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March 23-27, Fourth Week of Session

**Senate Health & Human Services
Appropriations**

The Senate Health and Human Services Appropriations Committee received a \$150 million reduction in the Fiscal Year 2009-2010 General Revenue allocation.

The Department of Elder Affairs' (DOEA) share of this reduction is: \$3,060,865 or 2% of the total \$150 million committee spending reduction.

The statewide Program Reduction Totals are as follows:

- Community Care for the Elderly: - \$1,589,848
- Home Care for the Elderly: - \$415,966
- Alzheimer's Disease Initiative: - \$626,061
- Local Service Programs: - \$369,253

DOEA's Medicaid Waiver Programs were not cut. The Medicaid Waiver programs appear to be transferred from AHCA to DOEA. As discussed as part of a cost-cutting strategy, an additional 1,000 Nursing Home Diversion Slots were appropriated. Our own assessment of this strategy revealed that nursing home diversion was still far more expensive than Community Care for the Elderly (CCE) and achieved similar results. Broward County remains committed to reinstating funding for CCE and HCE programs. Last year, Broward's Elderly and Veterans Services Division CCE reduction was approximately 14% of the entire statewide CCE cut.

In the Department of Children and Families (DCF) budget, Community-

Based Care was completely eliminated. The program was saved last year by non-recurring trust funds, which have been depleted. Adult and Children's Substance Abuse Services were decimated.

Prescription Drug Validation Program

In the Judiciary Committee on Wednesday, the Prescription Drug Validation Program was discussed and a strike-all was proposed and passed. Sen. Fasano, the bill's sponsor, asserted that the legislation will have no negative fiscal impact to the State or its subdivisions, since it is intended to be funded through federal grants, private funds and other sources.

As amended, the bill requires continued implementation by AHCA of electronic prescribing, as well as the registration and new regulation by the Board of Medicine of Pain-Management Facilities. Additionally, the legislation creates a 10-member Program Implementation and Oversight Workgroup within the Executive Office of the Governor to monitor the implementation while safeguarding the electronic system established for the drug validation program. The Office of Drug Control is given the authority to study the feasibility of enhancing the prescription drug validation program for the purposes of public health initiatives and statistical reporting. The direct-support organization created by the bill is responsible for providing funding for the Department of Health in collaboration with the Office of Drug Control, to conduct training for health care practitioners and other appropriate persons in using the program to support the program enhancements.

Public testimony on the bill described the process of doctor-shopping in Florida, including internet drug sales. The Broward County Sheriff's Office testified that Florida has become a "source-state" for persons nationwide who are illegally seeking prescription drugs. There are 131 Pain Management Clinics in Broward County, which are currently unregulated. In the Tampa area, a single doctor filled 50 million oxycodone prescriptions over the internet. Florida is one of only twelve states not to have a prescription drug monitoring program.

The Director of Public Policy for the ACLU was the only opponent to the bill, arguing that it would interfere with the doctor-patient relationship. Further, it is the ACLU's position that the patient will not be notified that their personal information would be placed on the web. Since the highly sensitive information needs to be protected and updated through a real-time monitoring and tracking system, ACLU argued that Florida should put appropriate resources behind it. Kentucky's program, on which Florida's is based, had two multi-million dollar appropriations, both for systemic development and on-going maintenance and enhancements. Sen. Fasano agreed to work with the ACLU to address their concerns.

The bill passed unanimously out of the committee with a promise from the Board of Medicine to work with Sen. Peadar to proactively revoke the licenses and prosecute, where appropriate, any physician who participates in illegal prescribing practices. Its House companion was also heard this week.

Relating to Alzheimer's Disease

HB 589, by Rep. Schwartz, authorizes the Department of Elder Affairs (DOEA) to develop a public education program regarding memory disorder screening and early diagnosis.

The bill authorizes grants to public and non-profit private entities that provide services and care for individuals who have Alzheimer's disease or related disorders, offering Broward County's Elderly and Veterans Services Division and other service providers in Broward the opportunity to seek these grants. However, in the state's current economic climate, there is little likelihood of the bill receiving an appropriation. In its first committee of reference last week, two amendments were adopted, one of which clarified that the memory impairment program and grant program would not be contingent on state appropriations. The hope is that federal stimulus or other non-state funds will be secured in order to make the grant program a reality.

Because memory impairment screening and outreach activities must occur regardless of an appropriation, its passage may require DOEA to divert funds presently appropriated for other purposes.

The legislation unanimously passed out of its first committee of reference on March 18th, and has now successfully passed its second committee. The identical legislation, SB 260, has also been heard in the Senate.

Integrated Adult Mental Health and Substance Abuse Crisis Stabilization Facility Licensure

HB 767, by Rep. Fitzgerald, successfully passed its third committee of reference. The legislation creates an integrated adult mental health crisis stabilization and addiction receiving facility program in the Department of Children and Families and authorizes AHCA to create a new licensure for such facilities. The new program will allow existing addiction receiving facility providers to request to become crisis stabilization units and pursue this new licensure category.

