2 million to \$5 million the corporate income tax credits that are annually available to partially compensate taxpayers that voluntarily clean up drycleaning solvent contaminated or brownfield sites.
- Appropriations - The bill contains four appropriations of nonrecurring General Revenue to the Office of Tourism, Trade and Economic Development for the following purposes:
  - \$5 million for the Florida Defense Support Task Force
  - \$15 million for the Innovation Incentive Fund program
  - \$42 million for the Quick Action Closing Fund program
  - \$10 million for the Institute for the Commercialization of Public Research

**HB2156 relating to Governmental Reorganization (Conforming Bill)** – The bill language below will make substantive changes to the state agencies dealing with economic development intended to create jobs and stimulate the economy.

**Creates the Department of Economic Opportunity (DEO):**

- Agency head, known as the “executive director,” appointed by the Governor and confirmed by the Senate.

- Transfers the Office of Tourism, Trade and Economic Development (OTTED), portions of the Department of Community Affairs (DCA), and portions of the Agency for Workforce Innovation (AWI) workforce functions to the new agency, effective October 1, 2011.
- The Ready to Work program is transferred from the Department of Education (DOE) to the Department of Economic Opportunity.

**Transfers the AWI Office of Early Learning to the Department of Education as a separate entity:**

- Director of the office appointed by the Governor, and confirmed by the Senate.
- DOE may not impose requirements or standards on early learning programs beyond those authorized in law for voluntary prekindergarten (VPK).
- Auditor General to review programs and delivery systems (including early learning coalitions) by December 31, 2011.

**Consolidates public-private economic development partnerships:**

- Enterprise Florida, Inc., (EFI) President, known as the “Secretary of Commerce,” is appointed by the EFI Board of Directors and serves at the pleasure of the Governor.
- EFI board remains largely as it is under current law, however new language requires certain private-sector representation (e.g., space, tourism, etc.).
- Space Florida retains special district status under the direction of appointed EFI board members. Space Florida will have a 15 member advisory council responsible for making recommendations to the EFI board on the operations of Space Florida.
- VISIT Florida direct support organization is retained under contract with the EFI Board.
- Black Business Investment Board (BBIB) and Florida Sports Foundation are merged into EFI, and related divisions are created in EFI.
- Matching requirements for EFI and VISIT Florida (1-to-1 match) remain as required under current law.
- Workforce Florida, Inc., maintains independent status as currently provided in law.

**Other transfers:**

- Florida Communities Trust and Stan Mayfield Working Waterfronts are transferred from DCA to the Department of Environmental Protection.
- Florida Building Commission is transferred from DCA to the Department of Business and Professional Regulation.
- Division of Emergency Management is transferred from DCA to the Executive Office of the Governor.
- Florida Energy and Climate Commission within the Executive Office of the Governor is transferred to the Department of Agriculture and Consumer Services.

**Repeals:** DCA, AWI, and OTTED.

**Purpose and Function of the Department of Economic Opportunity:**

**Responsibilities of the department:**

- Oversight and coordination of economic development, housing, growth management, community development programs, and unemployment compensation.
- Develop a single, statewide 5-year strategic plan to address the promotion of business formation, expansion, recruitment, and retention in order to create jobs for all regions of the state. The plan must address economic development, marketing and infrastructure development for rural communities.
- Submit an annual report on the condition of the business climate and economic development in the state, with assistance from EFI and WFI.
- Manage the activities of the public-private partnerships.
- Establish annual performance standards for Enterprise Florida, Inc., Workforce Florida, Inc., VISIT Florida, and Space Florida and report annually on how these performance measures are being met.

#### **Streamlined incentive process:**

- Incentives for economic development projects must be approved or denied within 10 days of submitting an application to the department.
- The release of funds for the incentive or incentives awarded to the applicant depends upon the statutory requirements of the particular incentive program.
- Quick Action Closing Fund projects require recommendation to the Governor in 7 days. In addition, the Governor can approve projects under \$2 million. Projects ranging from \$2 million - \$5 million require notification to the chairs and vice chairs of the Legislative Budget Commission (LBC). Projects totaling more than \$5 million must be approved by the LBC.

#### **Business plan required by September 1, 2011, in conjunction with EFI, must outline:**

- Strategies to be used by department and EFI for business recruitment and expansion.
- Benchmarks related to: business recruitment, business expansion, number of jobs created or retained.
- Tools, financial and otherwise, needed to achieve benchmarks, and timeframes necessary to achieve standards.
- By Jan. 1, 2012, the department must make recommendations for any further reorganization and streamlining of economic development and workforce functions.

\*The bill will also give relief to oil spill victims and make substantive changes to the Enterprise Florida Program.

### **General Government**

#### ***Retirement:***

***SB2100 relating to Retirement (Conforming Bill)*** - After much debate during Senate and House Committees, the FRS Retirement overhaul compromise was agreed upon in the form of SB2100, a budget "conforming" bill. The details are as follows:

- Requires a 3% employee contribution for all FRS members. DROP participants are not required to pay employee contributions.
- For employees initially enrolled on or after July 1, 2011, the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for

- creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.
- For employees initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100% of employer contributions upon completion of 8 years of creditable service. For existing employees, vesting will remain at 6 years of creditable service.
  - For employees, initially enrolled on or after July 1, 2011, the normal retirement age and years of service requirements, increase as follows:
    - For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
    - For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.
  - Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.
  - Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire, effective June 30, 2016, and the current 3% cost-of-living adjustment will be reinstated.

Effective July 1, 2011.

*State Workers Salary's* – Again, state workers did not receive a raise.

## Education

*Public Schools* – Total state funding for schools will be cut by \$1.3 billion next year, from \$17.9 billion to \$16.6 billion. The cut per student will be about \$218 or 3.2% next year at \$542 dollars per student.

*Higher Education* – The 2011-12 *Higher Education Appropriations Subcommittee* budget totals \$6.8 billion, down more than \$300 million. The budget include \$82.2 million or an 11.13% increase in the Educational Enhancement Trust Fund. The budget also includes funding for 1,302.75 FTE's. State tuition was again increased by 8% with another 7% increase expected to be voted upon by the Board of Governors (increase not covered by Bright Futures). Funding to universities dropped \$100 million or 5.7% to \$3.5 billion. Meanwhile, the Bright Futures scholarship is expected to be cut 20% or \$87.3 million. State financial aid was also cut 15%.

*Student Financial Aid* - The 2011-12 FY budget for Student Financial aid totals \$509.7 million. This is an overall decrease of \$88.5 million or 15.1% from the 2010-11 appropriation. Included in the \$509.7 million budget is a total state funds increase of \$3.3 million, a GR decrease of \$23.9 million and a Lottery increase of \$27.2 million. The Bright Futures program was also reduced \$87.3 million or 20% in the 2011-12 FY budget.

*State University System* - The 2011-12 fiscal year budget for the State University System totals \$3.5 billion, which is an overall decrease of \$206.2 million or 5.7% from the 2010-11 fiscal year

appropriation (Note: this reduction is a 3.7 percent decrease when the Florida Retirement System (FRS) adjustment is excluded). The budget reflects a reduction in total state funds of \$172.8 million or 0.14%, a reduction in GR funding of \$196.6 million or 10.16% and an increase in Lottery funding of \$23.8 million or 10.3%.

#### Additional Program Budget Details:

- *Tuition*—Provides for a tuition revenue budget authority increase of \$33.6 million for an 8% base tuition increase, \$43.4 million for a 7% tuition differential increase, and \$34.3 million for an 8% graduate and professional tuition increase.
- *Reductions*—Includes an average of 3.7% for medical schools, a \$1.3 million or 12% reduction to the Moffitt Cancer Center, and a \$7.1 million transfer from university student financial aid to public need-based aid.

### Health Care/Human Services

The 2011-2012 *Health Care Appropriations Committee* budget totals \$29.9 billion. The 2011-2012 budget is a 5.3% increase in total 2010-2011 FY spending. 35,686.25 FTE positions are included in the new budget, which is a reduction of 1,185.5 FTE's.

*Medicaid* - The Medicaid program is expected to cost the state nearly \$22 billion dollars next year.

*Hospitals* - Hospitals are expected to be cut by 12% in Medicaid funding next year.

*Nursing Homes* - Meanwhile, nursing homes are expected to be cut by 6.5% and given the flexibility in its staffing requirements. Nursing homes are expected to lower their staffing levels from 3.9 nursing hours per resident per day to 3.6 hours of care per day.

***HB7107 (Schenck) relating to Health and Human Services*** – While the Medicaid rewrite will not directly impact local government, it is expected to indirectly impact them. In short, the Medicaid bill is expected to shift the majority of the 3 million plus current Medicaid recipients to managed care programs. Managed-care operations will serve Medicaid patients in one of 11 regions across the state. Doctors and hospitals will be the health care providers that operate the regions provider service network. If Medicaid patients feel they can find a better option, they are permitted to find that provider or service and receive a waiver for their operation. Those with developmental disabilities will be excluded from managed care and will be under the “iBudget” personalized spending plan.

\*The rewrite is contingent on the federal government's approval.

***CS/SB2144 relating to Medicaid (Conforming Legislation)*** – The bill is expected to do the following:

- Modify the nursing home staffing requirements to allow for a combined direct care staffing requirement of 3.6 hours per resident per day and modify the formula for calculating the direct care subcomponent of the nursing home reimbursement.

- Modify the requirements for the Agency for Health Care Administration to deny licensure and renewal requests.
- Repeal the sunset of the Medically Needy for adults and the Medicaid Aged and Disabled (MEDS-AD) waiver, which will sunset June 30, 2011.
- Eliminate a requirement for a hospitalist program in nonteaching hospitals.
- Modifies the formula used for calculating reimbursements to providers of prescribed drugs.
- Repeal the sunset date for the freeze on Medicaid institutional unit cost; and delete obsolete workgroups and reporting requirements.
- Provide for the allowed aggregated amount of assessments for all nursing home facilities to increase to conform to federal regulations and revise the criteria for exempting qualified public, nonstate-owned or operated nursing home facilities from quality assessments.
- Repeal the sunset of the quality assessment on privately operated intermediate care facilities for the developmentally disabled.
- Revise the years of audited data used in determining Medicaid and charity care days for hospitals in the Disproportionate Share Hospital (DSH) Program; and change the distribution criteria for Medicaid DSH payments to implement funding decisions for the DSH program.
- Eliminate the requirement to implement a wireless handheld clinical pharmacology drug information database for practitioners; and allow electronic access to certain pharmacology drug information.
- Authorize the implementation of a home delivery of pharmacy products program; establishes the requirements for the procurement and the program; and eliminate the requirement for the expansion of the mail-order-pharmacy diabetes-supply program.
- Eliminate certain specific components of the prescription drug management system program.
- Authorize an additional Program of All-Inclusive Care for the Elderly (PACE) site in Palm Beach County and approve up to 150 initial enrollees, subject to a specific appropriation.
- Authorize the agency in conjunction with the specialty behavioral health plan to develop clinically effective, evidence-based alternatives as downward substitutions for the statewide inpatient psychiatric program and similar residential care and institutional services.
- Delete a provision that sunsets the ability of tobacco companies to deposit a limited amount of security with the Florida Supreme Court.
- Authorizes the use of a managing entity in the Medipass program in certain counties to implement program initiatives to improve care coordination, patient outcomes, and reduce costs.
- Assign Medicaid program recipients diagnosed with HIV/AIDS residing in Broward, Miami-Dade, or Palm Beach counties to an HIV/AIDS specialty plan.
- Exempt from Insurance Premiums Tax the premiums, contributions, and assessments received under a contract with Medicaid to solely provide services to Medicaid recipients by a prepaid limited health service organization (PLHSO) licensed under Chapter 636, Florida Statute. Provide that the provisions within the bill will operate prospectively and does not provide a basis for an assessment of taxes not paid, or a basis for determining any right to a refund of taxes paid, prior to the effective date.

The amendment has an effective date of July 1, 2011.

***Department of Children and Families:***

The 2011-12 DCF FY budget totals \$2.9 billion. This represents an overall decrease of \$54.3 million or 1.84% from the 2010-11 fiscal year appropriation.

*Additional Agency Budget Details Community Mental Health Restoration of Nonrecurring Funds - \$37.3 million (Provides recurring GR to restore Community Mental Health services that were funded as nonrecurring in the 2010-11 fiscal year appropriation. Community Mental Health provides services to both children and adults. In Fiscal 2009-10, 109,400 adults and 92,262 children were provided services.)*

*Substance Abuse Restoration of Nonrecurring Funds - \$16.7 million (Provides recurring GR to restore substance abuse services that were funded as nonrecurring in the 2010-11 fiscal year appropriation. The substance abuse program provides services to both children and adults. In Fiscal 2009-10, 137,961 adults and 49,172 children were provided services.)*

*Mental Health and Substance Abuse Community Projects - \$15.4 million (Provides nonrecurring GR funding to restore Community Mental Health and Substance Abuse projects. These projects provide direct services to both children and adults.)*

### **Criminal and Civil Justice**

The *Justice Appropriations Subcommittee* crafted a \$4.9 billion budget, a reduction of \$233.5 million or 4.5% from the 2010-11 fiscal year appropriation. The budget includes \$3.4 billion in GR, a reduction of \$194.8 million or 5.4% from the previous fiscal year, and \$1.5 billion in trust funds, a reduction of \$38.7 million or 2.4% from the previous fiscal year. The budget includes funding for 49,277 FTE's.

*Department of Juvenile Justice - \$535.6 million (This represents an overall decrease of \$70.6 million or 11.65% over the 2010-11 fiscal year appropriation.)*

*Privatizing Prisons -* Nearly 1,700 of the 4,500 FTE's were cut by the privatization of a portion of the prison system. Nearly 16,000 prisoners in 18 counties will be privatized across the state.

***SB2112 relating to Juvenile Detention Facilities (Conforming Bill)*** - This bill amends sections 985.686 and 985.688, F. S., allowing counties to operate their own detention facility if they cover the financial cost of detention care for pre-adjudicated juveniles and providing that a county is exempt from provisions in the these sections of Florida Statutes if they are in compliance with specific provisions. Those provisions are listed below:

- 1) Counties must fund the entire cost for pre-adjudication detention for juveniles.
- 2) Counties must authorize the county sheriff, any other county jail operator, or contract provider that is located inside or outside of the county to operate the facility.
- 3) County sheriffs or other county jail operators must be accredited by the Florida Corrections Accreditation Commission or the American Correctional Association.
- 4) Detention facilities must be inspected annually and meet the Florida Model Jail Standards.
- 5) Counties or county sheriffs may form regional detention facilities through interlocal agreements in order to meet the requirements of this section.

- 6) County sheriffs or other county jail operators must follow the federal regulations requiring sight and sound separation of juvenile inmates from adult inmates.
- 7) If counties or county sheriffs comply with the provisions of this new subsection, they will not be subject to any additional training, procedures, or inspections required in Chapter 985, Florida Statutes.

## Reserves

Expecting another deficit, legislators placed \$2.2 billion in reserves for the FY 2011-2012 budget beginning on July 1. Governor Scott also found nearly \$1 billion more in budget pork. The majority of the reserves are kept to secure a high state bond rating.

## PRIORITY ITEMS

Below is a description of the work done and overview of priorities assigned directly to Pittman Law Group. Please let us know if you have any questions or concerns about the following priority reports.

### ~Ban of "K-2" or "Spice" Synthetic Drugs~

**SB204 (Wise) / HB39 (Adkins/Rouson) relating to the ban of K2 synthetic drugs:**

**Objective:** *Create and pass legislation to ban the use, sale and possession of "K2" and other synthetic marijuana-like drugs. - PASSED*

Throughout the committee process, we made sure to touch every member of the Senate and House committees before the bills were heard. The only pushback was from the Black Caucus members who felt the possession charge was too harsh. However, with the assistance of the House Co-Sponsor, Rep. Rouson, we were able to work with the other sponsors to amend the bill to lower the possession offense with 3 ounces or less of the K-2 substance to a misdemeanor offense.

Due to our efforts, we were able to pass the House bill through all of its committees of reference during the first month of Session. On March 31, the House bill passed 105-13 during 3<sup>rd</sup> Reading. All the no votes came from Democratic members, despite the addition of the "misdemeanor possession" amendment.

Meanwhile, despite our efforts, the Senate bill was not heard during its last committee of reference, the *Budget Committee*. Once the Senate committee process concluded, we met with Sen. Thrasher in order to have the Senate bill withdrawn from the committee. Sen. Thrasher agreed to withdraw the Senate bill and on May 2 the bill passed unanimously (38-0) during 3<sup>rd</sup> Reading.

We worked with Governor Scott's office who ultimately signed the bill into law.

The House bill passed out of the following committees:

1. *Criminal Justice Subcommittee* (January 25 - Passed 11-4)
2. *Justice Appropriations Subcommittee* (March 9 - Passed 13-2)

3. ~~Judiciary Committee~~ (March 24 - 17-1)
4. ~~House Floor~~ (March 31 - Passed 105-13)

The Senate bill passed through the below committees:

1. ~~Criminal Justice~~ (January 11 - Passed 5-0)
2. ~~Health Regulation~~ (March 14 - Passed 12-0)
3. ~~Judiciary~~ (April 12 - Passed 7-0)
4. ~~Budget~~ (April 27 - Withdrawn)
5. ~~Senate Floor~~ (May 2 - Passed 38-0)

**Bill Analysis:** The bill defines “synthetic cannabinoids” as chemically engineered substances containing one or more synthetic compounds that behave similarly to the primary psychoactive constituent of marijuana. In recent years, “synthetic cannabinoids” has been referred to as “K2” or “Spice”.

Chapter 893, F.S., sets forth the Florida Comprehensive Drug Abuse Prevention and Control Act and classifies controlled substances into five categories, known as schedules. These schedules are used to regulate the manufacturing, distribution, preparation and dispensing of the substances. Schedule I substances have a high potential for abuse and don't currently have an accepted medical use in the United States.

HB39 adds the following synthetic cannabinoids and synthetic cannabinoid-mimicking compounds to Schedule I:

- 2-[ (1R, 3S) -3-hydroxycyclohexyl] -5- (2-methyloctan-2-yl) phenol, also known as CP 47, 497 and its dimethyloctyl (C8) homologue.
- (6aR, 10aR) -9- (hydroxymethyl) -6, 6-dimethyl-3- (2-methyloctan-2-yl) -6a, 7, 10, 10a-tetrahydrobenzo [ c] chromen-1-ol, also known as HU-210.
- 1-Pentyl-3- (1-naphthoyl) indole, also known as JWH-018.
- 1-Butyl-3- (1-naphthoyl) indole, also known as JWH-073.
- 1-[2-(4-morpholinyl)ethyl]-3-(1- naphthoyl) indole, also known as JWH-200.

This bill will make possession of synthetic cannabinoids a third degree felony in conformity with other Schedule I hallucinogens. This offense will be ranked in Level 3 of the offense severity ranking chart. However, possession of 3 grams or less of synthetic cannabinoids will be a first degree misdemeanor, unless the synthetic cannabinoid is in powdered form.

The offense of sale, manufacture, delivery or possession with intent to sell, manufacture or deliver synthetic cannabinoids will be a third degree felony and will be ranked in Level 3 of the offense severity ranking chart. The offense of purchase of synthetic cannabinoids will be a third degree felony and will be ranked in Level 2 of the offense severity ranking chart.

The United States Drug Enforcement Administration recently indicated its intent to temporarily place several synthetic cannabinoids into Schedule I of the federal controlled substance schedules. If a final order is issued, the manufacture, distribution, possession, importation, and exportation of synthetic cannabinoids would be a federal crime. Likewise, the effect of Florida scheduling is that

arrests and prosecutions under Florida law may be made for possession, sale, manufacture, delivery, and purchase of these substances.

The effective date of the bill is July 1, 2011.

---

~Early Voting Issues~

---

**Objectives:**

**Early Voting Issue 1:** *Provide counties additional flexibility related to early voting and county elections that do not involve state or federal offices or issues. Specifically, the ability to offer early voting for one week opposed to two weeks. PASSED*

**Early Voting Issue 2:** *Allow the Supervisor of Elections to use any site convenient and accessible as an early voting location. In addition, allow for the Supervisor of Elections (SOE) to dictate hours of operation. FAILED*

During Interim Committee Weeks and early Session, we spoke with the Senate *Ethics and Elections Committee* Chair, Sen. Diaz de la Portilla, and the *Governmental Operations Committee* Chair, Rep. Patronis, numerous times about the release of a possible comprehensive elections package. While both concurred that a package would be created, neither could tell us when it would be completed. Meanwhile, we helped to file several bills with provisions that met MDC's early voting priorities, but none of the Democrat driven bills gained any traction (*Bills descriptions listed below*).

During the 3<sup>rd</sup> week of Session, Sen. Diaz de la Portilla notified us that the Senate Elections PCB (SB2086) would be filed around March 29. When we received the bill, we sent the document to MDC for their review. The next day, Rep. Baxley offered a similar strike-all amendment changing the bill from a relatively short 14 page elections bill into a much larger 133 page comprehensive elections bill (HB1355).

Upon further review, the Republican driven elections bills offered a much bigger threat than an opportunity as a vehicle. With that said, we were informed that these bills would sail through the process with little chance of defeat.

Therefore, we decided to speak to Sen. Diaz de la Portilla about the opportunity to amend our various early voting priorities to his elections package, while also trying to water down the bill. As a former MDC commissioner, Chair Diaz de la Portilla definitely felt the need for our proposed early voting provisions. However, he wasn't able to make any decisions without the approval of Senate leadership. After receiving confirmation, he agreed to amend our "local government" language and chose not to pursue our proposed "expansion of facilities" provision. Sen. Thrasher amended the strike-all on April 14. Our specific amendment language in the strike-all is listed below:

*"The supervisor of elections may provide early voting for elections that are not held in conjunction with a state or federal election. However, the supervisor has the discretion to determine the hours of operation of early voting sites in those elections."*

With the Senate bill amended, we met with Sponsor Baxley who felt our "local government" language was feasible, but could not make a definite decision without Rep. McKeel's approval. At

Rep. Baxley's urging, we met with McKeel who unfortunately felt that our language would open the "flood gates" to Democratic members who wanted to add "early voting amendments".

We also offered other early voting amendments during committee and on the floor that would have allowed for extended facilities/hours of operation, with no luck. Again, the Majority Party was very adamant about no changes to the early voting statutes in their bill. However, we felt that the amendments did spur healthy debate and additional media exposure.

During week 8, we followed-up with Rep. McKeel to ask that House Leadership agree to our Senate language if the bill is passed through to House Messages. While he didn't agree, he said there was a good chance they would concur when the Senate bill was sent to House Messages.

Also during Week 8, Sen. Gaetz released some potentially harmful early voting amendments to the Senate bill. We asked Broward County if they would allow us to pursue the issue on their behalf. Once we received confirmation, we immediately contacted the Senator's staff to resolve the issue. We were able to assist in creating compromise amendments that also eliminated language that would have mandated larger counties to be open longer hours. Ultimately, the early voting language was changed to allow for the same amount of early voting hours (96) over 8 days, instead of 14. The language will also allow for no less than 6 hours and no more than 14 hours per day. There were rumors of mandated hours to Broward and Miami Dade counties, but those never materialized.

The House bill passed (79-27) across party lines during 3<sup>rd</sup> Reading on Thursday, April 21. The bill was greatly debated by the Minority Party on the Floor. Democratic members offered over 30 amendments during 2<sup>nd</sup> reading and only 1 minor amendment was adopted.

The majority of the debate centered on the Republican Party's intent. Democrats argued that Republican leadership intended to make the "right to vote" more difficult for their demographic voters (woman and students). Republicans denied the allegations, claiming they were trying to clean up the process, streamline voting and "protect our vote."

On May 4, the greatly debated Senate elections bill passed 25-14 with the majority of SB2086 amended to the HB1355. The bill then bounced back to the House on May 5<sup>th</sup> and passed 77-38.

On May 19, despite great opposition from several organizations, the bill was signed into effect by the Governor.

#### ***Bill Analysis:***

**HB 1355 (Baxley)/ SB2086 (Diaz de la Portilla) relating to Elections** – The House bill is an omnibus elections bill consisting primarily of the Secretary of State's election administration and campaign finance packages, along with numerous other significant changes to the Florida Election Code that include:

#### **Joint Resolutions:**

- Provides for alternative ballot summaries and/or the full text of a constitutional amendment proposed by joint resolution to be placed on the ballot.
- Provides lead-time until the end of 2013 for voting systems to be modified to accommodate the full text of an amendment.

- Creates a presumption that placing the full text on the ballot provides electors adequate notice of what they're voting on. It also contains procedures for curing defective ballot summaries.

#### **Early Voting:**

- Provides for a more compressed, 8-day early voting period that's closer to election day — from the 10th to the 3rd day before the election — while maintaining the current 96 total hours of early voting should supervisors deem it necessary in their counties.
- Requires early voting at each site to be open for a minimum of 6 hours and a maximum of 12 hours per day.

#### **Third-Party Voter Registration Organizations:**

- Requires such groups to submit voter registration applications within 48 hours of receipt instead of 10 days, identify registration agents collecting applications, and act as a fiduciary to voters whose applications have been collected.
- Requires registration forms to contain certain identifying information
- Mandates that the Florida Division of Elections (DOE) maintain a database of forms issued to third-party voter registration groups.
- Applies the provisions of this section retroactively to existing third-party voter registration groups.

#### **Address Changes at the Polls:**

- Allows voters to change their addresses on Election Day and still vote a regular ballot, provided the elector is either:
  1. Voting in the same county in which they originally registered to vote
  2. An active military member or in the same family with an active military member.
- Other electors making inter-county address changes at the polls would be required to vote a provisional ballot.

#### **Citizen Initiative Petitions:**

- Reduces the shelf-life of initiative petition signatures proposing constitutional amendments from 4 years to 2 years.

#### **Reporting Election Results:**

- Requires county canvassing boards to report all early voting and tabulated absentee ballots to the Department of State within 30 minutes after the polls close, and to subsequently report all results (other than provisional ballots) every 45 minutes until complete.

#### **Presidential Preference Primary (PPP) Date:**

- Eliminates the current date for the Presidential Preference Primary (last Tuesday in January) and creating a 10-member PPP Date Selection Committee, which will establish the PPP date every four years to fall between the beginning of January and the beginning of March; the date must be selected by October 1 of the year preceding the presidential election.

#### **State Primary Date:**

- Moves the State's primary election from 10 weeks to 12 weeks before the general election (i.e., August 14, 2012).

**Party Switching:**

- Prohibits would-be candidates from seeking a party's nomination to an office if the person was a member of any other political party for a year preceding qualifying.

**Binding Directives:**

- Empowers the Secretary of State to provide written direction to supervisors of elections on matters relating to their official duties under the Florida Election Code or department rule.

**Absentee Ballots:**

- Standardizes the time frames during which absentee ballots are mailed to military, overseas, and other voters
- Allows county canvassing boards to begin canvassing absentee ballots at 7 a.m. on the 15th day before an election instead of the 6th day.

**Election Law Violations:**

- Corrects an oversight in current law by providing that an administrative law judge in the Division of Administrative Hearings to have the same authority as the Florida Elections Commission to impose civil penalties for election law violations.

**Voter Information Cards:**

- Adds the polling place address to voter information cards, and requiring supervisors of elections to comply with this requirement with respect to all voter information cards issued after August 1, 2012.

**Poll Watchers:**

- Brings greater transparency and flexibility to poll watcher procedures by providing for "at-large" poll watchers.

**Random Audits:**

- Specifies that if a manual recount is conducted, a post-election, random audit of the voting system is not required.

**Campaign Finance Automatic Fines:**

- Increases the penalty for committees of continuous existence that late-file their final campaign finance report due before a primary or general election for the first three days the report is late, from \$50 per day to \$500 per day (to conform to current law regarding political committee and candidate filings).

