



Broward SLI

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E911 Legislation Moves through House

HB 807 – Emergency Communication System, which would reinstitute a surcharge on prepaid wireless phone plans, unanimously passed out of the Finance and Tax Committee on March 20th. Since 2007, the statutory required 50 cent fee for voice communications services has not been collected on prepaid communication services. The bill applies the fee to prepaid calling plans and expands the amount of covered voice services. The bill lowers the fee from 50 cents to 46 cents in an effort to make the bill revenue neutral.

The new revenues are expected to assist in implementing the “next generation” e-911 technology which will help streamline call-in emergencies, allow for receipt of emergency text messages to call centers, and perhaps even stream real time video from wireless devices to response systems. The bill also allows for new authorized expenditure categories from e-911 funds, such as circuits, technical maintenance, software, and training costs.

Multiple sheriffs and e-911 providers supported the bill stating the revenue is critical to build a better infrastructure for emergency response.

Senate Family and Medical Leave Preemption Advances

[SB 726 – Regulation of Family or Medical Leave Benefits for Employees](#) passed the Senate Health Policy Committee. The bill preempts a political subdivision's ability to implement a family or medical sick leave ordinance on private employers not otherwise covered by the federal Family Medical Leave Act (FMLA). The FMLA applies to all public employers, public and private elementary and secondary schools, and private employers with 50 or more employees.

The bill creates a task force to study family and medical leave policies across the state. The study provision was amended in the previous committee, but during the March 20, 2013 meeting, several committee members suggested the sponsor to further amend the bill. The sponsor was encouraged to implement a sunset on the bill or remove the preemption language altogether when the study is complete. Those proposals were not formally introduced via amendment and the bill is still fundamentally different than Rep. Precourt’s living wage preemption bill (HB 599).

Wage Recovery Preemption Stalls in Senate

A measure that seeks state preemption of wage recovery laws and remedies was temporarily postponed for the second straight week. SB 1216 – Wage Theft by Sen. Bradley, was scheduled to be heard in the Senate Criminal Justice Committee on March 18th, but time ran out before the bill could be heard. Senator Chris Smith offered an amendment to grandfather Broward County’s existing wage recovery ordinance. During debate on the amendment, the committee’s allotted time ended causing the bill to be postponed.

Senate Chooses Different Path than House on FRS

SB 1392 – Retirement was approved by the Senate Community Affairs Committee, on March 20th, with a 6-3 vote. The Senate measure, unlike the House Bill, does not prevent future employees from accessing a "defined benefit" pension plan. Instead, the Senate plan will make the default pension election the “defined contribution” (or 401(k) style) option for all new employees. However, it would require newly elected officials and senior management to enroll in the 401(k)-style plan.

SB 1392 increases the defined benefit vesting period from 8 years to 10 years and maintains the 3 percent contribution requirement for employees. As an incentive, the bill would lessen the income contribution to 2 percent if an employee enrolls in the defined contribution plan.

HB 7011 – Florida Retirement System, which passed the full House chamber on Thursday March 21, 2013 on a 74-42 vote, requires future employees to enroll in the 401(k)-style defined contribution plan. House Speaker Will Weatherford made FRS reform an early priority in the Florida House. However, Senator Simpson, the sponsor of the Senate bill, stated that he would “hold firm” against the House bill.

Claim Bills Change Moves through Committee

On Monday, March 21st, 2013, the House Select Committee on Claim Bills passed a proposed committee bill (SCCB 13-01) which would change how sovereign immunity caps apply to local governments. Currently, there is a limited waiver of sovereign immunity for tort actions brought against the state and its subdivisions, including counties, cities and special districts. For example, any tort-related judgment obtained against a local government for tort actions is capped at \$200,000 per person and \$300,000 per incident absent further act of the Florida Legislature.

The committee bill proposes a new framework which raises sovereign immunity caps to \$1,000,000 per person and \$1,500,000 per incident, on political subdivisions. Political subdivisions are defined to include counties, cities and specified special taxing districts. The cap for the state and its agencies remains at current levels. Local governments are also required to purchase insurance or self-insure at a level that is three times the amount of the caps. If a local government purchases insurance or self-insures as required

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by the bill, then the local government's liability is limited to the deductible paid to the insurance company. The caps indexed to the Consumer Price Index. The bill also requires a jury to decide fault, while a judge would conduct a bench trial to decide the amount of damages.

As a select committee proposal, the bill will likely be referred to other House committees for further review. To date, no companion measure has been filed in the Senate.

Broward County Priority Bills Continue to Move

SB 444 and HB 707, relating to ocean outfall discharge advanced again during the 3rd of week Session. Both bills recorded unanimous votes and the house bill was amended with a technical fix to match the Senate language. Both bills have one committee of reference remaining before consideration on their respective chamber floors.

The student safety bill allowing private schools to access the same emergency response system as public schools advanced again in the each chamber. SB 284 – Student Safety by Sen. Negron is now ready for the floor and the identical HB 369 by Rep. La Rosa has one remaining committee stop in the House.

