**Juvenile Justice**

HB 273 related to Juvenile Justice was heard in the Safety and Security Council on March 5th. Staff met with members of the committee to relay the county’s concerns about the bill, as well as to answer any questions members may have had about the potential impacts.

The bill as written extends the length of time a juvenile can be held in secure detention, pending charges (predisposition) from 21 days to 30 days and restructures the ability to appeal the level of detention. The Blueprint Commission has recommended that the juvenile system develop better diversionary strategies and enhance treatment options rather than extend secure detention.

In response to a bill that appears to be contradictory to the Blueprint Commission’s Recommendations and has a negative fiscal impact to the counties which will be required to cover the costs of additional days of secure detention, the Florida Association of Counties opposed the bill and spoke against it in committee. Four late-filed amendments to the bill were offered by the sponsor, including one that will only extend the predisposition secure detention period for youth with high-level, violent felony charges. The Public Defenders Association testified in opposition to the bill.

Several members of the committee questioned the proposed policy of extending the time period for youth who have not yet been found guilty are housed with convicted, often violent offenders. Representatives also requested details about whether treatment programs are provided in detention and were told that they are not. HB 273 passed the Council favorably with three members voting in opposition. Next and last stop in the House is the Policy and Budget Council. The Senate identical companion, SB 792, has not yet been heard.

**Slot Machine Revenue**

The Senate Finance and Tax Committee heard SB 970 related to Slot Machine Revenues on March 6th. A late-filed amendment on the bill generated debate and discussion regarding the intent of the legislation. SB 970 reduces the mandatory rates of taxation of slot machine revenues from 50 to 35 percent and allows the expansion from the three present facilities to seven. The stated intent of the legislation is to maintain the slot machine tax collection rate at $123 million and ensure that if revenues fall short of that current level, the licensees will proportionally share in covering the shortfall. However, no licensee would be required to pay more than 50 percent of its slot machine revenues in taxes in any given year. Debate on the bill centered on why the state, in a time of fiscal crisis, would be passing a “tax relief” bill, reducing possible revenue to education if the rates were to remain at 50 percent.

Under current law, tax revenues, and interest thereon, are transferred to the Educational Enhancement Trust Fund (EETF) to be utilized for supplementing educational programs. However, if general revenues are insufficient to cover amounts owed on educational capital bonds, then funds from the EETF go first to debt service. Interestingly, while 551.106 (2) F.S. clearly states that funds transferred to the EETF may not be used for recurring appropriations, monies in the EETF are subject to annual appropriations. The bill as amended passed the committee favorably. The House identical companion, HB 1241, has not yet been heard.

**Broward Local Bills Pass**

The House Urban Affairs Committee quickly considered and passed three of the county’s proposed local bills Wednesday morning. The Committee passed HB 1063 which amends the composition of the South Broward Utility Advisory Board created by Chapter 98-521, Laws of
Florida. The bill transfers the County’s authority to appoint two members of the board to the Town of Southwest Ranches. The Committee also approved HB 1065 and HB 1067 relating to the platting of land and the tax assessor’s role concerning certain platted lands in Broward County. All three bills are sponsored by Rep. Seiler. The bills now move to the Government Efficiency and Accountability Council for consideration and approval.

**Expedited Permitting for Economic Development**
CS/HB 147 by Rep. Schenck passed the House Environmental and Natural Resources Council this week. The bill requires that DEP and water management districts expedite the processing of wetland and environmental resource permits for economic development projects. To be eligible, the projects must be identified by resolution of a county or municipality as meeting the definition of target industry business pursuant to §288.106, Florida Statutes.

Permit applicants must participate in a pre-application review process to reduce any permit conflicts and provide necessary guidance to an applicant that will ensure the expeditious processing of the permit application. A targeted industry business application must be approved or denied within 45 days after receipt of the original application, the receipt of the last item of timely requested additional information, or receipt of an applicant’s written request to begin processing the permit application. The bill now moves to the Policy and Budget Council.

**Indigent Care Reimbursement**
SB 262, which would have amended current laws related to county payments to other counties for the costs of hospital-based indigent care, was temporarily passed in committee on Wednesday. Although counties presently pay the costs of their indigent residents’ out-of-county acute care, it often requires several months to determine the accuracy of a bill. Broward County opposed the bill as written because it limited the amount of time available to review indigent care bills to 60 days, after which time it would be assumed that the county accepted the billing as submitted. Furthermore, the bill allowed for the recovery of reasonable expenses, where counties currently reimburse at the Medicaid rates for service rendered. It was the county’s assertion that these changes to current practice and law would have had a negative fiscal impact.