**County Candidates/Reapportionment:**

- Allows county candidates who are seeking to qualify by petition in an apportionment year to obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries.

**\*Below are the definitions of some of the other elections bills we followed during the Legislative Session. These bills would have been friendly to the County if they had passed.**

**HB 1143 (Clemens) relating to early voting** – We contacted Rep. Clemens during Interim Committee Weeks to let him know we supported his legislation. While he was advised the bill was not appreciated in the conservative climate, he did agree to push certain provisions to a larger elections vehicle.

Rep. Clemens also referenced his legislation during the House *Governmental Operations Committee*. Rep. Baxley agreed to talk to Rep. Clemens at another time to discuss a compromise. After the committee concluded, we followed up with Rep. Clemens and expressed our desire to continue our work to amend language to Rep. Baxley's comprehensive elections package (HB1355). Unfortunately, House leadership did not concur with the early voting provisions.

**Bill Analysis:** The bill would have provided additional facilities that may be designated as an early voting site. It would have also revised the date that early voting begins primary elections. Finally, the bill would have reduced the time for early voting in a primary election.

**HB 921 (Jenne)/SB 848 (Rich) relating to early voting** – We worked with both sponsors throughout the process to either pass these standalone bills or try to amend the language to another bill. Unfortunately, we ran out of time in the committee process and these types of legislation were not being considered in the heavily diluted Republican Legislature.

The House bill was referred the following committees of reference:

1. *Government Operations Subcommittee* (Chair Patronis)
2. *Transportation & Economic Development Appropriations Subcommittee* (Chair Horner)
3. *State Affairs Committee* (Chair McKeel)

The Senate bill was referred the following committees of reference:

1. *Rules Subcommittee on Ethics and Elections*(Chair Diaz de la Portilla)
2. *Rules* (Chair Thrasher)
3. *Budget* (Chair Alexander)

**Bill Analysis:** The bill would have expanded the list of available sites at which early voting may be held to include specified facilities or any other location designated by a supervisor of elections as meeting the requirements of state law. It would have deleted a mandate that an early voting site be designated for at least 1 year before an election. Finally, the legislation would have provided requirements for determining the number of early voting sites that each county must operate.

### **Community Development Districts Election Issues:**

**Objective:** *Allow the Supervisor of Elections to conduct Community Development District elections via mail ballot as opposed to inclusion in the General Election. FAILED*

As mentioned in our February report, we found that s. 101.6102(2) “prohibits mail ballot elections for candidates”. Therefore, in order to file our bill we would also needed to amend a piece of very

essential elections language. It was very difficult to change the above chapter in this largely Republican atmosphere.

However, we did spend several days working with bill drafting to find a way to pass our legislation without changing s. 101.6102(2). Unfortunately, we had little luck with this legislation this year. It looks as though we will need to work on an alternative way to resolve this issue.

---

~Section 511 Repeal Memorial~

---

**SB 1598 (Siplin)/ HB 1287 (Thurston) relating to Repeal of Section 511 of the Tax Increase Prevention & Reconciliation Act –**

**Objective:** *Create a resolution urging Congress to support the repeal of Section 511 of the Tax Increase Prevention & Reconciliation Act of 2005.*

Throughout the committee process, we met with Sen. Siplin and Rep. Thurston several times to discuss placement of our bill on the agenda. We also reached out to Chair Ring and Chair Plakon to ask the same. In addition, we also met with the legislative directors and chairs of the first committees of reference. Finally, we met with President Haridopolos and Mr. Mat Bahl, Speaker's Chief of Staff, to have our bills heard in their respective committees.

Through those meetings, we found that the underlying issue in the House was that the memorial was a party line vote in Congress. The Speaker did not want to put the House Republicans in that posture.

With that said, we continued to strategize and meet with committee directors to try to exhaust all the Legislative possibilities. Unfortunately, the House committee process ran out on us around week 5. During a meeting with the House Rules Director, we found that it was possible to have our bill heard on the floor without being heard in committee, but it very rarely occurred.

On April 14, we were able to have the Senate bill heard and passed unanimously during the *Governmental Oversight and Accountability Committee*. We continued to work closely with Sen. Siplin and the *Community Affairs* staff to have our bill withdrawn from committee. The bill was finally withdrawn on May 3 and placed on the Special Order Calendar in the Senate. Unfortunately, the bill was never voted upon on the floor due to the House's aversion to the legislation.

The Senate bill traveled through the following committees of reference:

1. *Governmental Oversight and Accountability* (April 14<sup>th</sup> – Passed 13-0)
2. *Community Affairs* (May 3<sup>rd</sup> - Withdrawn)
3. *Special Order Calendar*

The House bill was referred to the following committees of reference:

1. *Federal Affairs Committee* (Chair Plakon)
2. *State Affairs Committee* (Chair McKeel)

**Bill Analysis:** This Senate Memorial urges the U.S. Congress to repeal Section 511 of the Tax Increase Prevention and Reconciliation Act, which requires governments that have annual budgets in excess of \$100 million to withhold a 3 percent federal tax on payments made for most goods and services.

~Tour Guide Deregulation~

**SB 1670 (Margolis)/HB 1361 (Stafford) relating to Tour-Guide Local Regulation and HB5005 (Hukill/Bovo) relating to Deregulation -**

**Objective:** Remove Section 559.939, Florida Statutes that preempts the County governments from regulation tour guides.

With the help of Sen. Margolis and Rep. Stafford, we chose to draft standalone bills that would have created "home rule" provisions relating to the regulations of the tour-guide industry. We discussed the issues on several occasions with committee staff and chairs. Mr. Jess McCarty aided us in all the committees' request, such as additional "home rule" regulation models, specific regulatory powers requested and foreseeable opponents. We replied promptly to the committee with little feedback. During Week 2, the bills ultimately took a back seat to a deregulation bill created in the midst of Session.

On March 13, the House created two Deregulation bills that included tour-guides and several other industries. The language was included in lines 1688-1692 of HB5005 that specifically "repealed part XI of chapter 559, F.S., relating to the Florida Sellers of Travel Act, the registration of sellers travel...and the regulation of prearranged travel, tourist-related services, *tour-guide services*, and vacation certificates."

When the committee process and our standalone bill began to slow, we chose to focus our efforts on HB5005 (Hukill) relating to Deregulation. During the Conference process, the bill was ultimately made a "conforming bill", broken up into line items, and discussed during its own Deregulation Conference Committee. We worked the line item diligently with Chair Hayes and Chair Hukill as our line-item bounced back and forth during the *Deregulation Conference*. Our item was eventually "bumped" to the "At-Large" Conference committee where a compromise was made between Chair Alexander and Chair Grimsley. Unfortunately, our issue was not agreed upon as part of the final compromise by the Senate and Chair Alexander. During the last week of Session, we continued to look for vehicles on which we could amend our issue.

Ultimately, HB5005 and 5007 died during a floor vote in the Senate. The vote was a direct result of the Senate's distaste for the House sending bills to the Senate that had not been properly vetted through the Senate committee process. The bills failure was one of the major reasons for the extension of Session on day 60.

**HB 5005 (Hukill) - Bill Analysis:** As passed through the Conference process, the bill would have provided for the following:

- Removed the requirement for auctioneer apprenticeship licensure.

- Provided that out-of-state auctioneers may conduct motor vehicle auctions held for the purpose of sanctioned contests in this state.
- Repealed the registration requirement for the hair braider, hair wrapper, and body wrapper specialties.
- Deregulated the practice of interior design.
- Removed the license classification of rooming house.
- Repealed registration and regulatory requirements on sellers of "business opportunities," as defined in s. 559.801(1), F.S.
- Removed the requirements relating to access to and from public roads and other requirements that specifically apply to outdoor theatres.
- Removed the requirement that a contract to solicit orders within this state between a principal and a commissioned sales representative be in writing and specify the terms of the commission.
- Removed the requirement that cathode ray tubes (CRT, or television picture tubes) be correctly labeled to indicate the new and used components and materials in such picture tubes.

Effective date was July 1, 2011.

---

~MDC Reimbursement~

---

**FEMA Issue:** On April 22, we met with the Department of Emergency Management (DEM) Legislative Director, Mr. William Booher. He confirmed that the previously agreed upon 1994 agreement relating to the submittal of documents was no longer in effect. With that said, he assured us the DEM and MDC have a "good working relationship status". He went on to urge MDC to continue to release the specific information and associate the line items to the specific projects in order to expedite the process. Also, he stressed the importance of including only "eligible items" to their list, because only "eligible items" are able to be refunded. Apparently, the two entities are also working together to build a template that is expected to expedite future refunds.

At our request, Mr. Booher followed up with formal written response via email. On Tuesday, April 26, we forwarded the formal written response from the Department of Emergency Management's to Mr. Jess McCarty. Please let us know if you would like us to forward the reply to anyone else.

**HAVA Reimbursement for ADA Compliance Funds** – We made several inquiries about the issue over the past few years, however our sources continue to tell us that the \$99 million that was withheld no longer exists. Our team continues to be told that there is a discrepancy in the interpretation of the Federal requirements. The interpretation by the Governor's office is equal to what was already distributed to the County. However, the County's interpretation is different from the Governors. Moving forward, we would like to know if there is any additional information that would change the findings from the previous two legislation sessions.

---

~2011 GROWTH MANAGEMENT REFORM~

---

The following growth management bills passed and will be placed on the Governor's desk for approval.

**SB360 Reenactment** – The three growth management bills listed below were individually filed in each house to reinstate portions of the 2009 growth management bill (SB360). The bills are a direct reaction to the recent legal challenges that are prohibiting SB360 to take effect. The bills will allow these provisions to bypass the legal process and become law.

Throughout the process, Sen. Bennett and House sponsors were extremely adamant that members would not be allowed to alter or amend any of the bills. They assured members that a growth management package would be drafted during Session. The bills all passed early in Session and were signed by the Governor before the Session concluded.

**Bill Analysis:**

**HB7001 (Workman) / SB172 (Bennett) relating to Growth Management** - The Growth Management bill (HB7001/SB174) would address several areas related to comp planning and land development including the following:

- Urban Service Areas and Dense Urban Land Areas
- Transportation Concurrency
- Development of Regional Impacts
- Financial Feasibility Requirements
- School Concurrency
- Permit Extensions
- Impact Fee Notice and Concurrent Zoning
- Dispute Resolution

According to the bill, those sections amended or created by Chapter 2009-96, Laws of Florida, are retroactive to June 1, 2009. Additionally, if a court finds the retroactive application unconstitutional, the bill provides that it then will apply prospectively from the date it becomes law.

**HB93 (Steube) / SB174 (Bennett) relating to Security Cameras** – The Security Cameras bill (HB93/SB172) would resolve the single subject and mandate challenges that have occurred during the interim. The bill would reenact the prevention of local governments from requiring that a business spend funds for security cameras. The section does not limit the ability of a county, municipality, airport, seaport, or other local governmental entity to adopt standards for security cameras. This bill would provide for retroactive operation.

**HB7003 (Workman)/ SB176 (Bennett) relating to Affordable Housing** – The third portion (HB7003/SB176) of the growth management bill from the 2009 session would address the single subject and mandate challenges that have occurred during the interim. The bill would reenact the following provisions:

- State allocation pool used to confirm private activity bonds.
- Specified provisions relating to lands that are owned by a community land trust and used to provide affordable housing.
- Tax exemptions would be provided to organizations that provide low-income housing.
- Property exemption for affordable housing owned by a nonprofit entity.

This bill reaffirms current law created in ch. 2009-96, Laws of Florida, and thus has no additional fiscal impact. However, on March 20, 2009, the Revenue Estimating Conference adopted the following fiscal impacts for the tax provisions of CS/CS/HB 161 (2009 Session) that were ultimately included in CS/CS/SB 360:

- For provisions of the bill relating to ad valorem tax exemptions for exempt charitable organizations taking affirmative steps to provide affordable housing, the conference adopted an estimated negative impact to local governments of \$200,000 each year over the next five years.
- For provisions of the bill relating to charitable non-profits, the conference adopted an estimated negative impact to local governments of \$400,000 each year over the next five years.

The bill became effective upon becoming law.

~\*~

Growth management took center stage during Week 8 at the *Transportation and Economic Development (TED) Appropriations budget conference* committee. More than half way through the TED Appropriations conference committee meeting, the growth management overhaul was added to the mix. The House and Senate members began the discussion on provisions in growth management included in various substantive bills. The House gave its first offer on this issue and were told essentially, it was an all or nothing choice from the Senate growth management position and. Therefore, the entire TED budget would be “bumped” to the overall budget chairs. This means that everything previously agreed upon in this particular budget area would be reopened, reviewed, and the funding allocations potentially reworked. With that news the House members worked to accept most of the Senate’s proposals in growth management. The bill ultimately passed.

**HB7207 (Select Committee on Government Reorganization and Aubuchon) relating to Local Government Comprehensive Planning and Land Development Regulation Act** - The bill was one of several conforming bills that will accompany the budget. The 349 page growth management bill amends several provisions of current “Growth Management” law.

- Makes concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applies and revises the expedited comprehensive plan amendment process statewide.
- Deletes the requirement that comprehensive plans be financially feasible.
- Deletes the twice a year limitation on comprehensive plan amendments.
- Revises the small scale amendment process.
- Specifies that population projections should be a floor for requisite development except for areas of critical state concern.
- Allows additional planning periods for specific parts of the comprehensive plan.
- Abolishes 9J-5 (DCA’s growth management regulations and incorporates certain provisions into the bill).

- Removes many of the state specifications and requirements for optional elements in the comprehensive plan, but allows local governments to continue to include optional elements.
- Expands and revises the optional sector plan process.
- Reduces the requirements of the evaluation and appraisal process.
- Revises the rural land stewardship program.
- Restricts the state's ability to interpret joint planning agreements.
- Clarifies and broadens the window for permit extensions.
- Creates a 4-year development of regional impact permit extension.
- Removes industrial areas, hotels/motels, and theaters from the list of developments of regional impact.
- Creates an exemption from the DRI process for mining projects and allows those mines to enter into agreements with the Department of Transportation.
- Adds a new 2-year permit extension, but caps the maximum extension at 4 years.
- Prohibits local governments from having referenda for local comprehensive plan amendments.
- Encourages planning innovation technical assistance.
- Sunsets the Century Commission in two years.
- Clarifies requirements for adopting criteria to address compatibility of lands relating to military installations.
- Allows a certain plan amendment to be readopted by a local government without being resubmitted to the state land planning agency.
- Clarifies when a local government can reject a proposed change to a development of regional impact.
- Encourages adaptation strategies.
- Requires DOT to study the proportionate share calculation.
- Allows DCA to have procedural issues on their website.

The effective date of this bill is upon becoming law.

**HB407 (Community and Military Affairs Subcommittee and Perry) relating to Residential Building Permits** - The bill provides that a local enforcement agency, and any local building code administrator, inspector, or other official or entity, may not require, as a condition of issuance of a one- or two-family residential building permit, the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.

This provision does not apply to a building permit sought for: A substantial improvement as defined in s. 161.54, F.S. A change of occupancy as defined in the Florida Building Code.

A conversion from residential to nonresidential or mixed-use pursuant to s. 553.507(2), F.S., or as defined in the Florida Building Code. A historic building as defined in the Florida Building Code.

Relative to the prohibition established in subsection (17), the provision does not prohibit a local enforcing agency, and any local building code administrator, inspector, or other official or entity, from:

- Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted as a condition of issuing a one- or two-family residential building permit.
- Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the one- or two-family residential building permit is being sought.
- Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property.
- Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with ss. 933.20 – 933.30, F.S.

Subsection (17) of s. 553.79, F.S., is repealed when the Secretary of State receives written certification from the chair of the Florida Building Commission that the commission has adopted an amendment to the Florida Building Code, which substantially incorporates the provisions in subsection (17) as part of the code and the amendment has taken effect.

The bill provides an effective date of July 1, 2012.

***Impact Fees:***

**SB410 (Bennett) / HB7021 (Community and Military Affairs Subcommittee and Hooper) relating to Impact Fees** - In response to litigation, the bill reenacts the section of the Florida Statutes that states that the government has the burden of proving by a preponderance of the evidence that an impact fee meets the standards set out in statute or in case law. The section, s. 163.31801, F.S., prohibits the courts from using a more deferential standard. To remove any doubt regarding whether this section is an unconstitutional mandate, this bill requires approval by each house of the Legislature by two-thirds of the membership.

This bill reenacts section 163.31801, Florida Statutes.

The bill provides that it shall become effective upon becoming a law, and shall operate retroactively to June 1, 2009. If such retroactive application is held by a court of last resort to be unconstitutional, the bill states that this act should then apply prospectively from the date that the act becomes a law.

~\*~

The major growth overhaul bills below died during the 2011 Legislative process. The majority of the failed provisions in the bills will most likely return during the 2012 Legislative Session.

**SB1122 (Bennett) / HB7129 (Committee on Community and Military Affairs Subcommittee and Rep. Workman) relating to Growth Management:**

**House Bill Analysis:** HB7129, designated as “The Community Planning Act”, amends part II of chapter 163, F.S., to streamline the planning process by removing unworkable provisions that delay economic development, which is the priority of the legislative leadership as well as the Governor.

In the Future Land Use Element, this bill modifies and incorporates provisions relating to “urban sprawl” and modifies the need requirement to be based upon a minimum population.

In the Capital Improvements Element, this bill removes the financial feasibility requirement and requires local governments to list their funded and unfunded capital improvements.

This bill repeals rule 9J-5 of the Florida Administrative Code and incorporates provisions of the rule within part II of Chapter 163.

This bill changes the requirements associated with the large-scale planning tools of sector plans and rural land stewardship areas.

The state comprehensive plan amendment process is streamlined while maintaining public participation in the local government planning process.

This bill removes the state mandated concurrency for transportation, parks and recreation, and schools. Local governments may maintain their current use of these tools without taking any action.

This bill continues to require local governments to evaluate their comprehensive plans once every seven years and to adopt updated amendments as necessary, but this bill removes the state requirement for local governments to adopt an evaluation and appraisal report every seven years.

**Senate Bill Analysis:**

- Making concurrency for parks and recreation, schools, and transportation facilities optional for local governments.
- Applying an expedited comprehensive plan amendment process statewide.
- Deleting the requirement that comprehensive plans be financially feasible.
- Deleting the twice a year limitation on comprehensive plan amendments.
- Revising the small scale amendment process.
- Specifying that population projections should be covered for a 10-year window and act as a floor for requisite development except for areas of critical state concern.
- Allowing additional planning periods for specific parts of the comprehensive plan.
- Abolishing 9J-5, F.A.C., and incorporating many of the substantive provisions into the bill.
- Removing many of the state specifications and requirements for optional elements in the comprehensive plan, but allowing local governments to continue to include optional elements.
- Allowing mass transit projects to extend outside a transportation deficiency area.
- Exempting transit-oriented developments from transportation impact review in the development of regional impact process.
- Expanding and revising the optional sector plan process.
- Reducing the requirements of the 7-year evaluation and appraisal process.
- Revising the rural land stewardship program.

- Restricting the state's ability to interpret joint planning agreements.
- Prohibiting local governments from increasing or creating new impact fees for nonresidential development for two years.
- Making DCA the sole agency for reviewing commercial/industrial uses for purposes of the Highway Beautification Act.
- Revising the make-up of the RPCs allowing for representation of the commercial and business entities.
- Reenacting language relating to the burden of proof for impact fees.
- Clarifying and broadening the window for permit extensions.
- Removing certain requirements relating to energy efficiency and green house gas reductions.
- Removing the optional provisions relating to recreational surface water use policies.
- Prohibiting local governments from:
  - Having referenda for local comprehensive plan amendments requiring a super majority vote for the adoption of comprehensive plan amendments.
  - Encouraging planning innovation technical assistance.
  - Containing transition language and preservation of rights.
  - Clarifying that a landowner seeking certification of a water and/or wastewater utility from the Public Service Commission (PSC) for at least 1,000 acres may seek such certification for planning purposes, in order to be prepared to provide service on its property, without being required to show an immediate need for service.
  - Expanding provisions relating to agricultural enclaves.
  - Revising and sunseting the Century Commission.
  - Clarifying requirements for adopting criteria to address compatibility of lands relating to military installations.
- Specifying that the comprehensive plan or zoning ordinance that applies to a development is the plan or ordinance in place at the time the application for development is filed.

**SB1512 (Bennett) / HB1427 (Steube) relating to Growth Management** – The growth management bill died early in the process. It would have done the following:

- Redefined the term backlog to “transportation deficiency” or “deficiency”. Therefore, all references to deficiency mean: a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review which are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections.
- Amended s. 163.3164, F.S., to add the following definitions:
  - Mobility plan means an integrated land use and transportation plan that promotes compact, mixed-use, and interconnected development served by a multimodal transportation system that includes roads, bicycle, and pedestrian facilities and, where feasible and appropriate, frequent transit and rail service in order to provide individuals with viable transportation options without sole reliance on a motor vehicle for personal mobility.
  - Transit-oriented development means a project or projects in areas identified in a local government comprehensive plan which are served by existing or planned transit

service as delineated in the plan's capital improvements element. These areas must be compact, have moderate to high density developments, be of mixed-use character, interconnected, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

- Also amended the definition of "financial feasibility" to change the requirement that committed or planned funding sources be available for years 4 through 10 (current law requires the funding sources be available for years four and five) of the capital improvement schedule.
- Clarified that a local government's comprehensive plan shall be based on resident and seasonal population estimates and projections and specifies acceptable methodologies for population projections.
- Clarified that the schedule of capital improvements should include publicly funded federal, state, or local government projects. The schedule of capital improvements must include improvements relied upon for concurrency or a local government's mobility plan.
- Required each local government that is required to update or amend its comprehensive plan to address the compatibility of lands adjacent or closely proximate to an existing military installation, or lands adjacent to an airport in its future land use plan element, shall transmit the update or amendment to the state land planning agency by June 30, 2012.
- Revised the future land use element to clarify that population projections include resident and seasonal population. Additionally, population projections would serve to indicate the minimum amount of development necessary to support anticipated growth as determined using BEBR numbers or another professionally recognized methodology. It specifies that the future land use plan should reflect the need for job creation, capital investment, and economic development (in current language this factor is limited to rural communities). The future land use element would have to accommodate enough development to satisfy the BEBR projected population for the next 10 years.
- Amended provisions in s. 163.3180, F.S., relating to long-term transportation concurrency management systems. It requires local governments to designate long-term transportation management systems if transportation deficiencies are projected to occur within 10 years. This differs from current law in that currently these long-term management systems are optional for areas where transportation deficiencies actually exist.
- Modified the factors that must be shown for a development to go forward despite failure of the development to satisfy transportation concurrency. Specifically, it allowed the local government to determine that the road improvements the developer provides for as mitigation will significantly benefit the impacted transportation.
- Modified the definition of proportionate-share and proportionate fair-share contribution. The bill specifies that trips placed on toll roads will be eliminated from the proportionate-share and proportionate fair-share calculation.
- Removed from this calculation impacts to any road that is already transportation deficient. The responsibility for improvements to rectify the existing deficiency is the responsibility of the local government. The calculation would be repeated using theoretical traffic capacity that would be available if the local government added the new improvement necessary to correct the deficiency. If the trips from the proposed development rendered the needed road deficient then the new development would be responsible for paying for its impacts on those theoretical improvements that would be significantly and adversely affected.

- Due to the modifications the bill made on the calculation of proportionate share and proportionate fair-share, the bill moves the deadline for adopting an ordinance for assessing proportionate fair-share mitigation to December, 1, 2011.
- Specified that the developer may satisfy their transportation concurrency requirements if the developer's traffic impacts are provided for in a binding proportionate-share agreement (not just improvements provided for in the local government's plan for capital improvements).
- Amended s. 163.3182, F.S., to change the term backlog to deficiency. The bill then revises the definition of transportation deficiency to include areas where the projected traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility. This makes the definition consistent with other places in statute.
- Revised language relating to the schedule for financing and construction of projects that will eliminate deficiencies as part of a transportation deficiency plan. Specifically, the bill language stated that if mass transit is selected as all or part of the system solution, the improvements and service may extend outside the transportation deficiency areas to the planned terminus of the improvement as long as the improvement provides capacity enhancements to a larger intermodal system.
- Amended s. 380.06, F.S., to create an exemption for DRI transportation impacts within any transit-oriented development adopted into the comprehensive plan. The exemption does not apply within areas of critical state concern, the Wekiva Study Area, or within 2 miles of the boundary of the Everglades Protection Area (EPA).

---

## 2011 PERTINENT LEGISLATION / PASSED

---

Below are analyses and descriptions of some of the work done on the major issues passed by the Legislature during the 2011 Session. The issues were some of the most highly debated and lobbied bills as they traveled through the process.

### ~Retirement Legislation~

---

The FRS retirement legislation took the road less traveled through the Legislative process. The issue began as a standalone bill in the House (HB1405 - Workman) and the Senate (SB1130 - Ring) and ultimately ended up another one of the several conforming bills (SB2100) attached to the budget. However, the bill was expected to be part of the budget from the beginning. The FRS bill is expected to save the state more than a billion dollars annually.

#### ***Bill Analysis:***

***SB2100 relating to Retirement (Conforming Bill)*** - Below is the summary of the final FRS bill:

- Requires a 3% employee contribution for all FRS members. DROP participants are not required to pay employee contributions.
- For employees initially enrolled on or after July 1, 2011, the definition of "average final compensation" means the average of the 8 highest fiscal years of compensation for creditable service prior to retirement, for purposes of calculation of retirement benefits. For employees initially enrolled prior to July 1, 2011, the definition of "average final compensation" continues to be the average of the 5 highest fiscal years of compensation.

- For employees initially enrolled in the pension plan on or after July 1, 2011, such members will vest in 100% of employer contributions upon completion of 8 years of creditable service. For existing employees, vesting will remain at 6 years of creditable service.
- For employees, initially enrolled on or after July 1, 2011, the normal retirement age and years of service requirements, increase as follows:
  - For Special Risk Class: Increases the age from 55 to 60 years of age; and increases the years of creditable service from 25 to 30.
  - For all other classes: Increases the age from 62 to 65 years of age; and increases the years of creditable service from 30 to 33 years.
- Maintains DROP; however, employees entering DROP on or after July 1, 2011 will earn interest at a reduced accrual rate of 1.3%. For employees currently in DROP or entering before July 1, 2011, the interest rate remains 6.5%.
- Eliminates the cost-of-living adjustment (COLA) for service earned on or after July 1, 2011. Subject to the availability of funding and the Legislature enacting sufficient employer contributions specifically for the purpose of funding the reinstatement of the COLA, the new COLA formula will expire, effective June 30, 2016, and the current 3% cost-of-living adjustment will be reinstated.

The overhaul enables the Legislature to redirect nearly \$1.1 billion to help fill a nearly \$4 billion budget shortfall. The enacted reforms were a considerably scaled back version of Governor Scott's initial request of five percent.