Juvenile Justice, HB 173

This week, two SBs by Sen. Crist relating to juvenile justice were heard and passed in the Criminal Justice Committee.

SB 2218 is aimed at providing public defenders to juveniles at all stages of delinquency court proceedings, providing Medicaid eligibility for those committed to certain residential programs, and helps commit pregnant juvenile mothers or those with infant children into community based programs.

SB 2094 is focused on the prevention of juvenile crimes by enhancing age appropriate treatment. It requires that the Department of Juvenile Justice and Department of Children and Families work together on mental health and substance abuse services and encourages pre-arrest and post-arrest diversion programs for first time misdemeanor offenders age nine or younger.

While Sen. Crist's juvenile justice bills are not fully aligned with the Blueprint Commission recommendations, they do not expand the use of pre-dispositional secure detention like HB 173 by Rep. Adams. HB 173, has successfully passed all of its committees of reference on the House side. The companion SB 654 by Sen. Dean, has not yet been heard. We will continue to monitor the Senate for potential vehicles for the predisposition detention language presently in HB 173.

Regulation of Hoisting Equipment

HB 923 by Rep. Evers addresses the regulation of hoisting equipment utilized in construction, excavation, and demolition work, including tower cranes and mobile cranes. The bill requires a licensed contractor applying for a building permit that involves the use of tower or mobile crane to provide site plan and compliance documentation to the local building official. The site plan must identify the location of the crane, power-line clearances, building locations, and the structural foundation of

the crane. Two or more tower or mobile cranes operating within the same swing radius must maintain a clear, independent, and operable channel of radio communication open at all times between the operators. Additionally, when a tower or mobile crane is located on a jobsite, a hurricane or high-wind event preparedness plan for the crane must be available for inspection at the site. The bill unanimously passed the House Insurance, Business and Financial Affairs Policy Committee.. It now moves to the House Military and Local Affairs Policy Committee for consideration.

Excise Tax on Documents

HB 237 by Rep. Hudson regarding documentary stamp fees was heard in Finance and Tax. This bill provides that the documentary stamp tax does not apply to a deed between spouses recorded within one year of marriage where the deed transfers an interest in homestead real property. The bill passed and is now on the Calendar.

TRIM Notices

Currently, property appraisers are required to prepare and deliver a notice of proposed property taxes and non-ad valorem assessments to each taxpayer listed on the current year's assessment roll. HB 701 revises the notice to include millage rates by adding three additional columns with the following information:

- Last year's millage rate;
- The current year's millage rate if the proposed budget change is made; and
- The current year's millage rate if no budget change is made.

The bill was heard in Finance and Tax this week and is now on the Calendar.

Transparency Website

SB 1796 by Sen. Alexander was heard in Senate Ways & Means this week. This bill requires the establishment of a website which provides public access to

state financial information. The initial phase of the website will include appropriations data and expenditure data for all branches of state government. It is expected that this phase will be available by mid-July 2009. The state financial data provided in the website will be data currently available in the state's financial management system. The Joint Legislative Auditing Committee (JLAC) will oversee the website and will propose additional phases of information to be made available; the JLAC is also to propose, by March 1, 2010, a schedule for adding information to the website for other governmental entities, including community colleges, state universities, local government units and any entities which receive state appropriations.

There were three late-filed amendments which passed. The first amendment changed the date by which the branches of state government must establish allotments for planned expenditures from July 1 of each year to August 31. The second amendment requires that a link to state reports related to the dispersal of state funds and a link to program descriptions for which funds may be expended are included on the website. The final amendment ensures that all information contained on this website remains accessible to the public for 10 years.

Sen. Storms, Sen. Aronberg, Rep. Hukill, and Rep. Bembry have also sponsored transparency bills. Only HB 971 by Rep. Hukill has been heard in committee and is currently in its second committee of reference.

U.S Sugar Land Acquisition

On Tuesday, the Southwest Florida Water Management District updated the Environmental Preservation and Conservation Committee on the current status of the U.S. Sugar land acquisition. According to the District's representative, testimony in the bond validation hearing

concluded on March 18. After the conclusion of testimony, the judge articulated three questions that will serve as the basis for his ruling. First, the judge will determine whether the District has the legal authority to employ the particular method of bonding that has been proposed to finance the land purchase. Second, he will consider whether or not the purpose for purchasing the lands is legally valid. Finally, the judge will determine whether the transaction is in compliance with Chapter 75, Florida Statutes, which specifies the procedures and requirements for bond validation in Florida. The judge is expected to rule on the validity of the bonds by mid-April or sooner.