This week, three local bills passed their second referenced committees. House Bill 1027 would dissolve the Broward County Education, Research, and Training Authority (BERTA), which is an inactive special district. BERTA was primarily created to develop the college park area in the Town of Davie where Nova Southeastern University, Broward College Central Campus, and other university satellite campuses are located. Though BERTA was successful in the development of the area, the authority no longer serves its original purpose and has been inactive for several years.

House Bill 4037 and House Bill 4039 are bills which repeal outdated fishing prohibitions which are now regulated by the Florida Fish and Wildlife Conservation Commission. All three bills passed the committee unanimously.

Pill Mill Legislation Amended to Preempt Local Ordinances

On March 20, 2013, the Senate Committee on Health Policy, considered SB 1192, relating to Pharmacy and Controlled Substance Prescription. The bill amends current law to include a far reaching statewide preemption of local governments with respect to pain management clinics. The amendment "preempts to the state all regulation of the licensure, activity, and operation" of pain management clinics. Under the amendment, local governments cannot: use zoning regulations against pain management clinics, tax or assess a fee on pain management facilities, or enforce local hours of operation limitations. Several local governments and sheriff departments testified against the amendment. Preemption concerns were echoed by members on the committee but the amendment passed. The companion bill, HB 831, does not preempt local governments in the same manner.

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Senate Medicaid Expansion Unveiled

On Thursday, March 21, 2013, Senate Appropriations Chair Joe Negron presented a Medicaid expansion alternative to the full Senate Appropriations Committee. Last week, the Senate PPACA Select Committee voted against pursuing a traditional expansion of Medicaid but the committee consensus provided for the exploration of alternatives. Chair Negron presented an alternative, SPB 7038 – Health Care, to the full Senate Appropriations Committee. His alternative will follow the Florida Healthy Kids model to ensure that the Medicaid expansion population gets health insurance. Chair Negron presented five principles that would guide the proposal: 1) Florida would avail itself to federal funds, 2) recipients would be participants in healthcare decisions, 3) health reimbursement accounts would be utilized, 4) an insurance environment similar to group or business plans would be encouraged, and 5) the plan would be a productive step in the direction of removing Florida from the traditional Medicaid system. Chair Negron admitted the proposal is only a framework and that several details require further deliberation. The proposal was well received by the committee as a positive and creative alternative to full Medicaid expansion. The Senate plans to draft a more complete proposal and send it to the House for consideration.

Session Week 2

2013 Broward Days in Tallahassee

On March 13th and 14th, Mayor Jacobs, Commissioner's Holness, Kiar, LaMarca, Ryan, and David Anderton from Port Everglades, were in attendance for Broward Days 2013 in Tallahassee. The main topics discussed at this year's event were Medicaid expansion, election reform, and the controversial Internet cafes.

Broward Days kicked off with a luncheon, held at the Governor's Club. Mayor Jacobs spoke about the importance of advocating priority issues pertaining to Broward County. Other speakers included Tallahassee Mayor John Marks and state Senator Eleanor Sobel. Each outlined their priorities - the central theme being Medicaid expansion and election reform.

Following the luncheon, there was an "Elections Reform" discussion panel comprising of Secretary of State Ken Detzner, Leon County's Supervisor of Election Ion Sancho, and FL Senator Sobel. Each mentioned the unfortunate incidents that occurred during last year's general election and solutions that were being formed to ensure those events would not happen again. The reduction of early voting days was considered to be a primary reason for the increased waiting lines on election day. Legislation addressing election has already passed the House (HB 7013) and is awaiting a hearing in the Senate Community Affairs Committee.

The second discussion focused on "Medicaid Expansion." Panel members included representatives from Bob Levy and Ashley Boxer Dally of Baptist Hospital, Bruce Reuben of the Florida Hospital Association, and FL Senator Sobel. The discussion primarily

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focused on how Governor Scott's recent support of expansion will affect the legislature. The House and Senate have rejected expansion of traditional Medicaid. The panel also discussed the effects expansion would have on local governments.

Broward Days ended with breakfast at the Capitol with Governor Rick Scott briefly outlining his plan for increasing jobs, expanding Medicaid, and investing in the future of Florida's citizens. Commissioner of Agriculture Adam Putnam was also in attendance.

Senate Votes against Expanding Traditional Medicaid

During the final legislative committee week in February, the House Select Committee on the Patient Protection and Affordable Care Act (PPACA) voted not to develop policy to expand Medicaid during the 2013 Legislative Session. On Monday, March 11, 2013, the Florida Senate followed suit. The Senate PPACA Select Committee voted against proceeding with an expansion of the traditional Medicaid plan. The vote came after at least eight separate committee hearings, several of presentations from experts in healthcare and hours of public testimony on both sides of the issue.

Despite the rejection of expansion under a traditional Medicaid plan, the Senate committee committed to exploring options. Several members, from different areas of the political spectrum, agreed that the prevalence of unemployed, impoverished and uninsured Floridians is a problem that legislature needs to address. PPACA Select Committee Chair Joe Negron gave the committee the basic structure of a plan his staff will explore. Chair Negron would like to study a plan that would get the expansion population into the private insurance market. There is no firm strategy to accomplish that but ideas like premium support or voucher options were discussed. The committee appeared to support exploration of these ideas and more specifics on proposals should be expected soon.