Required employer retirement contribution rates for each membership class and subclass of the FRS for the pension and investment retirement plans:

| Membership Class                                                                                 | % of Gross Compensation Effective July 1, 2011 | % of Gross Compensation Effective July 1, 2012 |
|--------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------|
| Regular                                                                                          | 3.28                                           | 3.28                                           |
| Special Risk                                                                                     | 3.28                                           | 3.28                                           |
| Special Risk - Administrative Support                                                            | 4.07                                           | 4.07                                           |
| Elected Offices - Legislators, Gov, Lt. Gov, Cabinet Officers, State Attorneys, Public Defenders | 7.02                                           | 7.02                                           |
| Elected Officers - Justices, Judges                                                              | 9.27                                           | 9.27                                           |
| Elected Officers - County Elected Officers                                                       | 4.81                                           | 4.81                                           |
| DROP                                                                                             | 3.31                                           | 3.31                                           |

In order to address unfunded actuarial liabilities of the system, the required employer retirement contribution rates for each membership class and subclass of FRS for the pension and investment retirement plans are as follows:

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

| Membership Class                                                                                 | % of Gross Compensation Effective July 1, 2011 | % of Gross Compensation Effective July 1, 2012 |
|--------------------------------------------------------------------------------------------------|------------------------------------------------|------------------------------------------------|
| Regular                                                                                          | 0.49                                           | 2.16                                           |
| Special Risk                                                                                     | 2.75                                           | 8.21                                           |
| Special Risk - Administrative Support                                                            | 0.83                                           | 21.40                                          |
| Elected Offices - Legislators, Gov, Lt. Gov, Cabinet Officers, State Attorneys, Public Defenders | 0.88                                           | 21.76                                          |
| Elected Officers - Justices, Judges                                                              | 0.77                                           | 12.86                                          |
| Elected Officers - County Elected Officers                                                       | 0.73                                           | 22.05                                          |
| Senior Management Service                                                                        | 0.32                                           | 10.51                                          |
| DROP                                                                                             | 0.00                                           | 6.36                                           |

Effective July 1, 2011.

**SB1128 (Ring) / HB 7241 (House Government Operations Subcommittee and Representative Patronis) relating to Public Retirement Plans / Municipal Plans** - As stated throughout session in several of our weekly reports, both in the Senate, and to a lesser extent the House, pension reform issues and proposals were debated, amended and developed over the course of several weeks of workshops and hearings. However, as explained in every meeting, Sen. Ring noted the committee's approach to these two areas was substantive and the bills were likely to change as they moved through the budget committee, chaired by Sen. Alexander, to focus on the fiscal impact to the state. The reasoning was that not only should the reform reflect the policy direction of the legislature, the budget committees had to close the \$3.8 billion gap in the state's revenue intake to spending ratio. So with that knowledge, the Budget committees in the Senate and the House, put forth varying pension reform bills addressing the retirement issue at each of the hearings. The final product is a result of many weeks of deliberation.

**Bill Analysis:** The bill revises the definition of compensation for all local government defined benefit retirement plans (general employee, police, fire and other plans).

- For employees' service earned July 1, 2011 and after, up to 300 hours of overtime can be included toward an employee pension, but unused sick or annual leave is not eligible to be included (not including plans subject to collective bargaining).
- For plans that are subject to collective bargaining, effective for the first agreement reached on or after July 1, 2011, for service earned on or after the agreement date, up to 300 hours of overtime compensation can be included toward an employee pension, but payments for sick or annual leave is not eligible to be included.
- The bill requires that all actuarial reports disclose the present value of a defined benefit plan's accrued vested, nonvested and total benefits, as adopted by the Financial Accounting Standards Board, using the Florida Retirement System's assumed rate of return (currently 7.75 percent), with the intent to allow for the public to compare actuarial data of local plans.

Changes, made to Ch. 175 (regarding Firefighter pensions) and Ch. 185 (regarding Municipal police pensions) are as follows:

- Eliminates the requirement in both Ch. 175 and 185 that pension benefits be increased whenever member contributions are increased.
- Allows a city with a local law plan in existence on June 30, 1986, to change the city's representation on the pension board, only if the change does not reduce the membership percentage of firefighters and police officers on the board.
- Revises the "deemed in compliance" grandfather date in Chapters 175 and 185 for plans established pursuant to special act, from May 23, 1939 to May 27, 1939.

The bill directs the Department of Management Services (DMS) to provide a fact sheet on each local government defined benefit pension plan summarizing the plan's actuarial status. This fact sheet is to contain a summary of the plan's most recent actuarial data, minimum funding requirements as a percentage of pay, and a five-year history of funded ratios. This is to be posted on the department's website, and plan sponsors that have websites are required to provide a link. The bill also directs DMS to develop a standardized rating system for local government defined benefit pension plans.

Lastly, the bill creates a Task Force on Public Employee Disability Presumptions to be made up of management and union/employee representatives appointed by the Senate President and House Speaker, DMS employees and the Chief Financial Officer. This task force is to report recommendations to the Legislature by January 1, 2012.

SB1128, 1<sup>st</sup> engrossed and enrolled, and is awaiting action by the Governor.

### ~Fertilizer Regulations~

**HB457 (Ingram/Nelson) / SB606 (Evers) relating to Fertilizer** – On February 23, the House bill passed 10-3 during the *Agriculture and Natural Resources Subcommittee*, with one amendment. The amendment removed the "grandfather clause" that will exempt counties that adopted fertilizer ordinances prior to January 1, 2009 from adhering to the model ordinance, and would authorize counties or municipal governments to enforce the provisions of the model ordinance in their respective jurisdictions.

During the committee, Rep. Ingram said allowing local governments to adopt their own regulations would create a "patchwork" that would be difficult for businesses. The Florida Retail Federation, the Florida Nursery, Growers and Landscape Association and AIF all publicly supported the legislation. Meanwhile, the several local governments, Florida Association of Counties (FAC), the Florida League of Cities (FLOC), the Florida Stormwater Association, Audubon of Florida and Sierra Club Florida publically opposed the legislation.

On March 7, the Senate bill was heard during the *Agriculture Committee*. During the committee, the bill met heavy resistance from the Florida Association of Counties and the Florida League of Cities. Ultimately, the bill was "temporarily postponed" (TP'ed). Chair Siplin asked that all the sides get with the Sponsor and try to work out their differences before the legislation was heard again. On March 14, the bill did finally pass 4-0 during the *Agriculture Committee*.

On March 23, the House bill passed 8-7 during the *Community and Military Affairs Subcommittee*. An amendment was adopted to allow the Florida Department of Environmental Protection and the state's five water management districts to restrict fertilizer use in addition to the Florida Department of Agriculture and Consumer Services. Rep. Costello was swayed at the last second to allow the bill to pass.

On April 7, Rep. Ingram and the League of Cities/Association of Counties came to a compromise during the *Rulemaking and Regulation Committee*. Essentially, all local government would have been grandfathered into their current standards. Further, there would have been a process for adding further standards if they would have had comprehensive program to address multiple sources of nutrient pollution. The Audubon of Florida and Sierra Club still spoke in opposition of the amended version of the bill. Rep. T. Williams also argued the bill would still make it too difficult to change local regulations.

Before the House "grandfather clause" strike-all, Chair Bennett and Chair Thrasher had no desire to place the bill on their respective agendas. However, the House "friendly local government" language made it possible for the chairs to hear the bill with little pushback from local governments.

With that said, the House bill ultimately died in Senate Messages.

The Senate bill was heard during the following committees of reference:

1. *Agriculture* (March 14 – Passed 4-0)
2. *Community Affairs* (April 29 - Withdrawn)
3. *Rules* (May 3 - Withdrawn)
4. *Budget* (May 3 - Withdrawn)
5. *Special Order* (Died on Calendar)

The House was heard during the following committees of reference:

1. *Agriculture and Natural Resources Subcommittee* (Feb 22 - Passed 10-3)
2. *Community & Military Affairs Subcommittee* (March 23 - Passed 8-7)
3. *Rulemaking & Regulation Subcommittee* (March 29 - Withdrawn)
4. *State Affairs Committee* (April 7 - Passed 14-3)
5. *3<sup>rd</sup> Reading* (April 15 - Passed 113-0)

**House Bill Analysis:** The bill would have provided that each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients must adopt and enforce the most recent version of the Department of Environmental Protection's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes. Further, it would provide that a county or municipal government may adopt additional or more stringent standards than the model ordinance if each of the following standards is met:

- The county or municipal government has a comprehensive program to address multiple nonpoint sources of nutrient pollution which is science-based, and economically and technically feasible, and the additional or more stringent standards are necessary to

adequately address urban fertilizer contributions to nonpoint source nutrient loading to a water body.

- The county or municipal government documents that it has considered all relevant scientific information, including input from the Department of Environmental Protection, the University of Florida's Institute of Food and Agricultural Science, and the Department of Agriculture and Consumer Services, if provided, on the need for additional or more stringent provisions to address fertilizer use as a contributor to water quality degradation.
- The county or municipal government reports the adoption of its fertilizer ordinances to the Department of Environmental Protection.

A county or municipal government that adopted its own fertilizer ordinances prior to July 1, 2011 would have been exempt from these provisions.

In addition, the bill granted the Department of Agriculture and Consumer Services the exclusive authority to regulate the sale, composition, packaging, labeling, retail and wholesale distribution, and formulation, including nutrient content level and release rates of fertilizer. The bill also preempted such regulation of fertilizer to the state, unless a county or municipal government has adopted its own fertilizer ordinances prior to July 1, 2011, in which case the local government is authorized to enforce such ordinance within its jurisdiction.

**HB 7215 (Economic Affairs Committee, Appropriations Committee, Agriculture and Natural Resources Subcommittee and Rep. Crisafulli)/ SB 2076 (Budget Subcommittee on General Government Appropriations and Agriculture Committee) relating to the Department of Agriculture and Consumer Services** - The majority of the fertilizer bill was placed in the body of HB7215 as a last minute move by Senate leadership. The bill passed with little opposition in the Senate (37-1) and in the House (117-0). The provisions of the bill are listed below. We have italicized the sections dealing with the fertilizer regulations.

***House Bill Analysis:***

- *Preempts sale/use etc., of fertilizer to the state unless there is an ordinance in place prior to July 1, 2011. (1071 thru 1148/Sections 33 and 34)*
- *An ordinance regulating the sale of fertilizer adopted by a county or municipal government before July 1, 2011, is exempt from this subsection, and the county or municipal government may enforce such ordinance within its respective jurisdiction.*
- Transfers the regulation of dairy products to the Division of Food Safety.
- Repeals ch. 503, F.S., relating to frozen desserts and transfers statutory authority regarding frozen desserts to ch. 502, F.S.
- Exempts certain Direct Service Organizations within the department from annual audits.
- Deletes provisions allowing department advisory committee members to claim per diem and travel expenses.
- Increases current levels of insurance for pest control businesses.
- Provides for the establishment, monitoring, and regulation of centralized pest control customer contact centers in lieu of licensure as pest control businesses.
- Establishes a limited certification category authorizing persons to use nonchemical methods for controlling rodents in lieu of licensure.

- Requires registered pesticide brand products that undergo label revision during the biennial registration period to provide the department with a copy of the revised label.
- Allows a lead land manager, instead of the Department of Environmental Protection, to receive the proceeds from the sale of easements for the construction of electric transmission and distribution facilities on Board of Trustees-owned lands.
- Grants the department with the exclusive authority to enforce the Florida Building Code as it relates to wildfire and law enforcement facilities.
- Establishes a Certified Pile Burner program in statute.
- Authorizes monies received from the sale of surplus state-owned wildland firefighting equipment and vehicles to be used to exchange, maintain or purchase wildland firefighting equipment.
- Authorizes the department to dispose of surplus firefighting equipment and vehicles as it sees fit.
- Authorizes the department to delegate authority to local governments to issue authorizations for open burning.
- Requires anyone who produces, harvests, packs or repacks tomatoes that are not permitted under ch. 500, F.S., to register each location annually and to pay a registration fee.
- Renames the Office of Water Coordination as the Office of Energy and Water.
- Provides fair associations with immunity from liability for damages resulting from certain exhibits and concessions at public fairs and provides exceptions to immunity.
- Adds the appointment of a (non-voting) youth member who is active in the Future Farmers of America or a 4-H Club to the Florida State Fair Authority.
- Provides criminal charges for the theft of bee colonies owned by registered beekeepers.
- Authorizes the Commissioner of Agriculture to discontinue a soil and water conservation district if the district fails to comply with reporting and auditing requirements of Florida Statutes.
- Appropriates \$744,000 to the department from the Florida Forever Trust Fund.
- Renames the Division of Forestry as the Florida Forest Service.
- Directs the Division of Statutory Revision to provide drafting assistance to committees needing to resolve reference conflicts in the Florida Statutes with any other legislation that has been enacted during the 2011 Regular Session or an extension thereof.

If approved by the Governor, these provisions take effect July 1, 2011.

### ~Sovereign Immunity~

---

**SB998 (Simmons) / HB701 (Eisnaugle) relating to Sovereign Immunity - Bert Harris Act -** This bill amends the Bert Harris Act to make the following changes to Florida's statutory protections on real property rights.

HB701 does the following:

- Substitute's language regarding a temporary impact to real property to provide that a temporary impact on development, defined in s. 380.04, F.S., in effect longer than one year may, depending on the circumstances, constitute an "inordinate burden."

- Allows factual circumstances leading to the time elapsed between enactment of a law or regulation and its first application to private property to be considered when determining whether reasonable, investment-backed expectations are inordinately burdened.
- Modifies the required time period for notice to a governmental entity from 180 days to 150 days before filing an action under the act. A property owner seeking compensation must present, at least 150 days prior to filing an action under the act, a written claim to the head of the governmental entity and a bona fide, valid appraisal that demonstrates the loss in fair market value to the real property.
- Changes the term “ripeness decision” in current law to “statement of allowable uses” and modifies the related provisions to specifically provide that a governmental entity’s failure to issue the statement of allowable uses during the applicable notice period is deemed a denial for purposes of allowing the property owner to file an action in circuit court under the act.
- Specifies when a law or regulation is “first applied” to the property for purposes of determining when the 1-year time period for bringing a cause of action commences. The strike-all amendment provides: The law or regulation is first applied to the property upon enactment, if the impact of the law or regulation on the property is clear and unequivocal in its terms, and required notice is provided by mail to the affected property owner or registered agent.
- Any other law or regulation is first applied to the property when there is a formal denial of a written request for development or variance.
- Requires the governmental entity to provide notice by mail to the affected property owner or registered agent if the impact of the law or regulation on the real property is clear and unequivocal in its terms.

HB701 passed the full House by a vote of 97-15 during week 7 and passed the full Senate by a vote of 39 – 0. The House bill will be sent to the Governor for his approval.

### ~Local Business Tax~

**SB582 by Senator Detert / HB311 by Representative Roberson relating to Local Business Taxes** – The bill will not require employees to pay a local business tax, obtain a local business tax receipt, or apply for an exemption from a local business tax. For local business tax purposes, the bill defines independent contractors by reference to the current statutory definition in s. 440.02(15)(d)1.a. and b., F.S. Under the bill, independent contractors are not employees, but individuals licensed and operating as a real estate broker or sales associate are employees.

The bill specifies that employees may not be held liable for failure of their employer to apply for an exemption or pay the tax. Local governments may not require exempt individuals to apply for an exemption or pay the tax. Employers may not be required to provide personal or contact information for exempt individuals in order to obtain a local business tax receipt.

The newly-created employee exemption is retroactive to October 13, 2010, but the bill states that the exemption does not apply to business taxes imposed before that date.

The bill removes statutory language which requires the Department of Business and Professional Regulation, by August 1 of each year, to submit to the local official who issues local business tax

receipts a current list of professions the department regulates and information regarding those practitioners that should not be allowed to renew their local business tax receipt due to suspension, revocation, or inactivation of a state license, certification, or registration.

The bill adds language to expand the types of professions that must prove active certification to include any profession regulated by the Florida Supreme Court or any state regulatory agency. The bill explicitly allows certification renewals to be completed online.

HB311 passed the House by a vote of 116 – 0 and 39-0 in the Senate. The bill will now go to the Governor for his approval.

---

### ~Affordable Housing~

---

**HB639 (Aubuchon)/SB912 (Bennett) relating to Affordable Housing-** Last Legislative Session, a harmful controversial amendment was adopted onto the legislation and killed the bill during the waning days of Session. This year, the bill passed through the process with ease.

This bill is expected to remove the \$234 million cap on doc. stamp tax revenues to be deposited into the State Housing Trust Fund. In turn, these funds may be used only for the purpose of financing, rehabilitating, or constructing homes or apartments already built and occupied prior to December 31, 2010. The bill also provides that the comprehensive plan may include an element of affordable housing for seniors and that property conveyed to a local government for affordable housing shall be disposed of for other affordable housing purposes.

Below is a more in-depth analysis of the legislation:

**House Bill Analysis:** This bill removes the statutory limitation on documentary stamp tax revenues that go into the State and Local Government Housing Trust Funds and prohibits the use of affordable housing funds for new construction activities until July 1, 2012. The bill also provides targeted assistance for persons with special needs.

The bill allows the Florida Housing and Finance Corporation (FHFC) to receive federal funds for which no corresponding program has been created in statute and empowers local housing authorities to invest surplus funds. The bill provides preference for general contractors who demonstrate the highest rate of Florida job creation in the development and construction of affordable housing and deletes current preference language. The bill also authorizes an inspector general position within the FHFC and deletes the requirement that the inspector general of the Department of Community Affairs serve that function on behalf of the FHFC.

The Revenue Estimating Conference consensus estimate found there would be no impact to cash in the 2011-2012 fiscal year. However, based on a four-year outlook there would be an annualized negative impact to recurring general revenue of \$33.9 million and an annualized positive recurring impact to the state housing trust funds in the same amount.

If approved by the Governor, these provisions take effect July 1, 2011.

---

### 2011 PERTINENT LEGISLATION / FAILED

---

Below are analyses and descriptions of some of the work done on the major issues that failed during the 2011 Session. These issues were some of the most highly debated and lobbied pieces of legislation as they traveled through the process. As you will see, a majority of these failed bills were big victories for local government.

### ~Pre-Trial Release Legislation~

**SB1398 (SB 372 by Rep. Bogdanoff)/ HB1379 (Dorworth) relating to Pretrial Release** – Early in Session, we were able to work with our team to have the Senate bill “temporarily postponed” (TP’ed) twice during the *Criminal Justice Subcommittee*.

On April 4, due to our efforts with Sen. Smith, the Senate bill was temporarily postponed for the third time during the *Criminal Justice Committee*. At that point, many thought the bill had officially died in the Senate.

However, on Tuesday, April 12, in an effort to move her Senate bill, Sen. Bogdanoff offered an amendment to another of her bills that mirrored her pre-trial bill. The amendment was successfully adopted onto her nonrelated SB1398 relating to Judiciary. The amendment was a total surprise, considering the bill was just supposed to repeal small items in judiciary statute. The Democrats did not expect the amendment and were unsure how to combat the motion. Despite our efforts to kill the amendment in the committee, the bill ultimately passed (5-2) as amended with several entities (Miami Dade County, Broward County and League of Cities) speaking against the motion.

Specifically, the amendment would have limited eligibility for pre-trial release programs to indigent defendants who qualified for public defenders, or those who had been ordered to attend such a program by the court. She also added the “workable poor” to the program who were not originally included. Further, defendants would have had to wait 48 hours in jail before being accepted into a pre-trial release program. If that person couldn’t afford bond, they would then be able to do so accordingly. Obviously, the bill as amended was expected to cost local governments millions of dollars.

The manner in which Sen. Bogdanoff amended her language may have cost her leadership support in the end. During the final week of Session, leadership asked that she strip the “pre-trial” language in order to have her bill heard on the floor. In a turn of events, Sen. Bogdanoff amended her bill to require law enforcement agencies to follow certain procedures designed to reduce the number of mistaken IDs in photo lineups. The bill later died in Messages.

SB1398 relating to Judiciary was heard during the following committees of reference:

1. ~~Judiciary Committee~~ (April 12 - Passed 5-2)
2. ~~Budget Committee~~ (April 14 - Withdrawn)
3. ~~Rules Committee~~ (April 28 - Withdrawn)

Meanwhile, the House bill passed through the committee process in a similarly contentious manner as the Senate bill. On Thursday, April 14, Rep. Dorworth, feeling his bill losing support, attempted

to amend his language to HB7023 relating to Judiciary. The attempt was combated and eventually TP'ed.

The House "standalone" bill was heard in the following committees of reference:

1. ~~Criminal Justice Subcommittee~~ (March 29 - Passed 7-6)
1. ~~Judiciary Committee~~ (April 21 - Passed 10-8)
2. *2<sup>nd</sup> Reading* (Died on Calendar)

**House Bill Analysis:** The bill would have created an unnumbered section of statute entitled "Eligibility criteria for government-funded pretrial release." The bill also provided that it is the policy of this state that:

- Only defendants who are indigent and therefore qualify for representation by the public defender are eligible for government-funded pretrial release.
- To the greatest extent possible, the resources of the private sector be used to assist in the pretrial release of defendants.

The bill provided that it is the intent of the Legislature that:

- The bill's provisions not be interpreted to limit the discretion of courts with respect to ordering reasonable conditions for pretrial release on a defendant.
- Government-funded pretrial release be ordered only as an alternative to release on a defendant's own recognizance or release by the posting of a surety bond.

The bill provided that a defendant is eligible to receive government-funded pretrial release only by order of the court after the court finds in writing, upon consideration of the defendant's affidavit of indigence:

- That the defendant is indigent or partially indigent as set forth in Rule 3.111, Florida Rules of Criminal Procedure.
- That the defendant has not previously failed to appear at any required court proceeding.

The bill further prohibits defendants from participating in a government-funded pretrial release program if the defendant's income is over 300 percent of the then-current federal poverty guidelines prescribed for the size of the household of the defendant by the United States Department of Health and Human Services, unless the defendant is receiving Temporary Assistance for Needy Families-Cash Assistance, poverty-related veterans' benefits, Supplemental Security Income, food stamps, or Medicaid.

Defendants who do not meet the above criteria are eligible for government-funded pretrial release 48 hours after the defendant's arrest. Additionally, the bill specifies that the income eligibility limitations applicable to government-funded pretrial release programs apply only to those counties with a population equal to or greater than 350,000 persons.

The bill specifies that pretrial release programs are subject to the eligibility criteria outlined above, and that such criteria supersede and preempt all conflicting local ordinances, orders, or practices.

The bill also requires:

- That defendants who seek to post a surety bond pursuant to a bond schedule established by administrative order as an alternative to government-funded pretrial release be permitted to do so without any interference or restriction by a pretrial release program.
- Pretrial release programs to certify annually, in writing, to the chief circuit court judge, that the program has complied with the reporting requirements in s. 907.043(4), F.S.

The bill specified that the above provisions do not prohibit a court from:

- Releasing a defendant on the defendant's own recognizance.
- Imposing upon the defendant any additional reasonable condition of release as part of release on the defendant's own recognizance or the posting of a surety bond upon a finding of need in the interest of public safety, including, but not limited to, electronic monitoring, drug testing, substance abuse treatment, or attending a batterers' intervention program.

The bill provides that in lieu of using a government-funded program to ensure the court appearance of a defendant, a county may reimburse a licensed surety agent for the premium costs of surety bail bond that secures the appearance of an indigent defendant at all court proceedings if the court establishes a bail bond amount for the indigent defendant.

The bill also specifies that its provisions do not prohibit a law enforcement officer or a code enforcement officer from issuing a notice to appear in lieu of jail.

### ~Online Travel Companies (OTC) Legislation~

**HB493 (Brodeur)/ SB376 (Gaetz) Bed Tax Sales** - The bill was designed to exempt travel sites like Travelocity, Expedia, and Priceline from paying tax on the retail prices offered to customers for hotel rooms. Currently these firms pay the wholesale rate for the hotels.

The bill did not have heavy support from either side of the aisle, as prominently conservative Republican, Rep. Charles Van Zant, openly stated that this bill would reduce taxes on the services offered in Florida.

The Senate version of the bill moved faster than the House bill, as it passed its first committee of reference during the February Committee Week. However, later in Session the bill only passed (4-3) during the *Finance and Tax Committee*. The bill later fell out of Senate leadership's favor and died in the committee.

During the committee process, there were several arguments and debates over the "transparency" related the amount of taxes that were paid from their discounted rate. However, the bill sponsors ultimately amended some language allowing transparency in the final House bill.

Meanwhile, the House bill passed the *Economic Development & Tourism Subcommittee, Finance & Tax Committee, and the Economic Affairs Committee*. The bill died in Senate Messages after passing on the House Floor (77-38).

There was a lot of chatter during the final couple of weeks about the Senate amending the legislation to a moving bill. As a proactive measure, we discussed our opposition with Sen. Smith, Sen. Siplin, Sen. Hill and other Democratic Senators. Due in part to our teams efforts, the bill was never heard.

**Bill Analysis:** The bill clarified that service fees for facilitating the booking of reservations for customers at transient accommodations would not be taxable. The bill also allowed for compensation to be paid by the Department of Revenue to a county government for information leading to the punishment of or collection of transient rental sales tax from noncompliant taxpayers.

The bill required the disclosure of all amounts charged or expected to be charged as taxes on the final receipt, invoice, or other documentation provided to the customer by the person facilitating the booking of the reservation.

Also, the bill provided that the changes made by the bill did not affect any lawsuits regarding these taxes existing on the date the act becomes effective.

The Revenue Estimating Conference (REC) estimated the revenue impacts of the bill to be negative indeterminate for General Revenue and state trust fund revenue. The REC also estimated the recurring annual impact on local government revenues would be a negative \$28.7 million as measured in FY 2011-12. However, the magnitude of the negative cash impact on local governments would have been indeterminate, due to uncertainty as to when ongoing litigation would be resolved and the resulting tax payments to local governments would occur, as the REC assumes under current law.

---

### ~Public Safety – Traffic Light Legislation ~

---

**SB672 (Garcia)/ HB4087 (Corcoran/Trujillo) relating to Red Light Cameras** – On March 17, the House voted favorably (10-8) on the red-light repeal legislation during the *Economic Affairs Committee*. The narrow 10-8 margin was a good indicator of the contentious nature of the committee proceedings.

Two freshmen members, Rep. Richard Corcoran and Rep. Carlos Trujillo, took the uphill task of sponsoring the repeal of the red-light language, which they were not able to vote on last year. The members argued during the committees that the bill was not saving lives. Instead, Trujillo argued that cities and counties had been able to profit greatly from those running the lights with no evidence that lives are being saved. Rep Trujillo stated, “Some cameras are being placed in intersections where only one fatality has taken place.” Essentially, Rep. Trujillo claimed that the red-light cameras were being misused for economic reasons. Rep. Dorworth, who opposed the legislation last year, chose to support the repeal this year.

Democratic committee members, the Florida League of Cities (FLC), City of Tallahassee, City of Apopka and the Association of Counties (AOC) all publically opposed the legislation during the committee. They argued that the money was the deterrent or punishment for running a red-light; a

necessary evil to save lives. They further argued that one life saved would be worth the hurdles necessary to operate red-light cameras.

On April 20, the House bill was heard again during the *Appropriations Committee*. The bill passed by a slim margin (12-10). Several of the “yes” votes said they would not vote in favor of the bill when heard on the floor.

Earlier in the afternoon Rep. Dorworth also attempted to amend his repeal bill to HB149 relating to Yellow-Lights. At the time, the yellow-light legislation had been passing with ease and was sure to pass out of both houses during 2011. Ultimately, a point was called by Rep. Waldman and the amendment was subsequently withdrawn.

Meanwhile, the legislation had little support in the Senate and was only heard once as a courtesy to Sen. Garcia. During the committee, Senator Garcia told the committee that the law is not about safety, because very little revenue was going to safety promotion, but rather to trauma centers and local governments. Chairman Latvala reminded committee members that he sponsored the red-light camera legislation in the 90’s and would support the issue again. He told the members that he would be voting for the bill in committee, but not on the Floor.

On May 2, the House bill passed on the Floor by one of the closest votes in recent history (59-57). As expected, the bill later died in Senate Messages. We expect the bill to be back again next year.

