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Cell Phone Usage and Texting While Driving

The House Roads, Bridges & Ports Policy Committee on Wednesday held a two-hour workshop on six separate bills that would curb the use of cell phones while driving, including texting, something that 19 states have already enacted. Other proposals would ban general cell phone use, with the exception of using a hands free device. Discussion focused on whether police should be able to issue citations solely for behind-the-wheel cell phone use, or only as a secondary offense. Florida could forfeit millions of federal dollars if the state does not ban texting while driving.

Child Care Licensing

The Senate Committee on Children, Families, and Elder Affairs reviewed DCF sunsetting recommendations from the OPPAGA recommendations. One of the areas examined was child care services and duplication with the Department of Health, Agency for Workforce Innovation, Early Learning Coalitions, the Department of Business and Professional Regulation, and counties. It was pointed out that DCF bears the cost of licensing family day care homes in six counties that exceed the state requirements. The Committee will finalize recommendations later; however, it appears likely that Broward, one of the six counties exceeding State requirements, may incur additional costs for inspections and licensing of child care centers.

E911 Prepaid Cards

SB 1202/HB 163 has already been filed regarding collections of e911 fees relating to prepaid calling cards, providing for the fifty cent fee to be collected by retail establishments at the point of sale of the prepaid calling card. These bills are supported by AT&T and the Calling Card Industry. However, the Florida Retail Federation opposes the legislation and is advocating that the Calling Card Industry bill the user for the fee. At this point, the Florida Association of Counties' position is that it is imperative that the fee be collected in order to fund the e911 communication system.

Elections Bills

The House Governmental Affairs Policy Committee workshopped eleven elections bills including the Department of State legislative package and discussed other elections issues. The bills dealt with absentee ballots for military personnel, online voting, early voting, student voter education, voter identification cards, political advertisements and voter challenges. HB 869 by Reps. Eisnagle and Rouson, seeks to update political advertising requirements to address social networking advertisements and texting. The fiscal impact of HB 625 by Rep. Gibson which would require supervisors of elections to provide new voter information cards upon a change of a voter's address or a change in a voter's polling place was questioned. HJR 483 by Rep. Domino would require that members of governing

boards having taxing authority be elected. This bill, supported by the Florida League of Cities elicited questions about Children's Services Boards that may already have elected officials, expressway authorities that set tolls but not taxes, and boards such as the South Florida Water Management District that encompass several counties. Rep. Gibbons presented HB 57 which expands early voting hours from a maximum of 8 hours to a minimum of 8 hours and a maximum of 12 hours day as well as expanding the alternatives for early voting sites. Other Supervisors of Elections at the meeting indicated that the extended hours might not be practical for all counties, either because of budget or other impacts such as religious preferences regarding weekend voting hours; however, broad support for expanding locations exists

On the Senate side, the Senate Ethics and Elections Committee heard SB 900 by Sen. Thrasher. The bill, which includes delaying the requirement of replacing the touchscreen machines currently used by disabled voters, was unanimously approved. The measure of delaying the requirement is supported by the FAC and supervisors of elections, but opposed by the Secretary of State and the American Civil Liberties Union.

Haitian Relief Efforts

The Department of Children and Families reported the current medical and public school impacts to Florida. Broward has the largest number of newly enrolled Haitian students with over 2,000 students. 80% of the new students to Florida are located in the three counties of Miami-Dade, Broward, and Palm Beach, with an estimated cost to the State of Florida of \$60 Million with \$41 Million reimbursed by the federal government. Of the \$19 Million difference, \$13 Million is in the public education arena. The Governor has been in contact with federal authorities regarding the medical expenses and DCF Secretary Sheldon will be going to Washington within the next few weeks.

Indian Gaming Compact

Top Republicans in the Florida House said Thursday said that there is a chance that a deal may be reached this session with the Seminole Tribe of Florida over a gaming compact. According to Rep. Galvano, who is the House point person, there is an alignment of factors, including the interest of federal officials in tribe operations and a less confrontational stance from anti-gambling legislators that could result in lawmakers finally reaching a deal. Rep. Galvano made it clear that legislators will continue to make sure that the state's existing pari-mutuels are not adversely impacted.

Oil Drilling

The House Select Policy Council on Strategic & Economic Planning held a workshop discussing drilling in Florida waters. Paul D. Stanton, Assistant to the Port Director, Port Everglades Department of Broward County, presented data regarding the movement of petroleum products, transit modes and storage capacity at Florida's ports. He also outlined the high standards at Port Everglades, the largest storage capacity port in Florida. Other presenters included oil industry consultants, spill response coordinators, wildlife management officials, and industry platform improvement experts. The council, chaired by Rep. Cannon, meets again on March 1 to discuss policy and possible legislation.

Sovereign Immunity Legislation Filed

Legislation has been filed in the House and Senate proposing significant changes to Florida's waiver of sovereign immunity. HB 1107 (Rep. Nehr), and its companion - SB 2060 (Sen. Bennett) - were both filed this week and are awaiting committee references.

As proposed, the HB 1107 (and SB 2060) amends §768.28, F.S., to allow political subdivisions such as counties, school boards, and municipalities, to pay judgments in excess of the statutory caps without further act (e.g., a claim bill) of the Legislature. The political subdivision may pay the excess judgment from insurance coverage or "other available funds." If the subdivision chooses not to pay

the excess judgment, then the unpaid excess amount may be reported to the Legislature and can only be paid upon further act of the Legislature. Neither the purchase of insurance coverage nor the agreement of a subdivision to settle a claim in excess of the statutory caps waives the defense of sovereign immunity. The bill also increases attorney's fees by allowing an additional 5% after an appellate proceeding, relief, or other action is filed for recovery of the judgment or settlement. Attorney's fees are presently limited to 25% of any judgment or settlement.

The more troubling aspect of the bill, however, is its bifurcation of the sovereign immunity system into two parts – one for the state and its agencies, another for 'subdivisions of the state.' For the state and its agencies, the bill maintains the present caps of \$100,000 per claim and \$200,000 for all claims arising out of the same incident or occurrence. Beginning July 1, 2011, however, the bill increases sovereign immunity waiver for "subdivisions" to \$250,000 per claim and completely eliminates the "per incident or occurrence" cap. In addition, beginning July 1, 2012 and each year afterward, the caps for subdivisions - not the state – must be adjusted to reflect the average change in the CPI and the average change in the medical component of the CPI for all urban consumers.

In addition to these bills, Sen. Negron, Chair of the Senate Judiciary Committee, has also filed a shell bill with the intent of revising the state's sovereign immunity laws.

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Unemployment Compensation

The House is fast tracking legislation to delay this unemployment tax on Florida businesses, according to Speaker Cretul. Echoing remarks by Senate President Jeff Atwater, Cretul said he hopes the measure will be voted on March 2, the first day of session. The proposal would delay an April 1 tax increase for employers that will be needed to address the shortfall in the unemployment compensation trust fund. To date, Florida has borrowed over \$1 Billion from the federal government to pay unemployment claims, and will continue to do so under this legislation. SB 1666 and HB 7033, which provides an eight-week extension of benefits for eligible Floridians, were unanimously approved in committee. Additionally, Democratic Senators urged Leadership to expand eligibility benefits in order to draw down approximately \$444 Million in federal stimulus aid that is available to states that make the change. Some economists believe Florida's unemployment rate may go as high as 12.3% before gradually receding.