Ocean Outfall Legislation Advances

Broward's priority ocean outfall legislation experienced a great start to the 2013 Legislation Session. The bill is moving in both chambers and has not recorded a negative vote to date. On Thursday, March 14, 2013 the bill cleared the Senate Community Affairs Committee. The 2013 version of the bill will responsibly ease requirements placed in law in In 2008 to eliminate the use of six permitted ocean outfalls as a primary method for disposing treated domestic wastewater in southeast Florida's three largest counties, and require the reuse of at least 60% of the outfall's flows in 2025. The 2008 law attempted to reduce nutrients discharged into the environment and to increase reuse of wastewater to meet southeast Florida's future water supply needs. The result would be very costly infrastructure improvements across southeast Florida. By broadening peak flow management and reuse options, the bill will save Broward millions in capital costs. The House version, HB 707, has some anticipated minor technical changes to be made in committee to mirror the changes made in the Senate on Thursday, but with early momentum enjoyed in both chambers the outlook is positive.

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Wage Recovery Preemption has First House Hearing

On Wednesday, March 13th, the House Civil Justice Subcommittee heard Rep. Goodson's wage theft bill, HB 1125, and approved the bill on an 11-2 vote after considering amendments and taking testimony from opponents and proponents of the measure. A strike-all amendment was offered which removed provisions allowing the Attorney General to file civil actions against employers engaging in wage theft and allowing the Attorney General to impose a civil penalty of up to \$1,000 per wage theft violation committed by an employer. The strike-all also removed a section of the bill that prohibited claimants from requesting a jury trial.

Prior to adopting the strike-all amendment, the committee considered Rep. Rodriguez's amendment to include Broward County's wage recovery ordinance within the savings clause that preserved for Miami-Dade County's wage theft ordinance. The Rodriguez amendment not only sought to preserve Broward County's ordinance, but would have removed a limitation that local ordinances only apply to businesses with gross sales or transacted business of \$500,000 or less. Mayor Jacobs and others spoke in favor of the amendment, but it failed on a voice vote.

As passed, 1125 creates a wage theft civil cause of action. The bill requires that all wage theft claims be brought in county courts which are given exclusive jurisdiction to hear such claims in accord with the Florida Small Claims Rules, regardless of the amount of unpaid wages sought. Prior to initiating any wage theft civil action against an employer, the employee must give the employer written notice of intent to initiate a civil action. The employer has 15 days after receipt of the notice to resolve the action with the claimant. A claimant must prove wage theft by a preponderance of evidence and may only recover the actual unpaid compensation that is due and owing. The county court may not award the prevailing claimant any other damages, including attorney's fees or costs, noneconomic damages, or punitive damages.

The bill allows local governments to establish a local administrative, nonjudicial process for resolving wage theft disputes, but this process may not adjudicate the wage dispute between the employee and employer, or award any damages to the employee. As part of the local process, a local government may assist an employee with completing an application for a determination of civil indigent status, and may pay the fee required to file a wage theft civil action in the county court. HB 1125 preempts the regulation of wage theft to the state, and prohibits any local ordinances, rules, regulations and provisions addressing wage theft, unless they relate to a local government's administrative, nonjudicial process. HB 1125 now moves to the House Local and Federal Affairs Committee for consideration.

SB 1216 by Sen. Bradley, the companion measure to HB 1125, was scheduled to be heard in the Senate on March 11th, but time ran out before the bill could be heard and the bill was temporarily postponed. The bill is expected to be on the committee's agenda for March 18th.

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Mayor and Commissioners Work the Capitol Halls

Several members of the Broward County Board of County Commissioners traveled to Tallahassee to lobby members of the legislature on the pressing issues facing Broward County. Mayor Jacobs and Commissioners LaMarca, Kiar, Holness and Ryan all took time to work the Capitol halls.

Mayor Jacobs had several meetings with decision makers, highlighted by strong testimony before the House Civil Justice Subcommittee. Mayor Jacobs spoke in opposition to the controversial wage recovery bill. Following the committee testimony Mayor Jacobs met with Majority Leader Precourt, Rep. Rogers, Rep. Hager, and Rep. Waldman to reaffirm the County's opposition to preemption of the County's Living Wage and Wage Recovery ordinances.

Commissioner LaMarca educated members about the projects taking place at Port Everglades. Members were to hear about how state and local investments were creating jobs and stimulating the local economy. Commissioner LaMarca got several commitments to support further investment in Port Everglades and a few meetings concluded with members expressing interest in visiting the Port to see the first-class operation firsthand.

Commissioner Holness met with Representative Joe Gibbons and Senators Joe Abruzzo and Garrett Richter regarding enhanced access to Enterprise Zone tax exemptions and larger commitments for international trade. Commissioner Kiar met with several of his former colleagues to discuss the School Safety bill and port funding issues facing Broward County. Commissioner Ryan made rounds gathering support for juvenile justice appropriations, Florida Forever funding, Everglades restoration, streamlined sales tax and beach renourishment funding.

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