The Senate bill was heard or referred to the following committees of reference:

1. ~~Transportation~~ (March 29 - Passed 4-2)
2. ~~Community Affairs~~ (Chair Bennett)
3. ~~Budget~~ (Chair Alexander)

The House bill was heard in the following Committees of reference:

1. ~~Economic Affairs Committee~~ (March 17 - Passed 10-8)
2. ~~Appropriations Committee~~ (April 20 – Passed 12-10)
3. ~~House Floor~~ (May 2 - Passed 59-57)

**House Bill Analysis:** The bill would have repealed the authorization of local governments to use traffic infraction detectors, commonly known as “red light cameras”, to enforce traffic safety laws, while retaining the state preemption to regulate the use of cameras for enforcing such laws.

Specifically, the bill repealed s. 316.008(8), F.S., authorizing local governments to install traffic infraction detectors, and s. 316.0083, F.S., which provides local ordinance requirements, installation, signage and notification-of-violation processes, as well as distribution requirements for fines collected by traffic infraction detector programs. The bill also repeals s. 316.0776, F.S., which provides engineering specifications for installation of traffic infraction detectors.

The bill repealed portions of other sections in Chapter 316, Florida Statutes, in order to conform to the repealed sections described above, and it repeals two statutes relating to the implementation of the traffic infraction detector bill passed in 2010.

The bill would have left intact s. 316.0076, F.S., which was enacted in 2010 and expressly preempts to the state regulation of the use of cameras for enforcing the traffic safety provisions of Chapter 316, Florida Statutes.

The Revenue Estimating Conference estimated the revenue impact of the repeal provisions of the bill deleting the \$158 penalty when violations are issued by a HSMV, county or municipal traffic infraction enforcement officer through the use of traffic infraction detectors. It assumes repeal of statutory authority results in loss of authority to administer local traffic infraction detector programs would result in the State's revenue reduction ranging from \$86.3 million in FY 2011-2012 to \$142.3 million in FY 2014-2015, and the loss in local revenue would range from \$71.7 million in FY 2011-2012 to \$118 million in FY 2014-2015.

The bill would have been effective upon becoming a law.

**SB1180 (Latvala)/ HB149 (Ahern) relating to Yellow Light Cameras** – The bill passed in the House and ultimately died in the Senate. The version as passed in the House was much more watered down than the version proposed towards the end of Session. We do expect the bill to be proposed again next year.

Below is the Senate language as it was when it died in committee for your review:

**Senate Bill Analysis:** The Senate bill is a comprehensive Transportation package. Meanwhile, the House bill will do the following:

The bill amends s. 316.075, F.S., to specify an engineering standard for minimum yellow signal durations. When an engineering analysis of a signal display duration is conducted, the minimum yellow signal duration on traffic control signals must be based on the posted speed limit plus 10 percent. The minimum yellow signal display duration is to be three seconds for traffic control signals where the posted speed is 25 miles per hour or less. The minimum yellow signal duration is to increase by one-half second for each increase of five miles per hour, not to exceed six seconds.

The bill requires intersections with a speed limit of greater than 55 miles per hour to have signs alerting drivers to the approaching intersection.

The bill requires intersections to have a minimum red light clearance interval.

The bill provides that traffic infractions related to red light running are unenforceable if the intersection does not meet the minimum yellow-light interval requirements. Based on these provisions, and to the extent that fewer violations may be issued due to longer yellow durations, these provisions of bill have an indeterminate, negative impact on General Revenue and state trust funds, as well as local governments that would otherwise receive a share of the citation revenue.

The bill requires all intersections to meet these requirements by December 31, 2011.

The Florida Department of Transportation (FDOT) and local governments are required to set the minimum yellow signal duration at each intersection. As a result, there will be costs associated with setting the signal display durations and installing warning signs at certain high speed intersections. FDOT estimates its total cost to be \$812,840. The cost to local government for adjusting signal

display durations is estimated at approximately \$300,000, plus any costs associated with required signs warning of traffic signals on certain roads.

The bill has an effective date of July 1, 2011.

### ~Water Nutrient Requirement~

---

**HB239 (Williams, T)/SB1490 (Evers) Relating to Numeric Water Quality Criteria** – The House was leading the efforts on the numeric water quality legislation. We were able to help Rep. Williams in passing the bill through all three committees during the middle of Session. On Tuesday, April 22, the House bill passed 90-27 during 3<sup>rd</sup> Reading.

On April 14, the bill was temporarily postponed (TP'ed) during the *Environmental Preservation and Conservation Committee*. The Senate had been waiting on the House to get the bill in a proper posture. However, the bill put the Florida Department of Preservation into a bad negotiating position.

The House bill ultimately died in Senate Messages.

The House was heard during the following committees of reference:

1. ~~Agriculture & Natural Resources Subcommittee~~(March 15 – Passed 12-3)
2. ~~Federal Affairs Subcommittee~~ (April 5 – Passed 9-5)
3. ~~State Affairs Committee~~ (April 14 - Passed 15-1)

The Senate bill was referred to the three committees of reference below (Never Heard):

1. *Environmental Preservation and Conservation* (Chair Dean)
2. *Community Affairs* (Chair Bennett)
3. *Budget* (Chair Alexander)

Rep. T. Williams has been given permission to host public hearings over the summer on water policy issues. With that said, this legislation will be a high priority of Rep. Williams moving into 2012.

#### ***House Bill Analysis:***

*Designated Uses for Florida Surface Water Classification System* - First, the bill revises the Designated Uses for Florida Surface Water Classification System (considered to be outdated) and places the revised system in statute. The Department of Environmental Protection (DEP) would be authorized to revise the classification system by rule, which must be ratified by the Legislature prior to its taking effect. If such revisions are ratified, the statutorily created classification system will no longer be in effect. These Designated Uses would instead be the required determination in setting numeric nutrient criteria. The current criteria only list five categories of use, each of which covers broad definitions pertaining to both human use and environmental use. The revisions to the criteria would do two things:

1. Split the human and aquatic life uses into separate use classification systems so that the unique criteria associated with each broad category could be readily identified. This would

allow readers to better understand differences in water quality necessary to protect specific uses within each broad use category.

2. Establish two additional human uses and three additional aquatic life uses to incorporate flexibility into the current system. Use Attainability Analysis would have to be conducted before any waters could be reclassified into any use requiring less protection than its current (generally default Class III) classification.

*Adoption of Numeric Nutrient Criteria by DEP* - Second, the original CS for the House bill would have authorized the DEP to adopt numeric nutrient criteria for a particular surface water body or class of surface waters if the DEP determined that numeric nutrient criteria were necessary to protect aquatic life expected to inhabit those waters, and if the criteria are based on objective and credible data. The criteria were to be expressed in terms of concentration, mass loading, waste load allocation, load allocation, and surrogate standards, such as chlorophyll-a, and may be supplemented by narrative statements.

The amended version no longer provides for adoption of these standards; the DEP shall not determine the numeric nutrient criteria based on what is necessary to protect aquatic life but instead on what is necessary to protect —designated use as defined above.

*TMDL's*: Thirdly, the PCS provides that numeric nutrient TMDLs, developed by the DEP and approved by the EPA constitute the site specific numeric interpretation of the narrative nutrient water quality criteria.

Last, the revised bill directs the DEP to publish a Notice of Proposed Rulemaking, no later than May 31, 2012, to revise the dissolved oxygen criteria applicable to Florida water bodies to take into account the variability that occurs in natural settings.

The same environmental groups that first filed the lawsuit against the EPA have voiced their opposition to this bill.

### ~Ocean Outfall~

---

**SB796 (Diaz de la Portilla)/HB613 (Trujillo) relating to Ocean Outfalls** – On April 11, the Senate bill passed favorably (9-0) with a strike-all during the *Community Affairs Committee*.

On April 15, the House bill passed 93-18 during 3<sup>rd</sup> Reading. There were questions and debate relating to the “why” and environmental effect of extending the early deadline 5 years. Rep. Trudi Williams, Rep. Saunders and Rep. Randolph all opposed the bill. Meanwhile, the majority of the South Florida members supported the bill and the billions of dollars the legislation was expected to save the counties (MDC, Broward and PBC).

The House bill passed on the Floor and was placed in Senate Messages. However, the Senate bill was never withdrawn from the Senate *Budget Committee*. On April 26<sup>th</sup>, we were able to meet with Chair Thrasher who agreed to withdraw the legislation from the Senate *Budget Committee*. Unfortunately, late in Session, Sen. Diaz de la Portilla came under scrutiny from Senate leadership

over his opposing votes on certain leadership lead major issues. The failure of the Ocean Outfall bill was a direct result of Sen. DLP's "insubordination".

The House bill was heard during the following committees of reference:

1. ~~Agriculture & Natural Resources~~ (March 28 -- Passed 14-1)
2. ~~Agriculture & Nat. Resources Appropriations~~. (Comm. of reference removed)
3. ~~State Affairs Committee~~ (April 7 -- Passed 15-2)
4. ~~3<sup>rd</sup> Reading~~ (April 15 - Passed 93-18)
5. Messages

The House bill was heard during the following committees of reference

1. ~~Environmental Preservation and Conservation~~ (March 17 - Passed 6-1)
2. ~~Community Affairs~~ (April 11 -- Passed 9-0)
3. Budget (Died)

### ***House Bill Analysis:***

- Extends the date for meeting advanced wastewater treatment and management (AWTM) requirements from December 31, 2018 to December 31, 2023.
- Maintains current law for eliminating ocean outfall discharges by December 31, 2025.
- For utilities operating more than one facility, the 60% reuse may be met from the entire wastewater systems' annual flow as of December 31, 2025.
- Maintains the current law requirement that backup discharges of domestic wastewater after December 31, 2025, meet AWTM treatment standards. Backup discharges through ocean outfalls are authorized during times of reduced demand for reclaimed water produced from the functioning reuse system outfall utilities must construct by 2025.
- Allows peak flow backup discharges not exceeding 5% of the facility's cumulative baseline flow, measured on a 5-year rolling average, and requires that such discharges meet the DEP's applicable secondary waste treatment and water quality-based effluent limitations.
- Extends certain planning and reporting compliance dates.
- Requires the detailed plan that an outfall utility must submit to DEP by 2014, to identify technically and economically feasible reuse options, and to include an analysis of the costs associated with meeting state and local water quality requirements, and comparative costs for reuse using outfall flows and other domestic wastewater flows.
- Requires the detailed plan to evaluate reuse demand in context with several factors considered in the South Florida Water Management District's (SFWMD) Lower East Coast Regional Water Supply Plan.
- Requires DEP, SFWMD and the outfall utilities to consider the above information for the purpose of adjusting, as needed, the reuse requirements, and requires DEP to report to the Legislature any changes that may be necessary in the reuse requirements by February 15, 2019.

---

**~Medical Expense-Pretrial Detainee-Sentenced Inmate~**

**SB 490 by Senator Jones / HB 257 by Representative Hooper relating to Medical Expense-Pretrial Detainee-Sentenced Inmate** – After much work during the committee process, the bill was watered down to exclude Broward and Miami-Dade counties. Ultimately, the highly debated bill died in Messages.

**Bill Analysis:** The Senate bill would have limited county or municipal medical costs of an in-custody pretrial detainee or sentenced inmate to 110 percent of the Medicare allowable rate (not to exceed 125 percent of the Medicare rate if the third-party provider has reported a negative operating margin to the Agency for Health Care Administration) if no formal written agreement exists between the county or municipality and the third-party medical care provider. The bill also limited remuneration for emergency room services to 75 percent of the hospitals' billed charges.

Third-party providers would be able to seek reimbursement from a county or municipal general fund, but it must show that a "good faith effort" was made to collect payment for medical care expenses from an in-custody pretrial detainee or sentenced inmate.

The bill specified responsibility of the governmental body for payment of any in-custody medical costs ceases upon release of the in-custody pretrial detainee or sentenced inmate. The bill also changed the language that states that the responsibility of paying for an injury that occurred as a result of arrest is on the person receiving care (current law uses the language "at the time of arrest").

The bill defined the term "in-custody pretrial detainees or sentenced inmates" and specifies that law enforcement or the county or municipal detention facility is responsible for restricting the personal freedom of in-custody pretrial detainees or sentenced inmates receiving medical treatment or services from third-party providers.

An amendment was adopted exempting Broward and Miami-Dade counties, which have negotiated hospital rates below those established in this bill.

### ~Environmental Permitting – Failed ~

---

**HB991 (Patronis)/SB1404 (Evers) relating to Environmental Permitting** – While the bill had five committees of reference listed below, it remarkably passed 95-16 during 3<sup>rd</sup> Reading in the House. SB1404 by Sen. Evers was expected to be the companion bill, but the Senate bill died in the *Environmental Preservation and Conservation Committee*. Ultimately, the House Legislation died amongst rumors that the bill would be amended to another piece of environmental legislation in a final day strategic move.

The House bill was heard during or withdrawn from the following committees of reference:

1. ~~Agriculture & Natural Resources Subcommittee~~ (March 15 – Passed 10-5)
2. ~~Rulemaking & Regulation Subcommittee~~ (March 23 – Passed 14-0)
3. ~~Economic Affairs Committee~~ (April 21 – 17-0)
4. ~~Appropriations Committee~~ (April 27 - Withdrawn)
5. ~~State Affairs Committee~~ (April 27 - Withdrawn)

**Senate Bill (HB991) Analysis:**

- Provides for petitioner burden of ultimate persuasion.
- Provides that an application for a license must be approved or denied within 60 rather than 90 days after receipt of a completed application unless a shorter period of time for agency action is provided by law.
- Directs local governments to define the construction and operation of a bio-fuel processing facility as a valid industrial/agricultural/silviculture use permitted within land use categories in local comprehensive plans
- Directs local governments to establish an expedited review process of comprehensive plan amendments should a biomass facility not be found in original comprehensive plan.
- Prohibits a local government or a municipality from conditioning the approval for a development permit on an applicant obtaining a permit or approval from any other state or federal agency.
- Allows an applicant 90 days to respond to requests for additional information (RAIs).
- Provides that the transfer of title for a petroleum contaminated site to a child of the owner or a corporate entity created by the owner to hold title for the site does not disqualify the site from financial assistance.
- Create incentive based permitting.
- Requires DEP to establish reasonable zones of mixing for discharges into specified waters.
- Excludes the term sludge from a waste treatment works if the sludge is not discarded.
- Provides that a permit for a solid waste management facility shall be for 20 years as established by the applicant or a lesser period if requested by the applicant.
- Specifies that the renewable fuel standard does not prohibit the sale of unblended fuels for exempted uses.
- Establishes in statute and revises certain rules related to the application and interpretation of uniform mitigation assessment methodology.
- Prohibits a municipality from requiring an applicant to obtain state and federal permits as a condition of approval for development permits.
- Expands the process for submitting RAIs.
- Provides for an expanded state programmatic general permit.
- Provides for incentive-based environmental permitting and limits grounds for revoking a permit.
- Requires certain counties/municipalities within specified population limits to apply for delegation of authority by June 1, 2012, for state environmental resource permitting.
- Provides a general permit for a surface water management system under 10 acres may be authorized without agency action.
- Provides expedited permitting for inland multimodal facilities; clarifies creation of regional action teams for expedited permitting for certain businesses; establishes a limited exemption from the strategic intermodal system adopted level-of-service standards for certain projects.
- Expands activities that can be funded by Miami-Dade County Lake Belt Mitigation Plan fees.
- Revises mitigation requirements for impacts related to transportation projects.
- Provides building code exemptions for non residential farm buildings and fences.
- Allows certain recently acquired filling stations to have until December 31, 2012 to install secondary containment.

- Prohibits local governments from applying environmental regulations to aggregate rock mines used for construction and road-building.

***Senate Bill (SB1404) Analysis:***

- Provides that the burden of persuasion and evidence falls on third party, non-applicants who wish to challenge an agency's decision for those challenges arising under chs. 373, 378 or 403, F.S.
- Prohibits a local government or a municipality from conditioning the processing for a development permit on an applicant obtaining a permit or approval from any other state or federal agency.
- Allows applicants 90 days to respond to requests for additional information (RAI).
- Prohibits a county from requiring an applicant to obtain state and federal permits as a condition of approval for development permits.
- Shortens the time frame that permits must be noticed for proposed agency action from 90 days to 60.
- Clarifies beach and shore restoration requirements.
- Specifies additional uses and activities in the Biscayne Bay Aquatic Preserve.
- Expands the use of Internet-based self-certification services for exemptions and general permits.
- Requires the Florida Department of Transportation to use private mitigation banks, if available, to mitigate its environmental impacts.
- Clarifies how the Department of Environmental Protection issues RAIs; Provides for an expanded state programmatic general permit.
- Shifts the proceeds of the Lake Belt water treatment upgrade fee to the South Florida Water Management District from Miami-Dade County for a limited time.
- Requires certain counties and municipalities with specified populations to apply for delegation of authority by June 1, 2012, for environmental resource permitting.
- Revises qualifications for fiscal assistance for innocent victim petroleum storage system restoration.
- Expands the statutory exemptions for certain solid mineral mines.
- Revises the definition for "financially disadvantaged small community".
- Authorizes zones of discharges to groundwater for existing installations, with certain limitations.
- Revises requirements for permit revocation.
- Provides for incentive-based environmental permitting.
- Revises the definition of industrial sludge.
- Revises provisions related to solid waste disposal and management.
- Provides a general permit for a surface water management system under 10 acres may be authorized without agency action.
- Provides expedited permitting for inland multimodal facilities.
- Clarifies creation of regional action teams for expedited permitting for certain businesses.
- Establishes a limited exemption from the strategic intermodal system adopted level-of-service standards for certain projects.
- Allows for sale of unblended fuels for specified applications.

- Extends certain deadlines for petroleum storage tank upgrades.
- Clarifies statutory requirements related to the Uniform Mitigation and Assessment Method.
- Adds an exemption for certain entities to the reduced or waived permit fee provisions.

---

### ~Public Notices~

---

**HB89 (Workman) / SB914 (Bennett) relating to Effective Public Notices by Governmental Entities** – HB89 would authorize local governments to use their own, publicly-accessible website to post legally required notices and advertisements rather than the current option to publish in a newspaper. However, the newspaper option would still be available. It also would provide for a mechanism by which people who do not have access to the internet through the county or city location or a public library location, and wished to have the municipality provide the notice to them could call and register to have notices mailed to them free of charge.

Both SB914 and HB89 were never heard during a committee hearing.

---

### ~Local Business Taxes~

---

**HB4195 (O'Toole) relating to Local Business Taxes** - The bill would have repealed all of Chapter 205, Florida Statutes and if passed, would have taken effect July 1, 2011. This legislation would have had an extensive affect on local governments.

The bill died in committee with no Senate companion.

---

### ~Electronic Gaming~

---

**SB222 (Fasano) relating to Game Promotions** – The bill would have required operators of electronic-based game promotions that offer prizes having an announced value greater than \$1 to comply with specified subsections of s. 849.094, F.S. that requires operators of said promotions to comply with rules adopted by the Department of Agriculture and Consumer Services.

The bill was never referred to any of the below committees of reference:

1. *Commerce and Tourism*
2. *Regulated Industries*
3. *Budget*

Ultimately, the bill died in committee.

**HB217 (Business & Consumer Affairs Subcommittee) / SB576 (Oelrich) relating to Gambling Devices** – The bill would have created the “Simulated Gambling Prohibition and Community Protection Act”, which would:

- Have prohibited the use of simulated gambling devices in connection with a game promotion, sweepstakes, drawing, raffle or any game of chance.

- Have defined a simulated gambling device as a device used by an entrant to a game of chance that displays visual or aural information which takes the form of actual or simulated gambling or gaming play.
- Not apply to activities lawfully conducted pursuant to the Seminole Indian Compact or relating to arcade amusement centers and truck stops.

The bill also expanded the prohibition on slot machines or devices.

The PCS also amended statutes relating to the operation of game promotions and charitable drawings to:

- Prohibit the use of simulated gambling devices.
- Prohibit the use of any machine or device to conduct a drawing or game promotion that is owned or controlled by the organization or its affiliate and operated by game participants.
- Explicitly provide that charitable organizations cannot operate game promotions.
- Provide penalties.
- Limit the rulemaking authority of DACS to explicitly prohibit the authorization of the operation or possession of slot machines or devices or other devices prohibited by law and to prohibit the authorization of game promotions conducted through the use of machines or devices.
- Provide that compliance with DACS rules is not a defense to a charge of possession of a slot machine or device or any other device prohibited by law.

The House bill was heard in the following committees of reference:

1. ~~Business & Consumer Affairs Subcommittee~~ (March 24 – Passed 10-5)
2. ~~Agriculture & Natural Resources Appropriations Subcommittee~~ (Chair Williams)
3. ~~Economic Affairs Committee~~ (Chair Hukill)

The Senate bill was not heard in any of the following committees of reference:

1. ~~Commerce and Tourism~~ (Chair Detert)
2. ~~Regulated Industries~~ (Chair Jones)
3. ~~Budget~~ (Chair Alexander)

---

Pittman Law Group is happy to have been able to represent you and your interests in the Florida Legislature this Session. If you have any questions or would like any additional information, please don't hesitate to contact us.

Again, thank you for the opportunity to work on behalf of Miami-Dade County.

***RUTLEDGE, ECENIA & PURNELL***  
PROFESSIONAL ASSOCIATION  
ATTORNEYS AND COUNSELORS AT LAW

MICHAEL J. BARRY  
STEPHEN A. ECENIA  
RICHARD M. ELLIS  
DIANA FERGUSON  
MARTIN P. McDONNELL  
J. STEPHEN MENTON  
R. DAVID PRESCOTT

POST OFFICE BOX 551, 32302-0551  
119 SOUTH MONROE STREET, SUITE 202  
TALLAHASSEE, FLORIDA 32301-1841

-----  
TELEPHONE (850) 681-6788  
TELECOPIER (850) 681-6515

HAROLD F.X. PURNELL  
MARSHA E. RULE  
GARY R. RUTLEDGE  
MAGGIE M. SCHULTZ  
GABRIEL F.V. WARREN

-----  
GOVERNMENTAL CONSULTANT  
MARGARET A. MENDUNI

**MEMORANDUM**

To: Jose Rasco (Via E-mail)

Copy To: Jess McCarty, Juan del Cerro

From: Rutledge, Ecenia & Purnell, P. A.

Date: May 11, 2011

RE: **2011 Legislative Session, Week 9 and Final Report**

---

After voting to extend Session until Saturday, May 7 at 6:00 p.m., the 2011 Legislative Session concluded at 3:30 a.m. on May 7. Three major pressures converged to produce a contentious Session with an explosive conclusion. Governor Scott, who was experiencing his first Session ever, had an extensive agenda which he pushed forcefully. Senate President Haridopolos had an agenda based on his U.S. Senate campaign and tried to force his members to support. In the end, many Senators revolted. The House set deregulation and streamlining of government at any cost as their driving force. The House attempt imploded in the Senate.

The following is a report on those issues assigned to Rutledge, Ecenia & Purnell.

Appropriations

We worked extensively on the following budget items:

- Beach Renourishment

Statewide, beach renourishment was funded at \$16.2 million. Miami-Dade County's request for \$1.7 million was at the top of the list and fully funded. The appropriation is contained in line 1653A of the budget and reverter money, as found in the back section of the budget.

- Title V/Air Permitting Funds

The budget line item 1764B funds both the air and Title V program at \$5.4 million.

- Inland Protection Trust Fund

Local Clean up of petroleum tank contamination was funded at \$7 million statewide.

#### Local Government

We are pleased to report that House Bill 767 by Representative Rooney passed the Legislature. This bill, which passed the 2010 Session and was vetoed by Governor Crist, authorizes the Board of County Commissioners to negotiate leases of property for five years or less without going out to bid. It further allows local governments to transfer property by deed rather than by mapping and surveying.

#### Home Rule Charter

We worked along with the entire Miami-Dade County legislative team to lobby against Senate Bill 1954 by Rene Garcia and House Bill 1321 by Lopez-Cantera which would have proposed an amendment to the state Constitution to authorize revisions to Miami-Dade County's home rule through the state legislative process. Both bills went through the entire committee process. The Senate Bill was the first to be addressed on the Senate Floor and failed by a vote of 15-21.

#### Pretrial Release

For the second year in a row, the Legislature's attempt to unravel the pretrial release programs of local governments statewide failed. This Session, Senator Bogdanoff and Representative Dorworth tried to restrict the use of the pretrial release programs to those defendants who are eligible for service by the County Public Defender. The bill passed through the committee process but was defeated by pressure from Senate members. We worked with a coalition of local governments led by the Florida Association of Counties to consistently lobby Miami-Dade delegation members throughout the process.

#### Public Lodging Establishments/Vacation Rentals

We were able to amend House Bill 883 to provide a grandfathering provision. The bill prohibits local governments from regulating, restricting or prohibiting vacation rentals based solely on classification use or occupancy. The exemption reads as follows:

A local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals or regulate vacation rentals based solely on their classification, use, or occupancy. This paragraph does not apply to any local law, ordinance or regulation adopted on or before June 1, 2011.

#### Ocean Outfalls Legislation

We worked with the County Water and Sewer Department to usher through the legislative process House Bill 615 and Senate Bill 796, Ocean Outfalls, which made changes to the original legislation passed in 2008. The bill passed the House and two of the three committees in the Senate. During the last weeks of Session, Senator Diaz de la Portilla, the bill sponsor, refused to follow the Senate President and Rules Chairman Thrasher's pressure to vote affirmatively on certain key legislation and they apparently retaliated by holding his bill in the Budget Committee, thereby preventing it from being considered. We spent many hours lobbying and strategizing on this legislation and in the final hours, worked on passage from many angles, but were not able to overcome the political situation which had evolved.

#### Local Business Tax

House Bill 4195 by O'Toole, as filed would have repealed Chapter 205, Florida Statutes, Local Business Tax. The bill would have had a severe economic impact on Miami-Dade County. We met with the bill sponsor and discouraged her from pursuing this legislation when it was initially filed and then again when the bill drew some attention mid-Session and was agendaed for the Finance and Tax Committee. The bill was not heard and, subsequently, not passed. However, Representative O'Toole does intend to address the issue again in the 2012 Session. She is doing this at the request of the Tax Collector from her District.

#### Bert Harris/Private Property Rights

We led a coalition of lobbying groups, including the Florida Association of Counties and the Florida League of Cities to work with Representative Eisnagle and Senator Simmons who filed Bert Harris legislation for the third or fourth consecutive year. We were able to secure several amendments to reduce the impact of this legislation which was likely to pass, and did pass. The amendments included the following issues:

- Moratoria longer than twelve months are no longer considered "not temporary." Rather, they will continue to be examined on a case by case basis.
- The length of time since passage of ordinances can be considered in determining whether there are truly reasonable investment-backed expectations when the "first application" occurs many years afterwards.
- The proposed 120-day settlement period was lengthened to 150 days.

- The “final decision” (previously the “written ripeness decision”) and is now referred to as a “statement of allowable uses” in order to prevent too much weight being given to staff’s letters.
- The “first application” language was clarified to provide more assertiveness.

#### Lake Belt Mining

A coalition of Lake Belt miners proposed language which would have diverted for five or more years, the mitigation fee which currently goes to the County to upgrade the water treatment plant near the northwest well field. We lobbied heavily against the language. We also worked out a compromise to protect the County in the event of contamination of the County’s water while the money was diverted. The language was in a massive environmental permitting bill, House Bill 991 and was also in a transportation bill, House Bill 1363. Neither of those bills passed, so the language did not pass this Session. However, the miners have already indicated their intent to pursue the language in the next Session.