**Additional Homestead Exemption**
As amended and unanimously passed by the House State Affairs Committee, HJR 421 by Rep. Simmons proposes a constitutional amendment to add an additional homestead exemption that will benefit first-time and recent home buyers. The proposal adds a new paragraph (c) to Article VII, §6 of the Florida Constitution that would, if passed by voters, entitle each homestead property owner to an additional homestead exemption equal to the greater of 40% of the homestead’s just value from $75,000 to $500,000, or the accumulated benefit under the Save Our Homes assessment limitation in Article VII, §4(c) of the Florida Constitution.

The bill now goes to the Government Efficiency and Accountability Council for consideration. An identical companion measure, SB 2758, was recently filed by Sen. Peaden, but has yet to be referred to a committee. Although the Revenue Estimating Impact Conference has yet to consider the impact of this proposed amendment, County budget staff has estimated the impact to the County to be about $83 million.

**Prescription Drug Tracking**
HB 1347, the local bill regarding prescription drug tracking, was filed this week. The bill requires Broward County to design, by June 2009, an electronic system to monitor the prescribing and dispensing of controlled substances. All cost incurred by Broward in administering the database would be borne through either federal or private grants with the Department of Health and the County working together to secure the grant funds at no cost to Broward. The Board of County Commissioners would determine by resolution that sufficient grants or donations are in place to fully fund the program. HB 1011 is the general bill regarding prescription drug tracking which designates Broward and Palm Beach counties as pilot programs. The Department of Health would design and establish the electronic system and costs would be paid through a grant applied for by the county or the state working together at no cost to the Department.
Neither bill has yet been heard. An accompanying public records exemption bill has also been filed.

**Waiver of Sovereign Immunity for Excess Judgment Amounts**

SB 2292 by Sen. Villalobos purports to waive sovereign immunity for payment of judgments in excess of current statutory caps. Under present law, the state has waived governmental (sovereign) immunity for tort liability claims or judgments up to $100,000 per claim or judgment, or $200,000 per incident or occurrence. As proposed, the bill preserves the statutory caps if the claim or judgment is to be paid from the General Revenue Fund of the state. However, if the claim or judgment will not be paid directly from the state’s General Revenue Fund, then it may be settled and paid without regard to the statutory cap limits.

When a final judgment makes an award in excess of the statutory caps and the government does not agree to settle or pay the excess judgment amount, the court with jurisdiction over the case may order payment of the excess amount in full or in part. Prior to ordering payment, however, the court must take and consider evidence from the parties as to why the excess judgment should or should not be paid. The state, its agencies and subdivisions (including local governments) are not deemed to have waived the defense of sovereign immunity or to have increased their liability limits because they have obtained insurance coverage for tortuous acts in excess of the statutory caps. Although filed, the bill has yet to be referred to any committees.

**Budget**

The House and Senate went into Session on Thursday to finalize the cuts to the existing fiscal year budget, most of which were agreed upon in Conference on Thursday afternoon. However, much debate occurred on SB 1852 introduced by Senator Peaden, which would cap Medicaid reimbursement levels at the present rate and eliminate automatic adjustments currently built in to statute. The bill was contested in the House and when it was first introduced in the Senate’s Health and Human Services Appropriations committee. Several members felt that the “freeze” was not related to the existing year’s revenue short-fall and therefore not appropriate for consideration. It has been asserted that by capping the rates at this year’s level on the last day of the fiscal year, the legislature was, in essence, reducing next year’s HHS budget in this reduction process.

Medicaid reimbursement rates are of primary concern to providers who are unable to “cost-shift” sufficiently to absorb the fiscal impact. Cost-shifting can occur only if an entity serves a large enough proportion of non-Medicaid patients, who can be charged more to offset the freeze in Medicaid rates. Nursing homes who do not have a sufficient contingent of private pay patients, in particular, would be negatively affected by this “freeze”, although hospitals, ALFs and many other entities serving Medicaid patients will also be impacted. When the HHS Appropriations bill was conferenced later that day, House and Senate members agreed to all but the Medicaid Billing freeze portion. Additional conference on the bill, including the Medicaid billing freeze, is expected to occur throughout the weekend.