Expediting Economic Development Project Permitting

SB 852 by Sen. Fasano passed the Environmental Preservation and Conservation Committee on Tuesday. The bill requires the Department of Environmental Protection (DEP) and water management districts to adopt programs that expedite the permitting of environmental resource permits (ERP) and wetland resource permits (WRP) for projects that have been identified as target industry businesses by a municipality or county. The bill creates a forty-five day time limit for approving or denying permit applications, with certain exceptions. Commenting on the bill, Sen. Rich expressed her desire that Sen. Fasano work with Broward County in finalizing the bill to minimize the bill's effect on the county's unique delegated authority and permitting process. Sen. Fasano has stated that he was committed to working with Broward County on the issue. Other committee members and interested parties expressed concern that the legislation may encourage governmental agencies to rush permitting based on a project's anticipated economic returns without taking into account its environmental impacts. SB 852 now

moves to the Senate Community Affairs Committee.

Its companion measure in the House, HB 73 by Rep. Schenck, has passed its final hurdle on Monday when the Policy Council approved the bill by a vote of 22-0. HB 73 is now on the Calendar awaiting to be scheduled for floor consideration. The bill appears poised to pass the House of Representatives as it has during the last two previous regular sessions.

Seaport Security Assessment Briefings

The Senate Military Affairs and Domestic Security Committee passed SB 2168 by Sen. Storms on Thursday. The bill requires that the Florida Department of Law Enforcement (FDLE) provide, at least once a year, an assessment briefing to a seaport governing board to address FDLE's final report following its unannounced seaport inspection. The seaport's governing board members and the co-chairs of the local regional domestic security task force must all attend the assessment briefing. The briefing must address FDLE's finding from the inspection, areas of concern, and recommendations of improvement. FDLE may fine the seaport \$10,000 for each assessment briefing that is cancelled because the seaport's governing board members fail to attend. In addition, seaport governing board members may be removed from office for failure to attend two consecutive scheduled assessment briefings. The bill does not address any circumstances under which absence from an assessment briefing may be excused. SB 2168 passed by a vote of 5-1, but does not have a companion measure in the House. The bill now moves to the Senate Transportation Committee for consideration.

Seaport Security Standards and Credentialing System

The Senate Military Affairs and Domestic Security Committee on Thursday considered SB 2684 relating to seaport

security. Committee members were presented a proposed committee substitute that contained several changes from the original bill including:

- Expanding the membership of the Seaport Security Advisory Council to include a seaport tenant's representative and a seaport worker's representative.
- Decreasing the reporting time a seaport business must report to FDLE a change in the status of a seaport worker from seven days to three days.
- Requiring seaports to notify FDLE within three business days that a determination has been made as to a person's access eligibility.
- Providing an expedited process for granting access to restricted areas on a seaport for worker possessing a TWIC card that was not obtained through a federal waiver.
- Authorizing new fees for FDLE including a \$4 fee for an FDLE database entry for a person seeking unescorted access to restricted areas and a \$6 annual retention fee that will apply starting the second year after the person is credentialed.

During FDLE's explanation of the changes in the proposed committee substitute, Committee members questioned the need for the changes, and the costs to maritime businesses, the seaports, and seaport workers. Some members questioned if it wouldn't be more effective to simply repeal Florida's seaport security scheme in favor of the federal laws and regulations including accepting Transportation Worker Identification Credential (TWIC) as Florida's seaport access credential, accepting the federal background check, and ending duplicative criminal background checks by FDLE. Due to member sentiment, the Committee temporarily postponed further

consideration of the bill with the understanding that it would be brought back next week with an amendment to repeal the current Florida credential and criminal background check. Changes to Florida's seaport security standards may also be considered. The bill is presently scheduled to be heard on March 31, 2009.

Tourist Development Council Local Bill

HB 1095 by Rep. Porth unanimously passed the House Military and Local Affairs Policy Committee as a committee substitute on Thursday. The Committee considered and approved a strike-all amendment that made significant changes to the original bill. As passed, the local bill makes the following changes to the Broward County Tourist Development Council:

- Expands the Council's membership to 11 from the current nine members designated in general law.
- Requires the County Commission to amend its current TDC ordinance within 60 days after the act becomes effective to reflect the Council's expanded membership, and to make the additional appointments no later than October 1, 2009.
- Provides that in making the additional appointments the County Commission must, consistent with the categories in §125.0104(4)(e), F. S., endeavor to appoint a minority person involved in the tourist industry and must appoint a person from an area with a multi-purpose county regional park capable of hosting local, national, and international sports championship events.
- Provides that in making future appointments to the Council, the County Commission may balance its appointments to reflect the diverse demographic and

geographic representation within the county.

- Provides a non-exhaustive list of geographic factors the County Commission may utilize in considering the geographic representation of the Council's future membership.
- Preserves the Council's duties and responsibilities as provided by general law. In addition, the act may not be construed to affect the terms of existing Council members or any actions taken by the Council prior to the appointment of the additional members.

The bill now moves to the House Economic Development and Community Affairs Policy Council. The bill will then move to the House Floor.