#### Growth Management

House Bill 7207 which is entitled Trust Funds, is actually a major growth management reform bill. The House and Senate passed very different versions of growth management reform. During the Budget Conference process, they agreed to take primarily the House Bill with some additions from the Senate which became House Bill 7207. The reform is primarily an attempt to return growth management decisions back to local governments. The most critical issue in the Senate Bill which would have been detrimental to Miami-Dade County was a provision that prevented a local government from adopting any super majority voting requirements for the adoption of amendments to the comprehensive plan. That provision is not in the final version of the bill. Some of the major elements include the following:

- Makes concurrency for parks and recreation, schools and transportation facilities, optional for local governments;
- Deletes the requirement that comprehensive plans be financially feasible;
- Deletes the twice a year limitation on comprehensive plan amendments;
- Abolishes 9J-5 (DCA’s growth management regulations) and incorporates certain provisions of that rule into the bill;
- Creates a four-year development of regional impact permitting extension;
- Encourages DOT to study the proportionate share calculation.

The bill is effective upon becoming law.

The Legislature also dismantled the Department of Community Affairs. Part of the Department has been placed in the new Department of Economic Opportunity which is under the Governor.

In future reports to the County, we will provide more details regarding how the Department has been relocated.

### Charter Schools

Senate Bill 1546 by Thrasher facilitates major changes to charter schools. A detrimental provision did appear in the final version of the bill. It amends Florida Statute 1002.33(18)(a). The new language which begins on line 812 of the bill adds specifics to current law which states,

The local government authority shall not adopt or impose local building requirements or restrictions that are more stringent than those found in the Florida Building Code.

The new language says the following:

The local governing authority shall not adopt or impose any local building requirements or site development restrictions, such as parking and site size criteria that are addressed by and more stringent than those found in the state requirements for educational facilities of the Florida Building Code. Beginning July 1, 2011, a local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and processes imposed upon public schools that are not charter schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if an unincorporated area, the county governing authority.

### Numeric Nutrient

In response to the EPA's usurpation of Florida's water quality regulation, the Florida House passed House Bill 239. Among its provisions, this bill prohibits state, regional or local governments from implementing any of EPA's nutrient water criteria rules that are set for the state's lakes and flowing waters. The House did not take up a bill of this nature so there was no legislation which passed this Session related to nutrient numeric criteria.

### Offshore Drilling

Democratic lawmakers Representative Kriseman and Senator Joyner, filed bills, House Bill 383 and Senate Bill 298, which would have banned oil exploration drilling in the Gulf. This would have been a proposed amendment to the state constitution. The bills were not heard in any committees and the topic was not discussed during the entire Session.

### Surcharge Animal Violations

We were not able to amend any bill which would allow Miami-Dade County to use their animal shelter training fund for operating funds.

### Funding Requests

The following funding requests were not possible due to the nearly \$4 billion budget deficit for the 2011-12 fiscal year.

- Fit to Play - \$800,000
- Biscayne Aquifer-Groundwater Model - \$150,000
- Integrated Water, Wastewater, and Reclaimed Water Master Plan - \$300,000

### Off Highway Recreation Area

There was no legislation impacting the County's plans to create a recreation area with Collier County. This firm will continue to work with the County, as directed, on this issue.

### Working Water Funds

Senator Diaz de la Portilla filed Senate Bill 456 which would have implemented the constitutional amendment relating to working waterfronts. However, there was no House Bill and the Senate Bill was never heard. The House, in general, believes that there does not need to be any implementing legislation.

It has been our pleasure to represent Miami-Dade County on these issues. We will continue to report the progress of legislation as it goes to the Governor and in the rulemaking process.

# Memorandum

**To:** Jess McCarty and Joe Rasco  
**From:** Fausto B. Gomez  
**CC:** Gary Rutledge, Margaret "Margie" Menduni, Manny Reyes and Evan Power  
**Date:** April 30, 2011  
**Re:** End-of-Session Report (2011)

---

Following is a listing of the issues assigned to this firm and our final report on the disposition of same.

In addition to the specific tasks below outlined, Assistant County Attorney Jess McCarty asked us to oppose SB476 and its companion HB883 which were a preemption of local vacation rental ordinances. Although HB883 was approved, we were nevertheless able to persuade Senator Greg Evers and Representative Mike Horner to include a grandfather clause for any local government having a rule or ordinance existing prior to June 1st. We understand that this satisfied Miami-Dade County.

Mr. McCarty also asked us to monitor funding for the Port of Miami. My team and I are glad to report that the legislative budget allocated \$55, 831,244 to the Port of Miami for dredging the "South Fisherman's Channel."

Finally, Mr. McCarty also asked that along with all team members we engage in opposing SB1954 and HB1321 which would have allowed the legislature to place on the statewide ballot amendment to the Miami-Dade Charter. The Senate measure failed by a vote of 21-15 and the House bill died on the calendar.

## **Board of County Commission Resolutions**

### **Landlord Disclosures (R-413-10)**

#### *Issue*

Require landlords to provide each tenant at the time of executing a lease and annually thereafter a statement of taxes, fees, and other costs paid by the landlord for the property rented by the tenant.

#### *Disposition*

There were nine bills that referenced Chapter 83, F. S. and were thus possible amendatory vehicles. The most germane bill was SB784 by Senator Chris Smith relating to "Termination of Rental Agreements" and its companion HB187 by Representative Hazel Rogers. Unfortunately, neither of these bills were heard in their first committee of reference. Senator Miguel Diaz de la Portilla sponsored SB786 but he was not willing to have it amended and nevertheless it died in Messages.

And its companion (HB1089) by Representative Michael Bileca was never considered. The only legislation that referenced 83, F. S. and was moving related to "Service of Process" and it was sponsored by Senator Jack Latvala (SB426) and Representative Frank Artiles (HB291). We discussed amending said bills with the sponsors but the Senate bill died in Messages and the House bill remained stuck in the Judiciary Committee.

#### **Rev. Jorge Comesanas Way Designation (R-817-10)**

##### *Issue*

Co-Designate S. W. 87<sup>th</sup> Avenue from S. W. 8<sup>th</sup> Street to S. W. 24<sup>th</sup> Street as "Rev, Jorge Comesanas Way"

##### *Disposition*

No road designation legislation was approved this session. This particular item was included in both SB274 and HB7213, which were the Chamber's respective road naming bills. Incredibly, HB7213 was approved by the Senate and sent to the Governor but it was subsequently discovered that the bills were not identical (notwithstanding the representations of the sponsor of the Senate measure on the floor). The bill was thus sent back to House, with one amendment added by the Senate and the House refused to concur. It was sent in Messages to the Senate at which time it died in the final night of the legislative session.

#### **Hugh Anderson Boulevard Designation (R-1023-10)**

##### *Issue*

Co-Designate Biscayne Boulevard from N. E. 88<sup>th</sup> Street to N. E. 105<sup>th</sup> Street as "Hugh Anderson Boulevard"

##### *Disposition*

No road designation legislation was approved this session. This particular item was included in both SB274 and HB7213, which were the Chamber's respective road naming bills. Incredibly, HB7213 was approved by the Senate and sent to the Governor but it was subsequently discovered that the bills were not identical (notwithstanding the representations of the sponsor of the Senate measure on the floor). The bill was thus sent back to House, with one amendment added by the Senate and the House refused to concur. It was sent in Messages to the Senate at which time it died in the final night of the legislative session.

#### **Online Travel Companies (R-1113-10)**

##### *Issue*

Oppose efforts to block local governments from receiving their fair share of convention development and other bed taxes.

##### *Disposition*

The Online Travel Company legislation did not pass. Legislation was filed to provide that state transient rentals tax, local tourist impact tax, local tourist development taxes, local convention development taxes, and municipal resort tax are imposed on the amount received by a person operating transient rental accommodations – not on the payments received by unrelated persons facilitating the booking of reservations of such accommodations. The measures were SB 376 by Senator Don Gaetz and HB493 by Representative Jason Brodeur. After much iteration, including

killing the bill in the Finance and Tax Committee of the House of Representatives, HB493 passed the House but we were successful in defeating it in the Senate. All during the legislative session we worked in concert with the Association of Counties and other stakeholders to assure this outcome.

**I. PUBLIC WORKS**

**Venetian Causeway Bridge Replacement**

*Issue*

Support an appropriation of \$5,000,000 for the complete replacement of the twelve bridges of the Venetian Causeway. This request from the Department of Public Works is for design and construction. There are no County funds available for this project.

*Disposition*

This item was funded at \$1,750,000 as a part of the Five Year Transportation Work Program. The Legislature allocated said funds for the Venetian Causeway from North Bayshore Drive to Purdy Avenue.

**Tamiami Canal Historic Swing Bridge Replacement**

*Issue*

Support an appropriation of \$5,000,000 for the design and construction of a replacement of the Tamiami Canal Historic Swing Bridge. The Department of Public Works estimates that the total cost of this project is \$40,000,000. There are local funds in the amount of \$19,000,000 through the General Obligation Bond program.

*Disposition*

This item was not funded. The State of Florida was facing a \$4.6 billion dollar shortfall; which equated to a 12% cut across the board reduction. Compounding this fact is that the Governor's proposed budget raided \$8 billion from the State Transportation Trust Fund and some of its funding sources continue to evidence declines. These are state fuel taxes and documentary stamps, while another major source of State Transportation Trust Fund resources, motor vehicle fees, is the subject of a Senate proposal to reduce them. With these realities the Department of Transportation indicated that it will be a challenge to even fund the items on its legislatively approved work program.

Ultimately, the Transportation and Economic Development Appropriations Conference Committee raided the State Transportation Trust Fund by \$155 million dollars.

**Advanced Traffic Management System (ATMS)**

*Issue*

Support an appropriation of \$50,000,000 to fund high-speed hybrid wireless and fiber optic communications, video surveillance, advanced detector system, software enhancements, signal re-timing, and a new traffic control center. These items are all associated with full implementation of the Advanced Traffic Management System.

*Disposition*

This item was funded. The legislature allocated \$2,235,000 to Miami-Dade for traffic signals maintenance and operations. It is interesting to note that Governor Rick Scott vetoed a \$5 million appropriation for a pilot program in FDOT Districts 1 and 4 for the "retrofitting and reinforcement" of traffic signalization.

**Viaduct**

*Issue*

Preserve funding for the Viaduct, Phase 2, in the Five Year Work Program of the Florida Department of Transportation.

*Disposition*

This item was funded. The Legislature allocated \$2,892,400 for the cost of Engineering and Inspection of the Viaduct from N. W. 82<sup>nd</sup> Avenue to SR826, \$26,858,000 for "other arterials" relating to the Viaduct from N. W. 82<sup>nd</sup> Avenue to SR826, and \$4,000,000 for "other arterials" relating to the Viaduct from SR826 to N. W. 68<sup>th</sup> Avenue. All of the above are on N. W. 25<sup>th</sup> Street.

The Viaduct Phase 2 is recommended at \$64,723,245 over the current Five Year Work Program. The majority of these funds are disbursed in 2015 and the only funds slated for this year were \$246,027 for planning. Obviously, the Viaduct did very well this session

**II. AVIATION**

**Funding of Aviation Capital Projects**

*Issue*

Protect the Aviation Grant Program in the Florida Department of Transportation (FDOT) Trust Fund. In particular, the Perimeter Terminal Access Road Rerouting and the Automatic Foreign Object Debris Detection System are included in the FDOT five-year work program.

*Disposition*

The Aviation Grant Program continues and the Legislature allocated \$1,580,786 for the Miami International Airport Runway 8R/26L Resurfacing and \$1,562,799 for the Opa-Locka Airport Runway 9L-27R.

**Funding for Pilot Programs**

*Issue*

Secure line item legislative support for the enhancement of security and safety at Miami International Airport.

*Disposition*

Because of the state fiscal exigencies, legislative leadership did not allow Community Issue Budget Requests (CBIR) to be filed. This is the vehicle to fund local projects through line-item support. We understand that no line items are going to be funded this year, although in an abundance of caution we

would request details on what projects constitute “enhancement of safety and security.” The Miami-Dade briefing book did not provide any information except for the general statement in the title to this item.

### **III. SOLID WASTE**

#### **Local Solid Waste Program Grant Funding**

##### *Issue*

Support reinstating funding generated from waste tire fees for illegal dumping and other solid waste programs on a pro-rata basis based on the counties in which the fees are generated.

##### *Disposition*

Governor Rick Scott’s budget proposed eliminating the Waste Tire Fee in its totality. That did not happen as the current Chairman of the Senate Appropriations Committee, Sen. J.D. Alexander, is a strong proponent of maintaining the current revenue stream from the Waste Tire Fee to what are called “Fiscally Constrained Counties.” Many of these counties are in his district. Sen. Alexander was not receptive to our crafting a proposal that continued to fund these counties and that any amount beyond the current base be distributed on a pro-rata basis to the counties from which the fees are generated.

### **IV. Senior Advocate**

#### **Maintain Funding of General Revenue Programs**

##### *Issue*

Maintain General Revenue funding for Senior Programs, especially Meals and Local Service Provider Funds

##### *Disposition*

The Local Service Program was fully funded at \$4,361,205. The budget proposed by Governor Rick Scott sought to eliminate all Local Service Program (LSP) funds. And in the past years, the Senate (in particular) has sought to re-direct these funds statewide. LSP monies are disproportionately directed to activities in Miami-Dade County as existing formulas in the Department of Elder Affairs do not provide sufficient funds to meet meal costs in South Florida.

### **V. Cattle Show**

##### *Issue*

Secure funding for the Miami-Dade Cattle Show

##### *Disposition*

This item was not funded. A review of the budget for the Department of Agriculture shows that the line items associated with agriculture fairs and centers were severely restricted. The only amount is \$250,000 to repair a specific exhibition center. And marketing support for agriculture was reduced to a total of \$1 million. Senator Diaz de la Portilla attempted to secure a \$100,000 allocation to the Miami-Dade Cattle Show but there was no line item for him to take money from. And, in fact, one item showed up in the budget subsequent to Conference and that was vetoed.

We will continue to explore grant funding through the Department of Agriculture as well as the Departmental Line Items for agricultural fairs and/or markets.

## **Policy**

### **I. AVIATION**

#### **Secure Airports for Florida's Economy Program (SAFE)**

##### *Issue*

Identify and secure a sustainable funding source for this program, established by the Florida Legislature in 2003, to fund passenger and cargo security.

##### *Disposition*

This item is funded from the proceeds of the "United We Stand" license plate. This has been the same revenue source since 2005 and we understand from legislative staff that this source continues.

#### **Repealing of Sales Tax Exemptions**

##### *Issue*

Monitor and legislation that would repeal the Sales Tax Exemption of Aircraft Modification Services, Aircraft Repair and Maintenance Labor Charges, Equipment Used in Aircraft Repair and Maintenance, Aircraft Sales and Leases, and Flyable Aircrafts.

##### *Disposition*

The above described Sales Tax Exemptions were maintained.

### **II. Solid Waste**

#### **Renewable Energy**

##### *Issue*

Support the preservation and enhancement of existing initiatives that support the production of "renewable" energy produced at the county's Resources Recovery Facility from the combustion of municipal solid waste.

##### *Disposition*

No legislation passed that would impact Miami-Dade's Resource Recovery Facility or the production of renewable energy by said plant. Florida Power and Light did have a "renewable" package, but first the Governor raised objections about the energy companies being able to charge a 2% surcharge without the approval of the Public Service Commission and when Florida Power and Light agreed to seek authority from the PSC then Senator J. D. Alexander pronounced the bill "dead" because of the

surcharge. As such, there was no need to amend the legislation with the clarifying language provided to us by the Miami-Dade County Solid Waste Department.

### **Enhanced Illegal Dumping Sanctions/Penalties**

#### *Issue*

Increase penalties for illegal dumping to include the suspension of driver's license, in addition to the current vehicle seizure provisions.

#### *Disposition*

This item has been in Miami-Dade's legislative package for a number of years and every time the legislative concern has been the same; why would the state seek to penalize workers if they are directed by their boss to dump litter? Are not vehicle seizure provisions sufficient? We have communicated these concerns to the Department of Solid Waste and have suggested that this be re-crafted to accommodate legislative thinking. However, every year the Department proposes the identical language.

A total of 39 bills were filed that open 403, F. S., and we finally received revised language. Unfortunately, the bills that touch this area did not move.

### **Recycling**

#### *Issue*

Maintain the policy implemented last year that Waste-To-Energy production, Landfill Gas Utilization, and materials collected in its single stream recycling program count towards the 75% long-term recycling goal.

#### *Disposition*

No changes to the above described policy were enacted. You should be aware, however, that there is legislative concern that the recycling goals adopted in the 2009 legislative session might have been too ambitious and a bill may be filed to adjust the 75% goal next year.

### **III. Office of Capital Improvements**

#### **Design Build and Architectural/Engineering Selection Process**

#### *Issue*

Modify Chapter 287.055, F. S., which mandates the qualification and selection of no fewer than three firms as the most qualified for both Design-Build and Architectural and Engineering selection processes.

#### *Disposition*

There were 36 bills filed which opened Chapter 287 and sought to amend the most appropriate vehicle with this language. We also pursued the comprehensive transportation package. Representative Jeff Brandes was not receptive to adding this to the House Transportation Package as he expressed that he felt reservations that in a fair market there would be fewer than three bids for this work. Jess McCarty gave us updated information to just make this change to Design Build projects. We took that

information to Rep. Brandes and he continued to have objections to it. Nevertheless, the transportation packages were not approved by the Legislature.



## 2011 MIAMI-DADE SESSION SUMMARY

### **RELATING TO STATE REVENUE LIMITATION**

SB 958 by Budget Subcommittee on Finance & Tax; HB 7221 by Finance & Tax Committee

This joint resolution replaces the existing state revenue limitation based on Florida personal income growth with a new state revenue limitation based on changes in population and inflation; requires excess revenues to be deposited into the Budget Stabilization Fund, used to support public education, or returned to the taxpayers; adds fines and revenues used to pay debt service on bonds issued after July 1, 2012 to the state revenues subject to the limitation; authorizes the Legislature to increase the revenue limitation by a supermajority vote; and authorizes the Legislature to place a proposed increase before the voters, requiring approval by 60 percent of the voters. The proposed amendment will be submitted to the electors at the general election in 2012 or at an earlier election specifically authorized by law, and, if approved, will take effect upon approval by the electors. The new state revenue limitation will first apply to state fiscal year 2014-15.

We had monitored the joint resolution for the inclusion of cities and counties, as has been seen in previous years, but the passed bill applies solely to state revenue. The bill sponsors have testified numerous times that the measure would not negatively impact the state's bond rating, a concern of Miami-Dade Senator Gwen Margolis and others. SB 958 passed and is headed to the governor.

### **RELATING TO HOMESTEAD ASSESSMENT LIMITATION/SENIOR CITIZENS**

HB 789 by Representative Nunez; SB 808 by Senator Diaz de la Portilla

In the joint resolution's initial form, it would have allowed counties to exempt homestead property of senior citizens meeting certain age and income requirements from increases in the combined amount of ad valorem taxes levied by the county, school district, municipalities, water management district and any other special district in the county. This included low and middle income seniors. Later amended, HJR 789 proposed an amendment to the state constitution that would allow the Legislature to permit counties and municipalities to limit ad valorem tax assessments applicable to their respective levies to the previous year's assessed value for homestead property that is subject to the current local option low-income senior exemption. The limitation could apply if the

market value of a homestead property is no more than 150 percent of the average homestead market value in the county.

We met with the sponsors and other members many times throughout the session to emphasize the need for such legislation. While all understood the hard economic times and worked tirelessly to pass the legislation, like many others, the bill died due to the Senate and House's disagreements on other matters.

#### **RELATING TO PUBLIC MEETINGS**

**SB 310 by Senator Negrón; HB 285 by Representative Eisnaugle**

---

SB 310 and HB 285 would have amended the public meetings and records law to make clear that members for the public can be heard at public hearings, which isn't a guarantee under current law. Though sponsor Senator Negrón had said that it was one of his top priorities, we spoke with both sponsors and staff to explain Miami-Dade County's many concerns with the legislation. The bills died without a single committee hearing.

#### **RELATING TO PROPERTY AND CASUALTY INSURANCE**

**SB 408 by Senator Richter; HB 803 by Representative Wood**

---

The bill makes a number of changes, including reducing the deadline for filing both sinkhole and windstorm claims, and allowing insurers to pay claims as repairs are completed. The bill also tightens the definition of what a sinkhole is, which makes it more difficult for homeowners to collect on sinkhole claims. However, the bill does require insurers to continue to cover sinkholes, an improvement over the original bill, which would have allowed insurers to quit covering sinkholes, forcing those in sinkhole prone areas into Citizens. Also included in the bill is a provision that allows insurers to raise rates by up to 15 percent for increases in reinsurance costs, if approved by the Office of Insurance Regulation, as well another provision that allows insurers to offer a policy under which the company would only pay for new items actually purchased, rather than pay replacement costs up front.

The bill includes numerous pro-insurance industry provisions. The majority of the Miami-Dade delegation opposed the bill and proposed pro-consumer amendments that were defeated by Senate and House leadership. A similar bill was passed and vetoed by Governor Crist last year, though supporters are confident that Governor Scott will sign this bill into law.

#### **RELATING TO SERVICE OF PROCESS**

**SB 426 by Senator Latvala; HB 291 by Representative Artiles**

---

SB 426 and HB 291 authorized certified process servers to serve writs of possession in actions for possession of residential property. More specifically, upon the entry of a judgment in favor of a landlord in a possession action and issuance of the writ by the clerk of court, the landlord could elect to use a certified process server to serve the writ rather than the sheriff. After the posting of a writ by the certified process server, he or she must,

within 12 hours, have provided written notice to the sheriff including the date and time the writ was posted on the premises.

We spoke with the sponsors about the numerous concerns that Miami-Dade County had with the legislation and the fact that it was unnecessary. Senator Latvala agreed to halt the progress of the bill after we met with him but warned us that we need to stay on top of this "problem," or that he will bring forth this legislation again next year. We successfully held up the bill in committee and it was unable to reach the floor for passage.

#### **RELATING TO PROPERTY TAXATION**

**SB 478 by Senator Thrasher; HB 355 by Representative O'Toole**

---

This bill revises, updates and consolidates provisions of chapter 197 of the Florida Statutes relating to tax collections, sales and liens. Of great interest, the bill changes the deadline for the application for tax deferral to March 31. Additionally, current law provides that tax collectors will consider applications within 30 days, and the bill extends the time period to 45 days. The bills passed successfully out of both chambers and are headed to the governor.

#### **RELATING TO THE DEPARTMENT OF FINANCIAL SERVICES**

**SB 1068 by Senator Hays; SB 2132 by Budget**

---

SB 1068 and SB 2132 were a Senate proposal to limit the reimbursement amount of repackaged or relabeled prescription medications for workers' compensation claimants. SB 1068 was filed as a stand alone bill by Senator Hays, who filed the same legislation in the House last year but saw it vetoed by the governor. After the stand alone bill did not move, it was filed as a conforming bill, which ultimately passed without the repackaged drugs language.

#### **RELATING TO TRANSPORTATION**

**SB 1180 by Senator Latvala; HB 1363 by Representative Brandes**

---

SB 1180 and HB 1363 were large transportation packages proposed this year. The bills contained numerous provisions, one of which was proposed by Senator Margolis, pertaining to the Charter County and Regional Transportation System Surtax, otherwise known as the transit half penny surtax. The Margolis amendment would have required Miami-Dade County to provide funds to newly-created cities, including the 3 cities created since the transit half penny surtax went into effect, on a pro rata basis. The amendment was intended to clarify the distribution of revenues from the tax to newly-formed municipalities. The language required the agreement to be revised to incorporate any municipalities that have been created in the previous year and funds distributed to any newly created municipalities must not have reduced the percentage allocation distributed to previously existing municipalities, but rather must come from the county's portion of the revenues. Any county seeking to terminate or substantially modify the distribution of funds to municipalities may have done so only after approval by a majority vote of the county electorate.

The House bill passed unanimously off the floor, but the Senate bill did not and died on the calendar.

**BUDGET**

---

1535 SPECIAL CATEGORIES

GRANTS AND AIDS - **COMMUNITY SERVICES BLOCK**

**GRANTS**

FROM FEDERAL GRANTS TRUST FUND . . . 17,876,599

## Miami-Dade 2011

Sorted by Bill Number

### **HB 0141 Relating to Tourist Development Tax**

Fresen

Tourist Development Tax: 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. Effective Date: July 1, 2011  
3/23/2011 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference; 03/25/11, 9:00am, 117 K (No Votes Will Be Taken)  
5/7/2011 HOUSE Indefinitely postponed and withdrawn from consideration  
5/7/2011 HOUSE Died in Economic Development and Tourism Subcommittee

### **SB 0210 Relating to Homestead Property Assessed Value**

Fasano

Homestead Property Assessed Value; Proposes amendments to the State Constitution to prohibit increases in the assessed value of homestead property if the fair market value of the property decreases and to provide an effective date.  
5/2/2011 SENATE Now in Budget  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Budget

### **HB 0241 Relating to Wage Protection**

Goodson

Wage Protection: 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, etc. Effective Date: upon becoming a law  
4/29/2011 SENATE In Messages  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Messages

### **HB 0273 Relating to Limitations on Annual Assessment Increases to Homestead and Nonhomestead Property**

Costello

Limitations on Annual Assessment Increases to Homestead and Nonhomestead Property: Proposes amendment to s. 4, Art. VII of State Constitution to prohibit annual increases in assessed value of homestead & nonhomestead property if just value of property decreases; limit annual assessment increases applicable to nonhomestead property to lower of specified percentage or percentage change in Consumer Price Index; & apply annual assessment increase limitations applicable to nonhomestead property to school district levies. Effective Date: Not Specified  
1/19/2011 HOUSE Filed  
1/27/2011 HOUSE Withdrawn prior to introduction

### **HB 0281 Relating to Value Adjustment Boards**

Logan

Value Adjustment Boards: Requires petitioner challenging assessed value of property before value adjustment board to pay specified percentage of taxes by certain date; requires petitioner challenging denial of classification or exemption, or assessment on specified grounds, before value adjustment board to pay amount of tax which taxpayer admits in good faith to be owing by certain date; provides for penalty if good faith payment is grossly disproportionate to amount of tax found to be due & taxpayer's admission was not made in good faith; requires board to deny petition in writing by certain date if required amount of taxes is not timely paid; requires payment of interest on certain unpaid taxes; requires payment of interest on certain overpayments of taxes; provides for discount for ad valorem taxes paid within 30 days after mailing of corrected tax notice resulting from action of value adjustment board when corrected tax notice is issued before taxes become delinquent. Effective Date: July 1, 2011, and shall apply to petitions filed with value adjustment boards on or after July 1, 2011  
5/3/2011 SENATE Withdrawn from Community Affairs; Budget; Placed on Calendar, on second reading; Substituted for SB 0880; Read Second Time; Read Third Time; Passed (Vote: 37 Yeas / 1 Nays)  
5/3/2011 HOUSE Ordered enrolled  
5/5/2011 HOUSE Enrolled Text (ER) Filed

**HB 0285 Relating to Public Meetings** Eisnaugle  
Public Meetings: Provides right for members of public to be heard at meetings of certain governmental boards & commissions; prescribes conditions qualifying, & exceptions to, such right; provides for adoption of rules governing conduct of, & behavior at, such meetings. Effective Date: July 1, 2011  
2/1/2011 HOUSE Now in Government Operations Subcommittee  
5/7/2011 HOUSE Indefinitely postponed and withdrawn from consideration  
5/7/2011 HOUSE Died in Government Operations Subcommittee

**HB 0291 Relating to Service of Process** Artiles  
Service of Process: Authorizes certified process servers in certain counties to serve writs of possession in actions for possession of residential property; authorizes landlord to select certified process server to serve writ of possession; requires certified process server to provide notice of posting of writ to sheriff; conforms provisions. Effective Date: July 1, 2011  
4/6/2011 HOUSE Now in Judiciary Committee  
5/7/2011 HOUSE Indefinitely postponed and withdrawn from consideration  
5/7/2011 HOUSE Died in Judiciary Committee

**SB 0310 Relating to Public Meetings** Negrón  
Public Meetings; Provides a right for members of the public to be heard at meetings of certain governmental boards and commissions. Prescribes conditions qualifying, and exceptions to, the right. Provides for the adoption of rules governing the conduct of, and behavior at, the meetings. EFFECTIVE DATE: July 1, 2011  
1/5/2011 SENATE Referred to Governmental Oversight and Accountability; Community Affairs; Rules  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Governmental Oversight and Accountability

**HB 0355 Relating to Property Taxation** O'Toole  
Streamlining the Issuance of Licenses, Certifications, and Registrations Issued by State Agencies: Creates "Florida's One-Stop Business Connect Act"; requires Governor to direct certain state agencies to jointly conduct review of state's requirements for starting, licensing, & operating business & examine feasibility of establishing single online portal for accessing such requirements; provides review requirements; requires Governor to submit report & recommendations to Legislature by specified date. Effective Date: upon becoming a law  
4/12/2011 HOUSE Favorable by Economic Affairs Committee; 16 Yeas, 0 Nays  
4/13/2011 HOUSE Placed on Calendar, on second reading  
5/3/2011 HOUSE Laid on Table, refer to S 0478

**HB 0381 Relating to Additional Homestead Exemption; Property Value Decline; Reduction for Nonhomestead Assessment Increases; Abrogation of Scheduled Repeal** Dorworth  
Additional Homestead Exemption; Property Value Decline; Reduction for Nonhomestead Assessment Increases; Abrogation of Scheduled Repeal: Proposes amendments to State Constitution to allow Legislature by general law to prohibit increases in assessed value of homestead & specified nonhomestead property if just value of property decreases, reduce limitation on annual assessment increases applicable to 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 property, & application & limitations with respect thereto, delete future repeal of provisions limiting annual assessment increases for specified nonhomestead real property, & provide effective dates. Effective Date: Not Specified  
5/4/2011 HOUSE Engrossed Text (E2) Filed  
5/4/2011 HOUSE Enrolled Text (ER) Filed  
5/12/2011 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 05/19/11, 9:30am, 301 C (No Votes Will Be Taken)

**SB 0390 Relating to Homestead Property Assessed Value** Flores  
Homestead Property Assessed Value; 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.  
3/14/2011 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact

Conference; 03/16/11, 1:30pm, 301 C (No Votes Will Be Taken)  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Budget

**SB 0408** **Relating to Property and Casualty Insurance** Richter  
Property and Casualty Insurance; Specifies a statute of limitation for a breach of a property insurance contract runs from the date of loss. Revises the definition of "losses," relating to the Florida Hurricane Catastrophe Fund, to include and exclude certain losses. Authorizes an insurer to renegotiate the terms of a surplus note issued before a certain date. Revises the amount of surplus funds required for domestic insurers applying for a certificate of authority. Authorizes the OIR to reduce the surplus requirement under specified circumstances, etc. EFFECTIVE DATE: upon becoming a law, except as otherwise provided  
5/6/2011 SENATE Engrossed Text (E3) Filed  
5/6/2011 SENATE Enrolled Text (ER) Filed  
5/11/2011 Signed by Officers and presented to Governor (Governor must act on this bill by 05/26/11)

**SB 0426** **Relating to Service of Process** Latvala  
Service of Process; Authorizes certified process servers to serve writs of possession in actions for possession of residential property. Authorizes a landlord to select a certified process server to serve a writ of possession. Requires a certified process server to provide notice of the posting of the writ to the sheriff. EFFECTIVE DATE: July 1, 2011  
4/15/2011 SENATE Temporarily postponed by Rules  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Rules

**SB 0466** **Relating to Tourist Development Tax** Braynon  
Tourist Development Tax; Expands the purposes for which the proceeds of the tourist development tax may be used to include the payment of the debt service on bonds to finance the construction, reconstruction, or renovation of a professional sports facility on publically owned land and the expansion, renovation, or reconstruction of a convention center. Limits the percentage of the proceeds from the tourist development tax that may be used for the professional sports facility. Provides for controlling application notwithstanding certain contrary authority, etc. EFFECTIVE DATE: July 1, 2011  
3/24/2011 SENATE Now in Community Affairs  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Community Affairs

**SB 0478** **Relating to Property Taxation** Thrasher  
Property Taxation; Tolls the expiration period of a tax certificate and 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, etc. EFFECTIVE DATE: July 1, 2011  
5/4/2011 SENATE Ordered enrolled  
5/4/2011 SENATE Enrolled Text (ER) Filed  
5/12/2011 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 05/19/11, 9:30am, 301 C (No Votes Will Be Taken)

**HB 0493** **Relating to Tax on Sales, Use, & Other Transactions** Brodeur  
Tax on Sales, Use, & Other Transactions: Provides definitions relating to tourist development tax & tourist impact tax, transient rentals tax & convention development tax, & municipal resort tax; provides separate statement of tax requirements on various documents; revises requirements for charging, collecting, & remitting such taxes; authorizes DOR to compensate county governments for providing specified information; specifies payment amount; provides definitions relating to municipal resort tax; provides separate statement of tax requirements; provides exception; provides construction. Effective Date: July 1, 2011  
5/5/2011 SENATE Received; Referred to Community Affairs; Budget Subcommittee on Finance and Tax; Budget  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Community Affairs

- HB 0537 Relating to Property Taxes on Homestead and Nonhomestead Property** Bovo  
 Property Taxes on Homestead and Nonhomestead Property: Proposes constitutional amendment to prevent taxes from increasing on homestead & nonhomestead property with declining market value by prohibiting increases in annual assessment & applicable millage rate. Effective Date: Not Specified  
 2/7/2011 HOUSE Referred to Finance & Tax Committee; Community & Military Affairs Subcommittee; Economic Affairs Committee  
 2/7/2011 HOUSE Now in Finance & Tax Committee  
 3/8/2011 HOUSE Withdrawn prior to introduction
- SB 0616 Relating to Ad Valorem Taxes/Maximum Amount** Evers  
 Ad Valorem Taxes/Maximum Amount; Proposes an amendment to the State Constitution to limit the maximum amount of ad valorem taxes that may be collected on a parcel of real property.  
 2/9/2011 SENATE Referred to Community Affairs; Judiciary; Budget; Rules  
 5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
 5/7/2011 SENATE Died in Community Affairs
- SB 0630 Relating to Use of Public Moneys and Property** Bennett  
 Use of Public Moneys and Property; Defines the terms "governmental entity," "professional sports team," and "public funds." Prohibits the use of public funds for certain purposes benefiting a professional sports team. Provides exceptions. Provides for the ad valorem taxation of property owned by a governmental entity if the property is used by a private entity for a nonexempt purpose. EFFECTIVE DATE: July 1, 2011, except as otherwise provided  
 2/9/2011 SENATE Referred to Commerce and Tourism; Community Affairs; Budget  
 5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
 5/7/2011 SENATE Died in Commerce and Tourism
- SB 0658 Relating to Homestead/Nonhomestead Property** Fasano  
 Homestead/Nonhomestead Property; Proposes amendments to the State Constitution to allow the Legislature by general law to prohibit increases in the assessed value of homestead and specified nonhomestead property if the just value of the property decreases, reduce the limitation on annual assessment increases applicable to nonhomestead real property, provide an additional homestead exemption for owners of homestead property who have not owned homestead property for a specified time before purchase of the current homestead property, etc.  
 5/2/2011 SENATE Placed on Calendar, on second reading  
 5/2/2011 SENATE Placed on Special Order Calendar for 05/03/11  
 5/3/2011 SENATE Read Second Time; Amendment Adopted (271546); Substituted for HB 0381; Laid on Table, Refer to HB 0381
- HB 0789 Relating to Homestead Assessment Limitation/Senior Citizens** Nuñez  
 Homestead Assessment Limitation/Senior Citizens: Proposes amendment to s. 4, Art. VII of State Constitution to authorize counties & municipalities to limit assessed value of homesteads of certain low-income senior citizens. Effective Date: Not Specified  
 5/2/2011 SENATE In Messages  
 5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
 5/7/2011 SENATE Died in Messages
- HB 0803 Relating to Property and Casualty Insurance** Wood  
 Property and Casualty Insurance: Provides statute of limitations for breach of property insurance contract; provides that specified losses are excluded from definition of term "losses" as used in provisions relating to Florida Hurricane Catastrophe Fund; authorizes insurer to renegotiate terms of specified surplus note; revises amount of surplus funds required for domestic insurers applying for certificate of authority; revises minimum surplus that must be maintained by certain insurers; authorizes OIR to reduce specified surplus requirements; provides exemption from licensure as adjuster to persons who provide mortgage-related claims adjusting services to certain institutions; provides limitations on amount of compensation that may be received by public adjuster for claim or reopened or supplemental claim; applies specified provisions regulating conduct of public adjusters to condominium unit owners rather than to condominium associations; provides statements that may be considered deceptive or misleading if made in

any public adjuster's advertisement or solicitation; revises rate filing provisions; provides for limitation on fees charged for use of public hurricane model; revises provisions relating to nonrenewal, cancellation, or termination of or changes in policies; extends expiration date for making "file and use" filing; authorizes insurer to require inspection of property before issuing sinkhole coverage; revises other provisions relating to sinkhole insurance. Effective Date: upon becoming a law

4/21/2011 HOUSE Committee Substitute Text (C2) Filed

4/22/2011 HOUSE Placed on Calendar, on second reading

5/3/2011 HOUSE Laid on Table, refer to S 0408

**SB 0808 Relating to Homestead Exemption/Low-income Senior Citizens** Diaz de la Portilla

Homestead Exemption/Low-income Senior Citizens; Proposes an amendment to the State Constitution to authorize counties and municipalities to limit the assessed value of the homesteads of certain low-income senior citizens.

4/27/2011 SENATE Now in Budget

5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration

5/7/2011 SENATE Died in Budget

**HB 0827 Relating to Use of Public Moneys and Property** Costello

Use of Public Moneys and Property: Prohibits use of public funds for certain purposes benefiting professional sports team; provides exceptions; provides for ad valorem taxation of property owned by governmental entity if property is used by private entity for nonexempt purpose.

Effective Date: July 1, 2011

3/3/2011 HOUSE Referred to Economic Development & Tourism Subcommittee, Finance & Tax Committee, Appropriations Committee

3/3/2011 HOUSE Now in Economic Development & Tourism Subcommittee

5/7/2011 HOUSE Indefinitely postponed and withdrawn from consideration

**SB 0958 Relating to State Revenue Limitation** Budget Subcommittee on Finance and Tax

State Revenue Limitation; 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.

5/4/2011 SENATE Ordered enrolled

5/4/2011 SENATE Enrolled Text (ER) Filed

5/12/2011 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 05/19/11, 9:30am, 301 C (No Votes Will Be Taken)

**SB 1068 Relating to Department of Financial Services** Hays

Department of Financial Services; Revises duties of the Division of Consumer Services. Revises criteria for premiums charged to agencies and departments for purposes of the State Risk Management Trust Fund. Revises reporting requirements for the Department of Financial Services and the Department of Management Services on the state insurance program.

Requires the Division of Risk Management to analyze and report on certain agency return-to-work programs and activities. Requires certain agencies to establish and maintain return-to-work programs for certain employees, etc. EFFECTIVE DATE: July 1, 2011

3/1/2011 SENATE Referred to Banking and Insurance; Governmental Oversight and Accountability; Budget

5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration

5/7/2011 SENATE Died in Banking and Insurance

**SB 1144 Relating to Local Government** Margolis

Local Government; 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. EFFECTIVE DATE: July 1, 2011

4/29/2011 SENATE Session for 04/30/11 Cancelled

4/29/2011 SENATE Placed on Special Order Calendar for 05/02/11

5/2/2011 SENATE Read Second Time; Substituted for HB 0767; Laid on Table, Refer to HB 0767

**HB 1163 Relating to Ad Valorem Taxation** Dorworth

Ad Valorem Taxation: Reduces amount that any change in value of nonhomestead residential property resulting from annual reassessment may exceed assessed value of property for prior year; reduces amount that any change in value of certain residential & nonresidential real property resulting from annual reassessment may exceed assessed value of property for prior year; provides first-time Florida homesteader with additional homestead exemption; provides for calculation of exemption; provides for applicability period of exemption; provides for annual reduction in exemption during applicability period; provides application procedures; provides for applicability of specified provisions; provides for contingent effect of provisions & varying dates of application depending on adoption & adoption date of specified joint resolutions; authorizes DOR to adopt emergency rules; provides for application & renewal of emergency rules; requires Legislature to consider appropriating funds to fiscally constrained counties to offset reductions in ad valorem tax revenue as result of implementation of certain revisions to State Constitution; requires application to DOR to participate in distribution of such appropriation; provides for certain contingent effect & retroactive application. Effective Date: upon becoming a law  
5/4/2011 HOUSE Ordered enrolled  
5/4/2011 HOUSE Enrolled Text (ER) Filed  
5/12/2011 Bill to Be Discussed During the Office of EDR's Revenue Estimating Impact Conference, 05/19/11, 9:30am, 301 C (No Votes Will Be Taken)

**SB 1180 Relating to Transportation**

Latvala

Transportation; 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, etc. EFFECTIVE DATE: July 1, 2011  
5/5/2011 SENATE Placed on Special Order Calendar for 05/06/11  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died on Calendar

**HB 1269 Relating to Revitalizing Municipalities**

Nuñez

Revitalizing Municipalities: Provides for transfer of sales tax revenues from General Revenue Fund to Revenue Sharing Trust Fund for Municipalities; provides for distribution from Revenue Sharing Trust Fund for Municipalities relating to increase in sales tax collections over preceding year to eligible designated redevelopment agency where sales tax increment redevelopment district is located; provides legislative intent & purpose; authorizes specified governing bodies to create sales tax increment redevelopment district within municipality having specified population; provides that designated redevelopment agency for sales tax increment redevelopment district is eligible for specified percentage distributions of increased state sales tax collections; requires DOR to determine amount of increased sales tax collections to be distributed to each eligible designated redevelopment agency & to transfer aggregate amount due all such agencies to Revenue Sharing Trust Fund for Municipalities for distribution; grants specified powers to designated redevelopment agency for sales tax increment redevelopment district for purpose of providing financing & fostering certain public & private improvements, including issuing revenue bonds; requires that agreement between designated redevelopment agency & private sponsor of project include requirement that specified number of jobs be created. Effective Date: July 1, 2011  
3/14/2011 HOUSE Now in Community & Military Affairs Subcommittee  
5/7/2011 HOUSE Indefinitely postponed and withdrawn from consideration  
5/7/2011 HOUSE Died in Community and Military Affairs Subcommittee

**HB 1321 Relating to Miami-Dade County Home Rule Charter**

Lopez-Cantera

Miami-Dade County Home Rule Charter: Proposes amendment to s. 6, Art. VIII of State Constitution to authorize amendments of revisions to Miami-Dade County Home Rule Charter by special law approved by vote of electors of county; requires that such special law be proposed & approved at meeting of local legislative delegation & filed by member of that delegation; conforms references to reflect county's current name. Effective Date: Not Specified  
3/31/2011 HOUSE Placed on Calendar, on second reading  
5/7/2011 HOUSE Indefinitely postponed and withdrawn from consideration  
5/7/2011 HOUSE Died on Calendar

**SB 1330 Relating to Residential Property Insurance**

Hays

Residential Property Insurance; Authorizes an insurer to use a rate for residential property insurance that differs from its otherwise filed rate after a specified date under certain

circumstances. Requires insurance agents to obtain a signed acknowledgment from an applicant for coverage and certain policyholders relating to surcharges and assessments potentially being imposed under a Citizens Property Insurance Corporation policy. Specifies circumstances under which an insurer may offer or renew residential property insurance policies subject to the amendments to provisions contained in this act, etc. EFFECTIVE DATE: upon becoming a law, except as otherwise provided

4/26/2011 SENATE Not considered by Budget

5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration

5/7/2011 SENATE Died in Budget

**HB 1363 Relating to Transportation**

Brandes

Transportation; Amends provisions relating to rulemaking; exempts adjustment of tolls under specified provisions from provisions requiring statement of estimated regulatory costs & requirement for legislative ratification; prohibits use of human-powered vehicles on limited access highways & bridges; requires Department of Transportation to establish pilot program to open certain limited access highways & bridges to bicycles & other human-powered vehicles; provides requirements for pilot program, etc. Effective Date: July 1, 2011

4/29/2011 SENATE Received; Referred to Transportation; Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Budget

5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration

5/7/2011 SENATE Died in Transportation

**SB 1722 Relating to Ad Valorem Taxation**

Fasano

Ad Valorem Taxation; Reduces the amount that any change in the value of certain real property resulting from an annual reassessment may exceed the assessed value of the property for the prior year under specified circumstances. Provides a first-time Florida homesteader with an additional homestead exemption. Requires the Legislature to appropriate funds to fiscally constrained counties to offset reductions in ad valorem tax revenue as the result of the implementation of certain proposed revisions to the State Constitution, etc. APPROPRIATION: Indeterminate EFFECTIVE DATE: Contingent

5/2/2011 SENATE Placed on Calendar, on second reading

5/2/2011 SENATE Placed on Special Order Calendar for 05/03/11

5/3/2011 SENATE Read Second Time; Amendment Adopted (402698); Substituted for HB 1163; Laid on Table, Refer to HB 1163

**SB 1906 Relating to Homestead Assessed Value/Low-income Senior Citizen**

Diaz de la Portilla

Homestead Assessed Value/Low-income Senior Citizen; Proposes an amendment to the State Constitution to authorize counties and municipalities to freeze the assessed value of the homesteads of certain low-income senior citizens.

3/16/2011 SENATE Referred to Community Affairs; Judiciary; Rules

5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration

5/7/2011 SENATE Died in Community Affairs

**SB 1954 Relating to Home Rule Charter of Miami-Dade County**

Garcia (R)

Home Rule Charter of Miami-Dade County; 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.

4/27/2011 SENATE Placed on Calendar, on second reading

4/29/2011 SENATE Placed on Special Order Calendar for 05/02/11

5/2/2011 SENATE Read Second Time; Read Third Time; Failed (Vote: 15 Yeas / 21 Nays)

**SB 2042 Relating to Administration of Property Tax**

Budget Subcommittee on Finance and Tax

Administration of Property Tax; Repeals provisions relating to the Property Tax Administration Task Force. Revises provisions requiring that certain information be included on the real property assessment roll following a transfer of ownership. Revises provisions requiring that a property appraiser file an appeal of a decision by the value adjustment board within a specified period. Clarifies provisions allowing a taxpayer to file an application for homestead assessment in the year following eligibility, etc. EFFECTIVE DATE: upon becoming a law, except as otherwise provided

4/13/2011 SENATE Not considered by Budget Subcommittee on Finance and Tax  
5/7/2011 SENATE Indefinitely postponed and withdrawn from consideration  
5/7/2011 SENATE Died in Budget Subcommittee on Finance and Tax

**SB 2132** **Relating to Department of Financial Services** Budget  
Department of Financial Services; Repeals provisions relating to the Chief Financial Officer's authorization to operate a personal check-cashing service or a remote financial service unit at the capitol and to employ additional persons to assist in performing such services. Abolishes appropriations from the General Revenue Fund to pay the salaries of the additional employees. Revises the duties of the Division of Consumer Services. Revises the criteria for premiums charged to agencies and departments for purposes of the State Risk Management Trust Fund, etc. EFFECTIVE DATE: July 1, 2011  
5/7/2011 SENATE Ordered engrossed, then enrolled  
5/9/2011 SENATE Engrossed Text (E1) Filed  
5/10/2011 SENATE Enrolled Text (ER) Filed

**SB 7050** **Relating to State Government Revenue Limitation** Budget Subcommittee on Finance and Tax  
State Government Revenue Limitation; 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.  
1/31/2011 SENATE On Committee agenda - Budget Subcommittee on Finance and Tax, 02/10/11, 8:30 am, 301 S  
2/10/2011 SENATE Submitted as Committee Bill by Budget Subcommittee on Finance and Tax  
2/10/2011 SENATE Committee Bill filed as S 0958

**HB 7221** **Relating to State Revenue Limitation** Finance & Tax Committee  
State Revenue Limitation: Proposes amendment to s. 1, Art. VII & creation of s. 19, Art. VII & s. 32, Art. XII of State Constitution to replace existing state revenue limitation with new state revenue limitation based on inflation & population changes, to take effect upon approval by electors & apply beginning in 2014-2015 state fiscal year. Effective Date: Not Specified  
4/12/2011 HOUSE Favorable by Appropriations Committee; 14 Yeas, 10 Nays  
4/12/2011 HOUSE Placed on Calendar, on second reading  
5/3/2011 HOUSE Laid on Table, refer to S 0958

**FTC2** **Relating to State Government Revenue Limitation** Finance & Tax Committee  
PCB FTC 11-02 -- State Government Revenue Limitation  
3/28/2011 HOUSE On Committee agenda - Finance & Tax Committee, 03/30/11, 2:15 pm, 17 H  
3/30/2011 HOUSE Submitted as Committee Bill by Finance & Tax Committee; 16 Yeas, 6 Nays  
4/4/2011 HOUSE Committee Bill Filed as H 7221

**Emerald Lake Corporate Park  
3111 Stirling Road  
Fort Lauderdale, Florida 33312-6525  
Phone: (954) 987-7550 Fax: (954) 985-4176  
US Toll Free: (800) 432-7712**

**Mailing Address:  
P.O. Box 9057  
Ft. Lauderdale, FL 33310-9057**

May 27, 2011

**Reply To:  
Fort Lauderdale  
Yolanda Cash Jackson, Esq.  
Direct dial: (954) 985-4132  
YJackson@becker-poliakoff.com**

TO: Jess McCarty

Re: 2011 Legislative Session Report

Dear Mr. McCarty,

The 2011 Legislative Session ended Sine Die on May 7, 2011. The final act was the passage of the \$69.7 billion State budget. Going into the Session, the budget deficit was over \$4 Billion. On May 26, 2011, Governor Rick Scott signed the \$69.1 billion Budget into law while administering \$615 million in vetoes.

### **MIAMI-DADE COUNTY LEGISLATIVE UPDATES**

From a total of 2,186 bills filed, only 295 bills passed both Chambers during the 2011 Legislative Session. We closely advocated and monitored legislation that were assigned by Miami-Dade County. The Governor has the sole discretion of signing the bills when they reach his desk, or apply his Constitutional powers by vetoing them.

**The following legislation was supported by the County and passed during the 2011 Regular Session.**

#### **SEAPORT SECURITY**

Miami-Dade County wanted to monitor seaport security legislation, bills, rules, regulations and statewide policies affecting Florida's seaports. Miami-Dade County also supported Florida Ports Council's effort in securing dedicated funding sources for Florida's seaports and the Port of Miami's Deep Dredge project.

**Update: We worked with providing Delegation members and committee members with the County's talking points. We assisted both the House sponsor, Rep. Young and Senate Sponsor, Senator Latvala, in educating members on the positive impact this legislation would have for Florida's seaports. Prior to the bills' committee and council hearings, we met and spoke with committee members on supporting the legislation. We also testified in support of the legislation during committee hearings. In**

May 27, 2011

Page 2

**addition, we attended Florida Ports Council meetings scheduled throughout Session.**

**Governor Scott held a bill signing ceremony for HB 283 at the Port of Tampa on May 24, 2011.**

**BUDGET UPDATE:**

**We advocated and monitored Seaport funding in the Budget Conference Committee on Transportation and Economic Development Appropriations during the last days of Session. The Budget Conferees allocated \$117,751,305 for seaport-related projects, in addition to the Florida Ports Financing Commission 1996 and 1999 Revenue Bonds debt service of \$15M and \$10M, respectively. This includes \$55,831,244 for the Port of Miami Dredging Project.**

**Governor Scott signed the State Budget into law on May 26, 2011.**

**Below is the summary of the legislation that passed during the 2011 Session:**

**HB 283 – Seaport Security**

*Governor Scott signed the bill into law on May 24, 2011. Vote: Senate 36-1; House 114-0*

***Port Citrus***

The bill amends s. 311.09, F.S., to include a representative of Port Citrus as a member of the Florida Seaport Transportation and Economic Development Council (council). The bill also permits Citrus County to apply for a grant through the council to perform a feasibility study regarding the establishment of a port in Citrus County. The bill further provides that the membership of Port Citrus on the council shall terminate if the study determines that a port in Citrus County is not feasible.

***Seaport Security***

The bill also makes substantial changes to existing Florida law relating to security requirements for Florida's deepwater public ports. Florida is believed to be the only state with its own seaport security standards in addition to the federal standards. In broad terms, the bill amends s. 311.12, F.S., to address the duplicative security requirements mandated by both the state and federal government by: repealing the statewide minimum security standards; eliminating the Florida Department of Law Enforcement's (FDLE) role in the security of the seaports; and prohibiting seaports from charging a fee for a seaport specific access credential issued in addition to the federal Transportation Worker Identification Credential (TWIC).

Specifically, the bill makes the following changes to the state's seaport security laws:

- Repeals the statewide minimum security standards.
- Provides that seaports may implement security standards more stringent than the federal standards.

- Removes the authority for FDLE to exempt all or part of a seaport from the state's seaport security requirements, if FDLE determines that it is not vulnerable to criminal activity or terrorism.
- Revises the requirements for seaports to update their security plans, consistent with federal requirements.
- Deletes FDLE's Access Eligibility Reporting System.
- Prohibits seaports from charging a fee for the administration or production of any access control credential that requires or is associated with a fingerprint-based background check, in addition to the fee for the TWIC.
- Provides that beginning July 1, 2013, a seaport may not charge a fee for a seaport specific access credential issued in addition to the federal TWIC, except under certain circumstances.
- Deletes the requirement for a TWIC holder to execute an affidavit when seeking authorization for unescorted access to secure and restricted areas of a seaport.
- Removes the state criminal history screening and the state specific disqualifying offenses for working in a seaport.
- Removes the requirement for FDLE to conduct at least one annual unannounced inspection of each seaport to determine whether the seaport is meeting the statewide minimum security standards.
- Repeals the Seaport Security Standards Advisory Council established in s. 311.115, F.S.

### **HB 399 Infrastructure Investment**

If approved by the Governor, these provisions take effect July 1, 2011. *Vote: Senate 37-0; House 114-0*

This bill makes a number of changes to the permitting and planning for Florida's 14 deepwater public seaports. Specifically, the bill:

- Authorizes the Florida Department of Transportation (FDOT) secretary to designate an assistant secretary as an economic development liaison to the Governor's Office;
- Requires the Florida Seaport Transportation and Economic Development (FSTED) Council to annually develop a project priority list and submit it to FDOT;
- Requires each seaport to develop a 10-year strategic plan that includes:
  - Potential business opportunities;
  - Proposed infrastructure and intermodal projects;
  - Any physical, environmental and regulatory hurdles facing port projects;
  - and
  - Proposals to coordinate the port plan goals with other governmental entities.
- Modifies the existing State Transportation Plan to include information on methods to expand Florida as a hub for trade and investment;

May 27, 2011

Page 4

- Directs FDOT to identify within the state's transportation system those facilities significant for trade opportunities;
- Exempts overwater piers, docks and similar structure at a seaport from its stormwater management system if the seaport has a Stormwater Pollution Prevention Plan;
- Directs the Department of Environmental Protection (DEP) to approve or deny a port conceptual permit application within 60 days of receipt;
- Provides that DEP may only request additional information on a port conceptual permit application twice, unless the applicant waives this limitation in writing;
- Provides that if a third party petitions to challenge DEP's issuance of a port conceptual permit, the petitioner has the burden of ultimate persuasion and the burden of going forward with the evidence;
- Specifies that the 14 seaports are not required to obtain permits for maintenance dredging of previously dredged areas if specified conditions are met;
- Clarifies the dimensions of the turbidity mixing zones where the return water from port dredging projects is discharged;
- Provides that ditches, pipes, and other linear conveyances are not considered receiving waters for the purpose of requiring permits;
- Grants consent for the seaports to use any sovereignty submerged lands for maintenance dredging; and
- Provides that the spoil material from seaport dredging may be deposited in a self-contained, upland disposal site without needing a permit, if certain conditions are met.

**The following legislation was supported by Miami-Dade County but did not pass during the 2011 Regular Session:**

**FALSE IMPERSONATION/VEHICLE CLONING**

Miami-Dade County supported legislation which would include impersonation of a firefighter as a criminal offense and define the punishment for such an offense. Miami-Dade County also supported legislation which would lead to the prevention of the cloning of fire rescue vehicles.

**Update: We worked with newly elected Senator Braynon and Rep. Watson to serve as sponsors for the legislation (SB 2016/HB 1459). We met with Chairmen Evers and Baxley on hearing the legislation. We also worked with Rep. Watson and Senator Braynon's staffs to hear the legislation. Unfortunately, the bills were not heard before Committee meetings ended during Session.**

May 27, 2011

Page 5

#### **FARM WINERY, BREWERY, AND DISTILLERY**

Miami-Dade County supported legislation that recognizes fruit and other crops as wine ingredients and expands exemptions for farm wineries to farm breweries and distilleries.

**Update: We identified legislation (SB 854/HB 837) that would be potential vehicles for the County's language. We met with the sponsors of the bills whom insisted we meet with representatives from the wine industry. We set up a meeting with Jess and Southern Wine. The industry preferred that the bill did not include the language in the bills. The legislation eventually died in committee.**

#### **SUNPASS RENTAL CARS**

Miami-Dade County urged the Florida Legislature to impose reasonable limits on the fees that can be charged for electronic tolling of rental cars, further urging the Florida Department of Transportation to negotiate more consumer-friendly agreements related to electronic tolling of rental cars to ensure that tourists pay reasonable fees for electronic tolling.

**Update: We worked with Senator Margolis and staff to file an amendment to SB 1180/HB 1353. We also met with Rep. Brandes and Senator Latvala regarding the proposed amendment to their legislation. Rep. Brandes indicated he did not like the amendment and was concerned it would affect the passage of his bill. We worked with Jess to draft talking points for the amendment. Senator Margolis filed the amendment and it was voted on to SB 1180. Soon after, Senator Margolis's staff received numerous calls from small rental companies opposing the amendment. We met with Jess and Senator Margolis's staff on a possible solution. Senator Margolis decided to remove the language from the bill. SB 1180/HB 1353 died eventually on the Senate calendar.**

#### **ASSAULT WEAPONS BAN**

Miami-Dade County urged the Florida Legislature to increase penalties for the use of certain ammunition commonly used in assault weapons during the commission of a felony.

**Update: We worked on finding sponsors for the resolution, but it proved to be very difficult because of the political climate in Tallahassee.**

|                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------|
| <p><b>The following legislation was opposed by Miami-Dade County and passed during the 2011 Regular Session:</b></p> |
|----------------------------------------------------------------------------------------------------------------------|

#### **RESIDENTIAL PROPERTY INSURANCE**

May 27, 2011

Page 6

Miami-Dade County opposed legislation that would increase homeowners' property insurance costs or increase homeowners' out of pocket property insurance expenses.

**Update: We identified SB 408/HB 803 as legislation that the County would be opposed to. We met with Dade Delegation members to inform them of the County's opposition to this controversial legislation. This bill was a priority of the Governor. SB 408 passed mainly on partisan lines.**

**Below is a summary of the legislation:**

**SB 408 Property and Casualty Insurance**

*Governor Scott signed the bill into law on May 17, 2011.*

*Vote: Senate 26-11; House 85-33*

This bill makes numerous changes to laws related to property insurance, primarily residential property insurance.

***Time Limits for Claims and Statute of Limitations***

The bill places time limits for bringing a hurricane or sinkhole claim and also creates a statute of limitations for bringing a breach of contract property insurance action in court. A claim, supplemental claim, or reopened windstorm or hurricane claim must be given to the insurer within 3 years after the hurricane first makes landfall or the windstorm causes covered damage.

An initial, supplemental or reopened sinkhole claim must be given to the insurer within 2 years after the policyholder knew or reasonably should have known about the sinkhole loss. The bill also enacts a 5 year statute of limitations for bringing an action for the breach of a property insurance contract that runs from the date of loss.

***Florida Hurricane Catastrophe Fund***

The bill requires the Florida Hurricane Catastrophe Fund (Cat Fund) to provide reimbursement for all incurred losses, including amounts paid as fees on behalf of the policyholder. However, the bill also specifies a number of losses that are excluded from payment.

***Insurance Capital Build-Up Incentive Program***

The bill authorizes the State Board of Administration (Board) and private market insurers to renegotiate the terms of a surplus note issued pursuant to the Insurance Capital Build-Up Incentive Program before January 1, 2011. If the insurer agrees to accelerate the payment period of the note by at least 5 years, the Board must agree to exempt the insurer from the premium-to surplus ratios required by statute. If the insurer agrees to accelerate the payment period for less than 5 years, the Board may agree to an appropriate revision of the premium-to-surplus ratios after consulting with the Office of Insurance Regulation, subject to a minimum writing ratio of net premium to surplus of at least 1 to 1 or of gross premium to surplus of at least 3 to 1.

***Surplus Requirements***

The bill raises the surplus requirements for insurers transacting residential property insurance that are not a wholly owned subsidiary of an insurer domiciled in another state. For a new insurer, the bill raises the surplus requirement from

\$5 million to \$15 million. An existing insurer that holds a certificate of authority before July 1, 2011, must have a surplus of at least \$5 million until June 30, 2016; from July 1, 2016 until June 30, 2021, a surplus of at least \$10 million; and on or after July 1, 2021, a surplus of at least \$15 million.

**Public Adjusters**

The bill limits public adjuster fees related to reopened or supplemental claims to a maximum of 20 percent of the reopened or supplemental claim payment. The bill also limits public adjuster fees to 20 percent of an insurance claim payment made by the insurer more than one year after events that are the subject of a declaration of a state of emergency by the governor. A public adjuster fee related to a policy issued by Citizens Property Insurance Corporation may not exceed 10 percent of the additional amount actually paid in excess of the amount originally offered by Citizens on the claim.

Public adjusters are prohibited from making deceptive or misleading advertisements or solicitations. Written solicitations must include a disclaimer notifying the consumer that a solicitation is being made. A public adjuster contract related to a property and casualty insurance claim must contain the full name of the public adjuster and public adjusting firm, the business address, license number, and other specified information.

Public adjusters must give prompt notice of a property loss claim to the insurer and include with the notice the public adjuster's employment contract. The public adjuster must also ensure that the insurer has access to inspect the property, can interview the insured directly about the loss and claim, and allow the insurer to obtain information necessary to investigate and respond to the claim. The insurance company's adjuster or other persons acting on the insurer's behalf must provide at least 48 hours notice before scheduling an inspection of the property or a meeting with the claimant. The insurer also must allow the public adjuster to be present during the insurer's in person meetings with the insured. The bill requires licensed contractors to be licensed as a public adjuster in order to adjust a claim on behalf of the insured.

**Rate Standards**

The bill requires property insurance rate filings to be submitted via the "file and use" method until May 1, 2012. In a "file and use" rate filing the insurer must receive approval from the Office of Insurance Regulation before implementing the insurer's proposed rate.

Residential property insurers are authorized to make a separate rate filing limited solely to an adjustment of its rates for reinsurance and financing products used as a replacement for reinsurance. The rate filing may not result in a premium increase of more than 15 percent for an individual policyholder and must be approved or disapproved by the Office of Insurance Regulation within 45 days. The OIR retains the authority to deny the filing if the proposed rate is excessive, inadequate, or unfairly discriminatory. An insurer may make only one such filing per 12-month period. The procedure created by the bill expands a provision in current law that authorizes a 10 percent rate increase per policyholder that is solely based on reinsurance that replaces Temporary Increase in Coverage Limits reinsurance from the Florida Hurricane Catastrophe Fund.

The bill specifies that that the sworn certification of a property insurance rate filing is not rendered false if the insurer provides the Office of Insurance

Regulation with additional information pursuant to a request from the Office. The insurer's actuary responsible for providing the additional information must provide an additional sworn certification.

***Citizens Property Insurance Corporation***

The bill renames the Citizens "high risk" account the "coastal" account.

Under current law, Citizens is authorized to offer policies that provide coverage only for the peril of wind for risks located within the coastal account. The high risk area of the coastal account consists of areas that were eligible for coverage in the Florida Windstorm Underwriting Association, essentially coastal areas at high risk for a hurricane. The bill repeals the requirement to reduce the high-risk area after December 1, 2010, if necessary to reduce the probable maximum loss attributable to wind-only coverages to 25 percent below the "benchmark" for the high-risk area, which is defined in statute as the 100-year probable maximum loss for the Florida Windstorm Underwriting Association based on its November 30, 2000 exposures. The bill also repeals a requirement to reduce the high-risk area after February 1, 2015, by 50 percent below the benchmark. The requirement that the Citizens board issue an annual report showing the reduction or increase in the 100-year probable maximum loss attributable to wind only coverages and the quote share program is also repealed.

The bill specifies that Citizens may not levy regular assessments until the full Citizens policyholder surcharge has been levied. The bill also specifies that the Citizens policyholder surcharge must be paid upon cancellation, termination, or renewal of an existing policy or upon issuance of every new policy issued within 12 months after the surcharge is levied or the time needed to fully collect the policyholder surcharge.

As of January 1, 2012, Citizens must require agents to obtain from applicants for coverage a signed Acknowledgment of Potential Surcharge and Assessment Liability form. The form details that Citizens policyholders are subject to a Citizens policyholder surcharge of up to 45 percent of premium and emergency assessments.

Citizens policies issued or renewed on or after January 1, 2012, which cover sinkhole loss may not include coverage for losses to appurtenant structures, sidewalks, decks, or patios that are caused by sinkhole activity. Citizens must exclude such coverage using a notice of coverage change, which may be included with the policy renewal.

Citizens Board of Governors must commission an independent third-party consultant with insurance company management expertise to prepare a report and make recommendations on the costs and benefits of outsourcing policy issuance and service functions to private servicing carriers. The report must be completed and submitted to the Citizens board by July 1, 2012. The board must subsequently develop a plan to implement the consultant's report and submit the plan to the Financial Services Commission for review, modification, and approval. Upon the commission's approval of the plan, the Citizens board must begin implementing the plan by January 1, 2013.

Members of the Citizens Board of Governors with insurance experience are deemed to be within the exception in s. 112.313(7)(b), F.S., that allows a public officer to practice a particular profession or occupation when required or

permitted by law or ordinance. The bill also provides procedures for board members who have a conflict of interest regarding a particular matter. A Citizens board member may not vote on any measure that would inure to the gain or loss of the board member; the board member's corporate principal or the parent or subsidiary of the corporate principal; or the relative or business associate of the board member. A board member with a conflict must publicly state his or her interest in the matter prior to the vote being taken.

The board member must also provide written disclosure of the conflict within 15 days after the vote, and the disclosure must be included in the minutes of the board meeting and available as a public record.

***Notice of Cancellation***

The bill revises the notice of cancellation, nonrenewal or termination requirements for personal lines and commercial lines residential property insurance policies. At least 120 days notice must be given to a named insured whose residential structure has been insured by the insurer or its affiliate for at least 5-years. Under current law 180 days notice must be provided for the cancellation, nonrenewal, or termination of such policies. The bill authorizes the nonrenewal of a policy that covers both a home and a motor vehicle for any reason applicable to either the property or motor vehicle insurance, so long as the insurer provides 90 days notice of the nonrenewal. The notice of cancellation requirement for a Citizens policy that has been assumed by an authorized "take out" insurer is reduced to 45 days.

The bill also authorizes an insurer to cancel or nonrenew a property insurance policy if the Office of Insurance Regulation finds that the early cancellation is necessary to protect the best interests of the public or policyholders. The Office may base its finding upon the financial condition of the insurer, the insurer's lack of adequate reinsurance coverage for hurricane risk, or other relevant factors. The nonrenewal may be conditioned upon the insurer being placed under administrative supervision or to the appointment of a receiver.

***Notice of Change in Policy Terms***

The bill authorizes insurers to renew a property and casualty insurance policy under different policy terms by providing to the policyholder a written "Notice of Change in Policy Terms" instead of a written "Notice of Non-Renewal." The Notice must be titled "Notice of Change in Policy Terms," give the insured written notice of the change, and be enclosed with the written notice of renewal premium. The insured is deemed to have accepted the change in policy terms upon the insurer's receipt of the premium payment for the renewal policy. If the insurer fails to provide the Notice of Change in Policy Terms the original policy terms remain in effect.

***Replacement Cost Coverage***

The bill modifies how insurers must pay dwelling or personal property losses on a replacement cost basis. For a dwelling loss, the insurer must initially pay the actual cash value, minus the deductible. Subsequently the insurer must pay any amounts necessary to perform repairs as work is performed. If a total loss of a dwelling occurs, the insurer must pay the entire replacement cost coverage without holdback of depreciation in value pursuant to the Valued Policy Law. For personal property losses insured on a replacement cost basis, the insurer must offer two claim payment options. The first option requires the insurer to pay

the replacement cost without holdback of depreciation, regardless of whether the insured replaces the property. The second option allows the insurer to limit the initial payment to the actual cash value of the personal property to be replaced. To receive payment from the insurer for the full replacement value of the personal property, the insured must provide a receipt for the replaced property to the insurer.

A policy authorizing the insurer to require replacement of personal property prior to paying the full replacement cost must provide the policyholder with a premium credit or discount and the insurer must provide clear notice of the payment process before the policy is bound.

***Sinkhole and Catastrophic Ground Cover Collapse Insurance***

The bill enacts numerous revisions and clarifications to ss. 627.706-627.7074, F.S., governing sinkhole and catastrophic ground cover collapse insurance. The bill authorizes insurers to restrict catastrophic ground cover collapse and sinkhole loss coverage to the principal building as defined in the insurance policy. The bill also allows an insurer to require a property inspection prior to issuing sinkhole loss coverage. The bill clarifies that additional living expense coverage is only available pursuant to a sinkhole loss if there is structural damage to the covered building.

The bill changes the definition of "sinkhole loss," primarily by creating a statutory definition of "structural damage." A sinkhole loss is defined in statute as structural damage to the covered building, including the foundation, caused by sinkhole activity. The bill creates a detailed definition of "structural damage" for purposes of determining whether a sinkhole loss has occurred. The definition specifies five distinct types of damage that constitute structural damage.

Each type of damage is tied to standards contained in the Florida Building Code or used in the construction industry. Accordingly, in order for the policyholder to obtain policy benefits for sinkhole loss, the insured structure must sustain structural damage as defined by the bill that is caused by sinkhole activity.

***Investigation of Sinkhole Claims*** – The bill creates a substantially new process for an insurer's investigation of a sinkhole claim. The process requires the insurer to determine whether: (1) the building has incurred structural damage that (2) has been caused by sinkhole activity. Coverage for sinkhole loss is not available if structural damage is not present or sinkhole activity is not the cause of structural damage. The new process is as follows:

- ***Initial Inspection & Structural Damage Determination:*** Upon receipt of a claim for sinkhole loss, the insurer must inspect the policyholder's premises to determine if there has been structural damage which may be the result of sinkhole activity. This inspection will often require the insurer to retain a professional engineer to evaluate whether the insured building has incurred structural damage as defined by statute.
- ***Sinkhole Testing Initiated by the Insurer:*** The insurer is required to engage a professional engineer or professional geologist to conduct sinkhole testing pursuant to s. 627.7072, F.S., if the insurer confirms that structural damage exists and is either unable to identify a valid cause of the structural damage or discovers that the structural damage is consistent with sinkhole loss. If coverage is excluded under the policy

even if sinkhole loss is confirmed, then the insurer is not required to conduct sinkhole testing.

- *Notice to the Policyholder.* The bill maintains the requirement that the insurer must provide written notice to the policyholder detailing what the insurer has determined to be the cause of damage (if the determination has been made) and a statement of the circumstances under which the insurer must conduct sinkhole testing. The policyholder must also be notified of his or her right to demand sinkhole testing and the circumstances under which the policyholder may incur costs associated with testing.
- *Authorization to Deny Sinkhole Claim:* Insurers may continue to deny the claim upon a determination that there is no sinkhole loss.
- *Policyholder Demand for Sinkhole Testing:* The bill specifies that the policyholder may demand sinkhole testing in writing within 60 days after receiving a claim denial if the insurer denies the claim without performing sinkhole testing and coverage would be available if a sinkhole loss is confirmed (i.e. the claim denial was not issued due to policy conditions or exclusions of coverage and instead was based the failure of the loss to meet the definition of sinkhole loss). However, if the policyholder requests such testing, it must pay the insurer 50 percent of the sinkhole testing costs up to \$2,500. If the requested testing confirms a sinkhole loss the insurer must reimburse the testing costs to the policyholder.

**Payment of Sinkhole Claims** – The insurer continues to be required to pay to stabilize the land and building and repair the foundation upon the verification of a sinkhole loss. Payment shall be made to conduct such repairs in accordance with the recommendations of the professional engineer retained by the insurer under s. 627.707(2), F.S. The bill also clarifies that the insurer is required to give notice to the policyholder regarding payment of the claim.

The bill revises the statutory authorization specifying that the insurer may limit payment to the actual cash value of the sinkhole loss not including below-ground repair techniques until the policyholder enters into a contract for the performance of building stabilization repairs. The bill requires the contract for below-ground repairs to be made in accordance with the recommendations set forth in the insurer's sinkhole report issued pursuant to s. 627.7073, F.S., and entered into within 90 days after the policyholder receives notice that the insurer has confirmed coverage for sinkhole loss. The time period is tolled if either party invokes neutral evaluation. Stabilization and all other repairs to the structure and contents must be completed within 12 months after the policyholder enters into the contract for repairs unless the insurer and policyholder mutually agree otherwise, the claim is in litigation, or the claim is in neutral evaluation, appraisal or mediation.

The bill specifies that if a covered building suffers a sinkhole loss or catastrophic ground cover collapse, the insured must repair such damage in accordance with the insurer's professional engineer's recommended repairs. However, if repairs cannot be completed within policy limits, the insurer has the option to either pay to complete the recommended repairs or tender policy limits.

**Prohibition Against Rebates** – The policyholder is prohibited from accepting a rebate from a person performing sinkhole repairs. If the policyholder does receive

a rebate, coverage under the insurance policy is rendered void and the policyholder must refund the amount of the rebate to the insurer. Furthermore, a person who offers a rebate commits insurance fraud punishable as a third degree felony as provided in s. 775.082, F.S. (up to 5 years imprisonment), s. 775.083, F.S. (up to a \$5,000 fine), and s. 775.084, F.S. (for a habitual felony offender up to 10 years imprisonment with no eligibility for release for 5 years).

***Nonrenewal of Policy Due to Sinkhole Claims*** – The circumstances that allow an insurer to nonrenew a policy on the basis of filing a sinkhole claim are modified. The policy may only be nonrenewed if the insurer makes payments for sinkhole loss that equal or exceed policy limits for damage to the covered building or the policyholder does not repair the structure in accordance with the engineering recommendations.

***Sinkhole Testing Reports*** – The bill requires a sinkhole testing report to verify whether the structural damage to the covered building has been identified within a reasonable professional probability.

***Filing of Reports With The Clerk of Courts*** – In addition to filing the sinkhole testing report with the Clerk of Court after paying a sinkhole loss claim, the bill requires the insurer to also file the neutral evaluator's report (if any), a copy of the certification indicating that stabilization has been completed (if applicable), and the amount of the claim payment. The policyholder must file a copy of any sinkhole report prepared on behalf of the policyholder as a precondition to accepting a sinkhole loss payment.

***Certification of Proper Completion of Sinkhole Repairs*** – Once building stabilization or foundation repairs of a sinkhole loss are completed, the professional engineer responsible for monitoring the repairs must issue a report to the property owner detailing the repairs performed and certifying that the repairs were performed properly. The professional engineer must file with the Clerk of Court a copy of the report and certification, the legal description of the real property, and the name of the county clerk of court.

***Neutral Evaluation of Disputed Sinkhole Claims*** – The bill specifies that neutral evaluation must determine causation (whether a sinkhole loss has occurred and, if so, whether the observed damage was caused by sinkhole activity); all methods of stabilization and repair both above and below ground; the costs for stabilization and all repairs; and all information needed to determine whether a sinkhole loss has been verified and render an opinion on all matters at dispute in the neutral evaluation.

The neutral evaluator must be provided with information necessary to perform his or her duties.

The bill requires that the neutral evaluator must be allowed reasonable access to the interior and exterior of the insured structures to be evaluated or for which a claim has been made. The policyholder must provide the neutral evaluator with all reports initiated on behalf of the policyholder that confirm a sinkhole loss or dispute the insurer's sinkhole testing report. Such materials must be provided prior to the neutral evaluator's physical inspection of the property.

The bill revises the procedures and time frames for conducting the neutral evaluation. The parties are provided 14 business days to agree to a neutral evaluator. If an agreement cannot be reached, the Department of Financial Services (DFS) shall appoint a certified neutral evaluator. Each party may

disqualify two neutral evaluators without cause; a reduction from 3 disqualifications under current law. The neutral evaluator has 14 business days after the referral to notify the parties of the date, time and place of the neutral evaluation conference; an increase from 5 business days in current law. The neutral evaluator must make a reasonable effort to hold the conference within 90 days after the DFS has received the request for neutral evaluation. Failure to conduct the conference within 90 days does not invalidate either party's right to neutral evaluation. Current law requires that the neutral evaluation conference be held within 45 days.

The neutral evaluator's report must be provided to the parties within 14 days after the completion of the neutral evaluation conference. A court proceeding related to the neutral evaluation must be stayed until 5 days after the filing of the neutral evaluator's report with the court.

If the neutral evaluator is not qualified to determine a disputed issue, he or she may enlist the assistance of another certified neutral evaluator, a professional engineer or professional geologist who is not a certified neutral evaluator, or a licensed general contractor to provide an opinion on that issue. Such person may be disqualified for cause in the same fashion as a neutral evaluator.

The neutral evaluator may also request that the entity that performed the sinkhole investigation perform additional and reasonable testing that the neutral evaluator deems necessary.

If the insurer agrees to comply with the neutral evaluator's report, payments shall be made in accordance with the terms of the applicable insurance policy and s. 627.707(5), F.S.

The bill also makes the following changes related to the neutral evaluation process:

- Specifies that neutral evaluation does not invalidate an insurance policy's appraisal clause.
- Allows the parties to disqualify a neutral evaluator for cause based on specified familial or professional relationships.
- Requires admission of the neutral evaluator's oral testimony and full report in any action, litigation or proceeding related to the claim.
- Specifies that the actions of the insurer in neutral evaluation are not a confession of judgment or an admission of liability.
- Deems neutral evaluators agents of the Department of Financial Services and grants them immunity from suit pursuant to s. 44.107, F.S.

**Legislative Intent** – The bill states that the clarifications and revisions to ss. 627.706-627.7074, F.S., are intended to reduce the number and cost of sinkhole claims and disputes, increase reliance on scientific or technical determinations relating to sinkhole claims, and ensure that repairs are made in accordance with scientific and technical determinations and insurance claims payments.

#### **Other Provisions**

The bill:

- Repeals the consumer advocate report card for property insurers.
- Repeals an obsolete requirement that the Office of Insurance Regulation develop a standard rating territory plan for residential property insurance by January 15, 2006.

- Authorizes the public hurricane loss projection model to charge a private market insurer fees for use of the model related to the reasonable costs associated with the operation and maintenance of the model.
- Repeals a requirement that the Office of Insurance Regulation develop a method to directly correlate property insurance hurricane mitigation discounts and credits with the Uniform Home Grading Scale.
- Clarifies that the requirement that an insurer must pay property insurance claim within 90 days of receiving notice of the claim applies to reopened and supplemental claims.
- Clarifies that inquiries about coverage on a property insurance contract are not claim activity unless a claim is filed by the policyholder which results in an insurer investigation of the claim.
- Repeals the electronic database of sinkhole activity.
- Specifies that the insurer may request at its own expense the verification a uniform hurricane mitigation verification provided to the insurer by the policyholder or policyholder's agent in addition to forms provided by an authorized mitigation inspector.

Provides that all provisions of the act are severable from any provision that is held invalid.

**The following legislation was opposed by Miami-Dade County and did not pass during the 2011 Regular Session:**

**RED LIGHT CAMERAS**

Miami-Dade County wanted to follow legislation seeking to repeal the implementation of traffic infraction detectors.

**Update: SB 672/HB 4087 was filed by Senator Garcia, Rep. Corcoran and Rep. Trujillo. The controversial legislation would have repealed the red light camera law that was signed last year. We worked with Dade Delegation members to inform them of the County's opposition. HB 4087 passed barely during each committee and in the House with a vote of 59-57. SB 672 died after its first committee. During the last week of Session, red light camera language was amended to HB 1353 by the House sponsor. HB 1353 eventually died on the House calendar.**

**We monitored that following legislation for Miami-Dade County that passed during the 2011 Regular Session:**

**VALUE ADJUSTMENT BOARD**

Miami-Dade County urged the Florida Legislature to adopt legislation overseeing tax agents who represent taxpayers before the value adjustment board.

**Update: We monitored legislation (SB 880/HB 281) that related to value adjustment boards. We were not able to amend the legislation before it was passed in both Chambers.**

**Below is a summary of the related legislation that passed during Session:**

**HB 281 Value Adjustment Boards**

If approved by the Governor, these provisions take effect July 1, 2011.

*Vote: Senate 37-1; House 113-1*

This bill requires a value adjustment board petitioner that is challenging an assessment to pay all non-ad valorem assessments and make a partial payment of at least 75 percent of taxes due before the taxes become delinquent on April 1.

Taxpayers that challenge the denial of a classification or exemption, or argue that the property was not substantially complete on the date of assessment must pay the non-ad valorem assessments and must make a "good faith" payment of the tax. If the value adjustment board determines that the payment was grossly disproportionate to what was owed and was not made in good faith, the tax collector is to collect a 10 percent penalty. The bill requires the value adjustment board to deny the petition by April 20, if the required payment is not timely made. If the value adjustment board determines that the petitioner owes taxes in excess of the amounts paid, the unpaid amount shall accrue interest at 12 percent per year from the date the payment was due. If the value adjustment board determines that the amount paid is more than what is ultimately due, the excess amount paid accrues interest at the rate of 12 percent per year from the date the taxes became delinquent.

The provisions of the bill do not apply to petitions for tax deferrals.

This bill further provides that the current 4 percent property tax discount for early payment shall apply, but only if the corrected tax notice is mailed prior to the date the taxes become delinquent.

**TRANSPORTATION INTERMODAL ISSUES**

Miami-Dade County wanted us to monitor any bills or policies involving transportation intermodal issues, including the strategic intermodal system.

**Update: There was no major legislation filed that addressed the strategic intermodal system. We do want to include the following Transportation related legislation that did pass:**

**SB 2152 Transportation**

*Governor Scott signed the bill into law on May 26, 2011.*

*Vote: Senate 33-5; House 85-33*

The bill provides for the following:

May 27, 2011

Page 16

- Clarifies that the Florida Department of Transportation is authorized to adjust toll rates by rule and is not subject to the provisions of ss. 120.54(3)(b) and 120.541., F.S.;
- Authorizes the use of excess toll revenues from the Alligator Alley Toll Road to develop and operate a fire station at mile marker 63 on Alligator Alley to provide, fire, rescue, and emergency management services to the adjacent counties along Alligator Alley;
- Repeals the Brevard County Expressway Authority, Broward County Expressway Authority, Pasco County Expressway Authority, St. Lucie County Expressway Authority, Seminole County Expressway Authority, and Southwest Florida Expressway Authority;
- Repeals various sections of law relating to and authorizing lease purchase agreements between certain transportation authorities and FDOT;
- Clarifies that an airport providing communications services within its own confines is exempt from the definition of telecommunications company;
- Corrects cross references in various sections of law to conform to changes made in this amendment; and
- Directs state agencies to develop and adopt assessment protocols for evaluating damaged equipment before a request for purchase is approved.

Please feel free to contact our office for any additional information regarding any item contained in this report. All legislation from the 2011 Regular Session may be viewed on <http://www.leg.state.fl.us>.

We thank you again for the opportunity to represent Miami-Dade County.

Sincerely,

Yolanda Cash Jackson  
For the Firm  
YCJ/cm

CC: Joe Rasco  
Juan del Cerro

## **2011 Miami-Dade County Legislative Delegation Member Bills Passed (Both chambers)**

### *Senate*

#### Senator Oscar Braynon, II

SB 2010/HB 369 (Rep. Darryl Rouson) – Relating to Faith and Character-based Correctional Programs

#### Senator Anitere Flores

SB 702/HB 471 (Rep. Jeanette Nuñez) – Relating to Umbilical Cord Blood Banking

SM 954/HB 557 (Rep. Marti Coley) – Relating to Parental Rights Amendment

SB 978/HB 469 (Rep. Kelli Stargel) – Relating to Individual Retirement Accounts

SM 1344/HB 1047 (Rep. Jose Felix Diaz) - Related to U.S. Treasury /Deposits by Non-Resident Aliens

SB 1388/HB 965 (Rep. Mike Horner) – Relating to Department of Revenue

SB 1538/HB 1179 (Rep. Dennis Baxley) - Relating to Abortion/Public Funding/Construction of Rights

SB 1620/HB 7197 (K-20 Innovation Subcommittee) – Relating to Digital Learning

SB 1622/HB 1111 (Rep. Debbie Mayfield) – Relating to Family Support

#### Senator Rene Garcia

SB 514/HB 347 (Rep. Carlos Trujillo) – Relating to Vehicles Crash Involving Death

SB 880/HB 281 (Rep. Ana Rivas Logan) – Relating to Value Adjustment Boards

SB 1158/HB 843 (Rep. Jose Felix Diaz) – Relating to Teach Agency for Home and Community-based Care

SB 1456/HB 1473 (Rep. Richard Corcoran) – Relating to Public Records/Florida Health Choices

SB 1754/HB 1193 (Rep. Matt Hudson) – Relating to Health Insurance

#### Senator Gwen Margolis

SB 328/HB 59 (Rep. John Patrick Julien) – Relating to Service of Process

SB 1144/HB 767 (Rep. Patrick Rooney) – Relating to Local Government

Senator Nan Rich

SB 334/HB 125 (Rep. Martin Kiar) – Relating to Animal Cruelty

SB 1192/HB 579 (Rep. Marti Coley) – Relating to Public Records/Regional Autism Centers

*House*

Representative Frank Artiles

HB 1393/SB 1676 (Sen. John Thrasher) – Relating to Sovereign Immunity (Bill originally introduced by former Representative Steve Bovo and passed by Representative Artiles)

HB 4121/SB 1778 (Sen. Ellyn Bogdanoff) – Relating to Clove Cigarettes

Representative Michael Bileca

HB 1329/SB 1656 (Sen. Stephen Wise) - Relating to John M. McKay Scholarships for Students with Disabilities Program

HB 1331/SB 1822 (Sen. Lizbeth Benacquisto) Relating to School Choice

HB 7079/SB 420 (Health Regulation Committee) – Relating to Florida Center for Brain Tumor Research

HB 7081/SB 572 (Judiciary Committee) – Relating Statewide Public Guardianship Office

Representative Daphne Campbell

HB 479/SB 1590 (Sen. Alan Hayes) – Relating to Medical Malpractice

Representative Jose Felix Diaz

HB 347/SB 514 (Sen. Rene Garcia) - Relating to Vehicle Crashes Involving Death (Representative Diaz was a prime co-sponsor on this bill which was originally filed by former Representative Steve Bovo and eventually passed by Representative Carlos Trujillo)

HB 843/SB 1158 (Sen. Rene Garcia) – Relating to Teaching Agency for Home and Community-Based Care

HB 1047/SB 1344 (Sen. Anitere Flores) – Relating to Non-resident Alien Accounts

HB 4041/SB 1346 (Commerce and Tourism Committee) – Relating to Department of Children and Family Services Employees

Representative Erik Fresen

HB 7019/ SB 736 (Sen. Stephen Wise) – Relating to Education Personnel

\*\*\*Approved by Governor on March 24<sup>th</sup>, 2011\*\*\*

Representative Luis Garcia

HB 4075/SB 722 (Sen. Elyn Bogdanoff) – Relating to Dangerous Dogs

Representative John Patrick Julien

HB 59/SB 328 (Sen. Gwen Margolis) – Relating to Service of Process

HB 1007/SB 1568 (Sen. Bill Montford) – Relating to Insurer Insolvency

Representative Ana Rivas Logan

HB 281/SB 880 (Sen. Rene Garcia) – Relating to Value Adjustment Boards

HB 7077/SB 602 (Criminal Justice Committee) – Relating to OGSR/Biometric Identification Information

Representative Jeanette Nuñez

HB 423/SB 650 (Sen. Dennis Jones) – Relating to Mobile Home Park Lot Tenancies

HB 471/SB 702 (Sen. Anitere Flores) – Relating to Umbilical Cord Blood Banking

HB 1393/SB 1676 (Sen. John Thrasher) – Relating to Sovereign Immunity – Representative Nuñez was a prime co-sponsor of this bill which was originally introduced by former Representative Steve Bovo and passed by Representative Frank Artiles

Representative Carlos Trujillo

HB 347/SB 514 (Sen. Rene Garcia) – Relating to Vehicle Crashes Involving Death

# 2011-2012 MIAMI-DADE COUNTY LEGISLATIVE DELEGATION

**Chair:** Representative Carlos Lopez-Cantera  
**Vice Chair:** Senator Anitere Flores

**Delegation Offices**  
 Stephen P. Clark Center  
 111 NW 1<sup>st</sup> Street, Suite 1032  
 Miami, FL. 33128-1994

2300 Coral Way  
 Suite 111  
 Miami, FL. 33145

**Delegation Director:** Alex Dominguez  
 aad@miamidade.gov  
 305-375-5600 O  
 305-375-5639 F

## FLORIDA SENATE

| Name and District                                                                                                                                                                                              | District Office                                                                              | Tallahassee Office                                                                                    | Committee Assignments                                                                                                                                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sen. Oscar Braynon, II</b><br>33 <sup>rd</sup> District<br><a href="mailto:Braynon.oscar.web@flsenate.gov">Braynon.oscar.web@flsenate.gov</a><br><br>Staff: Oneca Lowery<br>Mikaila Brown<br>Cheree Gulley  |                                                                                              | (850)488-5116<br><br>226 Senate Office Building<br>404 South Monroe Street<br>Tallahassee, FL 32399   | Budget Subcommittee on General Government Appropriations<br><br>Budget Subcommittee on Higher Education Appropriations<br><br>Communications, Energy, and Public Utilities<br><br>Judiciary<br><br>Reapportionment<br><br>Regulated Industries<br><br>Rules Subcommittee on Ethics and Elections<br><br>Joint Committee on Public Counsel Oversight |
| <b>Sen. Nan H. Rich</b><br>34 <sup>th</sup> District<br><a href="mailto:rich.nan.web@flsenate.gov">rich.nan.web@flsenate.gov</a><br><br>Staff: Erica Ortiz<br>Kristin Carter<br>Ellen Navarro<br>Julie Fishman | (954) 747-7933<br>Fax:(954) 747-7935<br><br>777 Sawgrass Corporate Pkwy<br>Sunrise, FL 33325 | (850) 487-5103<br><br>228 Senate Office Building<br>404 South Monroe Street<br>Tallahassee, FL. 32399 | Health and Human Services Appropriations, <b>Vice Chair</b><br><br>Budget<br><br>Children, Families, and Elder Affairs<br><br>Environmental Preservation and Conservation<br><br>Reapportionment<br><br>Regulated Industries<br><br>Rules Subcommittee on Ethics and Elections<br><br>Joint Legislative Budget Commission                           |
| <b>Sen. Gwen Margolis</b><br>35 <sup>th</sup> District<br><a href="mailto:margolis.gwen.web@flsenate.gov">margolis.gwen.web@flsenate.gov</a><br><br>Staff: Jeff Branch<br>Zoraida Druckman<br>Ashley Ligas     | (305)571-5777<br><br>3050 Biscayne Blvd<br>Suite 600<br>Miami, FL. 33137                     | (850)487-5151<br><br>414 Senate Office Building<br>404 South Monroe Street<br>Tallahassee, FL. 32399  | Reapportionment, <b>Vice Chair</b><br><br>Transportation, Tourism, and Economic Development Appropriations, <b>Vice Chair</b><br><br>Banking and Insurance                                                                                                                                                                                          |

**FLORIDA SENATE**

|                                                                                                                                                                                                                                                                  |                                                                                                            |                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                  |                                                                                                            |                                                                                                                                 | <p>Budget</p> <p>Budget Subcommittee on Finance and Tax</p> <p>Communication, Energy, and Public Utilities</p> <p>Criminal Justice</p> <p>Governmental Oversight and Accountability</p> <p>Rules</p>                                                                                                                                                           |
| <p><b>Sen. Miguel Diaz de la Portilla</b><br/>         36<sup>th</sup> District<br/> <a href="mailto:portilla.miguel.web@flsenate.gov">portilla.miguel.web@flsenate.gov</a></p> <p>Staff: Pat Gosney<br/>         Anabel Castillo<br/>         Julio Guillen</p> | <p>(305)643-7200</p>                                                                                       | <p>(850)487-5109</p> <p>312 Senate Office Building<br/>         404 South Monroe Street<br/>         Tallahassee, FL. 32399</p> | <p>Rules Subcommittee on Ethics and Elections, <b>Chair</b></p> <p>Budget Subcommittee on General Government Appropriations</p> <p>Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations</p> <p>Communications, Energy, and Public Utilities</p> <p>Health Regulation</p> <p>Reapportionment</p> <p>Regulated Industries</p> |
| <p><b>Sen. Anitere Flores</b><br/>         38<sup>th</sup> District<br/> <a href="mailto:flores.anitere.web@flsenate.gov">flores.anitere.web@flsenate.gov</a></p> <p>Staff: Maria Chamorro<br/>         Jennifer Gaviria<br/>         Lissette Vasquez</p>       | <p>(305)270-6550</p> <p>10691 North Kendall Drive<br/>         Suite 309<br/>         Miami, FL. 33176</p> | <p>(850)487-5130</p> <p>316 Senate Office Building<br/>         404 South Monroe Street<br/>         Tallahassee, FL. 32399</p> | <p><b>Delegation Vice Chair</b></p> <p>Judiciary, <b>Chair</b></p> <p>Budget</p> <p>Budget Subcommittee on Education Pre K – 12 Appropriations</p> <p>Commerce and Tourism</p> <p>Communication, Energy and Public Utilities</p> <p>Governmental Oversight and Accountability</p> <p>Reapportionment</p> <p>Rules</p>                                          |

|                                                                                                                                                                                                                                                         |                                                                                                      |                                                                                                                |                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Sen. Larcenia Bullard</b><br/>39<sup>th</sup> District<br/><a href="mailto:bullard.larcenia.web@flsenate.gov">bullard.larcenia.web@flsenate.gov</a></p> <p>Staff:<br/>Jennifer Rojo<br/>Merdochey LaFrance<br/>Ralph McCloud<br/>Jasmin Grant</p> | <p>(305) 668-7344<br/>Fax: (305) 668-7346</p> <p>8603 S. Dixie Highway, #304<br/>Miami, FL 33143</p> | <p>(850) 487-5127</p> <p>218 Senate Office Building<br/>404 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Agriculture, <b>Vice Chair</b></p> <p>Education Pre K – 12, <b>Vice Chair</b></p> <p>Budget Subcommittee Transportation, Tourism, and Economic Development Appropriations</p> <p>Military Affairs, Space, and Domestic Security</p> <p>Reapportionment</p> <p>Rules</p> <p>Transportation</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Florida Senate

|                                                                                                                                                                                                                |                                                                                     |                                                                                                               |                                                                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Sen. Rene Garcia</b><br/>40<sup>th</sup> District<br/><a href="mailto:garcia.rene.web@flsenate.gov">garcia.rene.web@flsenate.gov</a></p> <p>Staff: Lily Oliveros<br/>David Marin<br/>Chastity Acosta</p> | <p>(305)824-5058</p> <p>3814 West 12<sup>th</sup> Avenue<br/>Hialeah, FL. 33012</p> | <p>(850)487-5106</p> <p>310 Senate Office Building<br/>404 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Health Regulation, <b>Chair</b></p> <p>Agriculture</p> <p>Budget Subcommittee on Health and Human Services Appropriations</p> <p>Governmental Oversight and Accountability</p> <p>Reapportionment</p> <p>Transportation</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### FLORIDA HOUSE OF REPRESENTATIVES

|                                                                                                                                                                                                                  |                                                                                                          |                                                                                                               |                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Rep. Eduardo "Eddy" Gonzalez</b><br/>102<sup>th</sup> District<br/><a href="mailto:eddy.gonzalez@myfloridahouse.gov">eddy.gonzalez@myfloridahouse.gov</a></p> <p>Staff: Manny Cid<br/>Douglas Zamora</p>   | <p>(305) 364-3066<br/>Fax (305) 364-3055</p> <p>10001 NW 87 Avenue<br/>Hialeah Gardens, FL<br/>33016</p> | <p>(850) 488-1683</p> <p>214 House Office Building<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Higher Education Appropriations Subcommittee, <b>Vice Chair</b></p> <p>Health and Human Services Committee, <b>Vice Chair</b></p> |
| <p><b>Rep. Barbara Watson</b><br/>103<sup>rd</sup> District<br/><a href="mailto:Barbara.watson@myfloridahouse.gov">Barbara.watson@myfloridahouse.gov</a></p> <p>Staff: Sheila Robinson<br/>Priscilla Johnson</p> | <p>Suite 204<br/>610 NW 183<sup>rd</sup> Street<br/>Miami Gardens, FL. 33169</p>                         | <p>(850) 488-0766</p> <p>1402 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>          |                                                                                                                                      |

|                                                                                                                                                                                                                   |                                                                                                                    |                                                                                                     |                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Rep. John Patrick Julien</b><br/>104<sup>th</sup> District<br/><a href="mailto:John.julien@myfloridahouse.gov">John.julien@myfloridahouse.gov</a></p> <p><b>Staff:</b> Jennifer Laurent<br/>Marie Fabre</p> | <p>(305)650-0022</p> <p>Suite 600<br/>633 NE 167<sup>th</sup> Street<br/>North Miami Beach, FL.<br/>33162-2444</p> | <p>(850)488-7088</p> <p>1401 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Community &amp; Military Affairs Subcommittee</p> <p>Criminal Justice Subcommittee<br/>Finance and Tax Committee</p> <p>Government Operations Appropriations Subcommittee</p> <p>Insurance &amp; Banking Subcommittee</p> <p>Judiciary Committee</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                            |                                                                                                            |                                                                                                      |                                                                                                                                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Rep. Richard L Steinberg</b><br/>106<sup>th</sup> District<br/><a href="mailto:Richard.steinberg@myfloridahouse.gov">Richard.steinberg@myfloridahouse.gov</a></p> <p><b>Staff:</b> Marlene Taylor<br/>Amber Roth</p> | <p>(305)535-5445<br/>Fax: (888)-864-7580</p> <p>767 Arthur Godfrey Road<br/>Miami Beach, FI 33140-3413</p> | <p>(850) 488-0690</p> <p>1402 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Civil Justice Subcommittee</p> <p>Judiciary Committee</p> <p>Transportation &amp; Economic<br/>Development Appropriations<br/>Subcommittee</p> <p>Transportation &amp; Highway Safety<br/>Subcommittee</p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                              |                                                                                                        |                                                                                                      |                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Rep. Luis R. Garcia</b><br/>107<sup>th</sup> District<br/><a href="mailto:luis.garcia@myfloridahouse.gov">luis.garcia@myfloridahouse.gov</a></p> <p><b>Staff:</b> Mathew Monica<br/>Domingo Ginory</p> | <p>(305)325-2501<br/>Fax: (305) 325-2503</p> <p>1225 SW 8<sup>th</sup> Street<br/>Miami, FL. 33135</p> | <p>(850) 488-9930</p> <p>1302 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Agriculture &amp; Natural Resources<br/>Appropriations Subcommittee</p> <p>Agriculture &amp; Natural Resources<br/>Subcommittee</p> <p>Federal Affairs Subcommittee</p> <p>State Affairs Committee</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

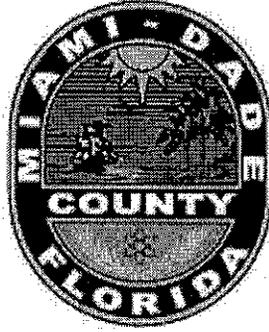
|                                                                                                                                                                                                                     |                                                                                                          |                                                                                                     |                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Rep. Daphne Campbell</b><br/>108<sup>th</sup> District<br/><a href="mailto:Daphne.campbell@myfloridahouse.gov">Daphne.campbell@myfloridahouse.gov</a></p> <p><b>Staff:</b> Arleen Goris<br/>Silfise Gilot</p> | <p>(305)795-1210</p> <p>Suite 309<br/>9999 NE 2<sup>nd</sup> Avenue<br/>Miami Shores, FL. 33138-2346</p> | <p>(850)488-4233</p> <p>1401 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Community &amp; Military Affairs<br/>Subcommittee</p> <p>Criminal Justice Subcommittee</p> <p>Federal Affairs Subcommittee</p> <p>Government Operations Appropriations<br/>Subcommittee</p> <p>Judiciary Committee</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                                                                                                                                                                                                                            |                                                                                                                                                                               |                                                                                                               |                                                                                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Rep. Cynthia Stafford</b><br/>109<sup>th</sup> District<br/><a href="mailto:Cynthia.stafford@myfloridahouse.gov">Cynthia.stafford@myfloridahouse.gov</a></p> <p><b>Staff:</b> Mary Cowart<br/>Gloria Barry</p>                       | <p>(305)571-2100</p> <p>Suite 405<br/>3550 Biscayne Blvd<br/>Miami, FL. 33137-3854</p>                                                                                        | <p>(850)488-0625</p> <p>1401 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>           | <p>Business and Consumer Affairs Subcommittee</p> <p>Civil Justice Subcommittee</p> <p>Education Committee</p> <p>Justice Appropriations Subcommittee</p> <p>K-20 Innovation Subcommittee</p>                                                  |
| <p><b>Vacant</b></p> <p><b>Staff:</b></p>                                                                                                                                                                                                  |                                                                                                                                                                               |                                                                                                               |                                                                                                                                                                                                                                                |
| <p><b>Rep. Erik Fresen</b><br/>111<sup>th</sup> District<br/><a href="mailto:Erik.fresen@myfloridahouse.gov">Erik.fresen@myfloridahouse.gov</a></p> <p><b>Staff:</b> Jon Janeiro<br/>Alicia Araya</p>                                      | <p>(305)663-2011</p> <p>6255 Bird Road<br/>Miami, FL 33155</p>                                                                                                                | <p>(850) 488-4092</p> <p>313 House Office Building<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Pre K – 12 Appropriations Subcommittee, <b>Vice Chair</b></p> <p>K – 20 Competitiveness Subcommittee, <b>Chair</b></p> <p>Education Committee</p> <p>Insurance &amp; Banking Subcommittee</p>                                               |
| <p><b>Rep. Jeanette Nuñez</b><br/>112<sup>th</sup> District<br/><a href="mailto:Jeanette.nunez@myfloridahouse.gov">Jeanette.nunez@myfloridahouse.gov</a></p> <p><b>Staff:</b> Kathy San Pedro<br/>John Norman<br/>Eddie Garcia</p>         | <p>(305)227-7632</p> <p>Suites 205<br/>2450 SW 137<sup>th</sup> Avenue<br/>Miami, FL. 33175</p> <p>and</p> <p>3301 East Tamiami Trail<br/>Suite 305<br/>Naples, FL. 34112</p> | <p>(850)488-7897</p> <p>319 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>            | <p>Business &amp; Consumer Affairs Subcommittee</p> <p>Economic Affairs Committee</p> <p>Government Operations Appropriations Subcommittee</p> <p>Health &amp; Human Services Access Subcommittee</p> <p>K-20 Competitiveness Subcommittee</p> |
| <p><b>Rep. Carlos Lopez-Cantera</b><br/>113<sup>th</sup> District<br/><a href="mailto:carlos.lopez-cantera@myfloridahouse.gov">carlos.lopez-cantera@myfloridahouse.gov</a></p> <p><b>Staff:</b> Lourdes Gonzalez<br/>Christopher Wills</p> | <p>(305) 442-6877</p> <p>2300 Coral Way<br/>Suite 111<br/>Miami, FL 33145</p>                                                                                                 | <p>(850) 488-4202</p> <p>322 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>           | <p><b>Delegation Chair</b></p> <p>House Majority Leader</p> <p>Appropriations Committee</p>                                                                                                                                                    |
| <p><b>Rep. Ana Rivas Logan</b><br/>114<sup>th</sup> District<br/><a href="mailto:ana.logan@myfloridahouse.gov">ana.logan@myfloridahouse.gov</a></p> <p><b>Staff:</b> Raquel Zuniga<br/>Beatriz Herrman</p>                                 | <p>(305)275-1912</p> <p>#102-A<br/>11010 North Kendall Drive<br/>Miami, FL. 33176</p>                                                                                         | <p>(850)488-2831</p> <p>1301 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>           | <p>Economic Development and Tourism Subcommittee</p> <p>Government Operations Subcommittee</p> <p>Health and Human Services Access Subcommittee</p> <p>Health and Human Services Committee</p> <p>Pre K – 12 Appropriations Subcommittee</p>   |

|                                                                                                                                                                                                            |                                                                                       |                                                                                                      |                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Rep. Jose Felix Diaz</b><br/>115th District<br/><a href="mailto:jose.diaz@myfloridahouse.gov">jose.diaz@myfloridahouse.gov</a></p> <p><b>Staff:</b> Alexandra Dominguez<br/>Maria Lombard</p>        | <p>(305)442-6800</p> <p>7901 SW 24th Street<br/>Miami, FL. 33155</p>                  | <p>(850)488-3616</p> <p>1101 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>  | <p>Community and Military Affairs Subcommittee</p> <p>Federal Affairs Subcommittee</p> <p>Finance and Tax Committee</p> <p>Health and Human Services Quality Subcommittee</p> <p>Health Care Appropriations Subcommittee</p>               |
| <p><b>Rep. Carlos Trujillo</b><br/>116th District<br/><a href="mailto:carlos.trujillo@myfloridahouse.gov">carlos.trujillo@myfloridahouse.gov</a></p> <p><b>Staff:</b> Alex Miranda<br/>Nicholas Diaz</p>   | <p>(305)596-3030</p> <p>Suite 150<br/>13550 SW 88th Street<br/>Miami, FL. 33186</p>   | <p>(850) 488-5047</p> <p>1301 The Capitol<br/>402 South Monroe<br/>Tallahassee, FL. 32399</p>        | <p>Criminal Justice Subcommittee</p> <p>Economic Development and Tourism Subcommittee</p> <p>Higher Education Appropriation Subcommittee</p> <p>K-20 Competitiveness Subcommittee</p> <p>Select Committee on Government Reorganization</p> |
| <p><b>Rep. Michael Bileca</b><br/>117th District<br/><a href="mailto:michael.bileca@myfloridahouse.gov">michael.bileca@myfloridahouse.gov</a></p> <p><b>Staff:</b> Alejandro Garcia<br/>Allien Racines</p> | <p>(305)442-6868</p> <p>Suite 202<br/>1000 SW 57th Avenue<br/>Miami, FL. 33144</p>    | <p>(850)488-6506</p> <p>1003 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>  | <p>Education Committee</p> <p>Federal Affairs Subcommittee</p> <p>Governmental Operations Subcommittee</p> <p>K-20 Innovation Subcommittee</p> <p>Pre K -12 Appropriations Subcommittee</p>                                                |
| <p><b>Rep. Dwight M Bullard</b><br/>118th District<br/><a href="mailto:dwight.bullard@myfloridahouse.gov">dwight.bullard@myfloridahouse.gov</a></p> <p><b>Staff:</b> Mario Bailey<br/>Venusmia Lovely</p>  | <p>(305) 234-2208</p> <p>10720 Caribbean Blvd<br/>Cutler Bay, FL. 33189</p>           | <p>(850) 488-5430</p> <p>1302 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p> | <p>Agriculture and Natural Resources Subcommittee</p> <p>Criminal Justice Subcommittee</p> <p>Education Committee</p> <p>Justice Appropriations Subcommittee</p> <p>K-20 Competitiveness Subcommittee</p>                                  |
| <p><b>Rep. Frank Artiles</b><br/>119th District<br/><a href="mailto:frank.artiles@myfloridahouse.gov">frank.artiles@myfloridahouse.gov</a></p> <p><b>Staff:</b> Cee Andino<br/>Raena White</p>             | <p>(305)273-3288</p> <p>Suite 115A<br/>13501 SW 128th Street<br/>Miami, FL. 33186</p> | <p>(850)488-9550</p> <p>1102 The Capitol<br/>402 South Monroe Street<br/>Tallahassee, FL. 32399</p>  | <p>Agriculture and Natural Resources Appropriations Subcommittee</p> <p>Business and Consumer Affairs Subcommittee</p> <p>Rulemaking and Regulation Subcommittee</p> <p>Transportation and Highway Safety Subcommittee</p>                 |

|                                                                                                                                                                                                                          |                                                                                                                           |                                                                                           |                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------|
| <b>Rep. Ron Saunders</b><br>120 <sup>th</sup> District<br><a href="mailto:ron.saunders@myfloridahouse.gov">ron.saunders@myfloridahouse.gov</a><br><br><b>Staff:</b> Elaine Higgins<br>Holly Merrill<br>Sue Ellen Spencer | (305) 853-1947<br><br>Suite A-90311<br>Overseas Highway<br>Tavernier, FL 33070<br><br>P.O. Box 699<br>Tavernier, FL 33070 | (850) 488-9965<br><br>316 The Capitol<br>402 South Monroe Street<br>Tallahassee, FL 32399 | Appropriations Committee |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------|

**UPDATED 052711**



## **2012 Preview**

Due to the 2012 redistricting process, next year's legislative session will begin on January 10. This is two months earlier than usual, allowing time for the courts to review the legislature's work in redrawing the Congressional and Legislative districts. Interim committee meetings leading up to this session will take place the weeks of September 19, October 3, October 17, October 31, November 14, and December 5.

The upcoming session will also bring the first year in Tallahassee for Representative-elect Jose Oliva. Oliva was elected in House District 110, which encompasses portions of Hialeah in a special election to replace Esteban Bovo, who resigned his seat to run for the County Commission.

The Office of Intergovernmental Affairs looks forward to begin putting together the 2012 County Legislative Agenda in an effort to have it ready earlier than usual due to the start of session.

If there are any questions about this report, or what will be forthcoming in Tallahassee, please feel free to contact our office.