LEADERSHIP & STRUCTURE

Subsequent to the elections, and leading up to the week of November 14th, Speaker of the House Dean Cannon and Senate President Mike Haridopolos, sent announcements about their respective leadership appointments. Operational reorganization included the elimination of “councils” and re-imposition of a committee/subcommittee structure (available at http://www.myfloridahouse.gov “Proposed Committee Structure 2010-2012”). In the House, the new committee structure features a transfer and renaming of the Military and Local Affairs committee which was previously housed under General Governmental Policy Council. Under the new structure, local government–related issues will be referred to the Community & Military Affairs Subcommittee, under the Economic Affairs Committee, the jurisdiction of which is defined as considering, “matters related to Florida’s growth management policies and issues that affect Florida’s local governments, communities and the military... has primary responsibility for the local bill process...[A]Iso included in the subcommittee’s subject areas are active military issues, growth management, housing, community programs such as historical and cultural affairs and libraries, other community related grants and services, and emergency management.” Rep. Dorothy Hukill will be Chairing the Economic Affairs Committee, but subcommittee assignments have yet to be announced.

House and Senate Chair assignments were announced on November 15th, with some notable new posts, including: newly-elected Sen. Lizbeth Benacquisto, Chair of Communications, Energy, and Public Utilities; Sen. Bennett, Chair of Community Affairs; Sen. Detert, Chair of Commerce and Tourism; newly-re-elected Sen. Jack Latvala, Chair of Transportation; Sen. Storms, Chair of Children, Family and Elder Affairs; newly-elected Broward Sen. Bogdanoff, Chair of Finance & Tax; and Sen. Negron, Chair of Health & Human Services Appropriations. Two Democrats were also appointed as Chairs; Broward Senator Jeremy Ring, who will be heading the Governmental Oversight & Accountability committee and Senator Siplin of Orange County will be heading the Agriculture committee.


SPECIAL SESSION

Just after 3PM on November 17\textsuperscript{th}, the House and Senate reconvened for a time-certain special session to override several gubernatorial vetoes. Each chamber initially brought up and overrode their own bills (i.e., the House took up the House bills and Senate considered the Senate bills and then waited for the respective chambers’ to send over the overrides in messages) and then debated the two “new” items which were added to the Special Session call.

Veto Overrides:

The House and Senate garnered the required votes to override vetoes of the following bills:

- HB 545, which removed a requirement that property sellers provide buyers with mitigation information on hurricane-proofing.
- HB 569, which had changed the law to permit yard waste to be disposed of in Class I landfills. Broward County worked to ensure that recycling credit was given for mulched yard trash that is used as landfill cover.
- HB 981, an agricultural classification bill.
- Broward County’s Pollution Prevention, Remediation & Air Quality Division worked with staff throughout the 2010 Session to ameliorate the negative impacts of HB 1385. The County continued to oppose the legislation throughout the session and supported Miami-Dade’s request for a veto upon its passage. The bill changed the law on petroleum tank pollution remediation to acknowledge “natural attenuation”, while also preventing local governments from denying building permits on affected properties.
- SB 1842, which required that private landowners receive notice when transportation projects potentially impacting their property are being planned.
- HB 1565, the only override which could truly be characterized as contentious, which a number of Democrats argued would substantially hinder the ability of agencies to expeditiously do their work. The bill, vetoed by Gov. Crist on May 26\textsuperscript{th}, requires the Legislature to ratify agency rule-making, when a rule is found to have a statewide fiscal impact exceeding $1 million over five years. The measure also requires agencies to include economic analyses of rules and their impacts on small businesses.
- A line item appropriation in the 2010/11 budget, earmarked $9.7 million for providing care to indigent patients traveling to the center and supporting graduate medical education at Shands Teaching Hospital. The line item veto was unanimously overridden in the House.

A new measure, sponsored by Rep. McKeel in the House and Sen. Bennett in the Senate, allowed for a distribution of $31.2 million in federal stimulus dollars to pay homeowners who participated in the Florida Energy Rebate program. The program was subject to an appropriation, which was not forthcoming during the 2010 Session, leaving many Floridians who converted to solar and HVAC waiting for an unfunded state rebate. Another new measure, SB 2A, delays the implementation of new septic tank rules (incorporated in to SB 550 that passed in the 2010 Session) to July 1, 2011, six (6) months later than the bill’s January 1\textsuperscript{st} deadline. The extension was sought in an effort to ease the financial burden on property owners who would have been required to pay for the septic tank safety inspections imposed by SB 550. The Senate debate on 2A signaled a desire to see the entire septic tank provision repealed during the regular session.
MEDICAID REFORM

Medicaid Congressional Memorial:

The Senate and House considered a Memorial to Congress seeking the authority, through waivers, to substantially reform the delivery of Medicaid services, including the expansion of a five-year-old pilot project in which Broward is a participant. The Center for Medicaid and Medicare Services (CMS) has rejected Florida’s request for additional latitude in its delivery of Medicaid, based on continued issues with the Reform Pilot counties’ performance on a number of objective measures. Sen. Negron, the prime backer of the Memorial in the Senate, argued the need for centralization of Medicaid service delivery systems through “managed care”. The lengthy debate in the Senate culminated in a discussion of how “managed care” would be defined (i.e., broader than HMO) and an unequivocal expression on intent to pass legislation to privatize the “entitlement” system in the State. Both the House and Senate approved the measure on voice votes.

Mapping-Out Medicaid Reform in FY2011:

On Wednesday, the Senate hosted a full-day forum to discuss the direction of Florida’s Medicaid reform efforts. Key lawmakers and health care stakeholders discussed concerns with the current Medicaid program and alternatives for consideration. Several Senators, including the Senate President, have alluded to tort reform as a likely part of a Medicaid package. Retinal recognition and/or fingerprint ID cards for Medicaid recipients were touted as ways to reduce fraud, waste and abuse.

CLAIMS BILLS

Legislators have filed over sixty bills on behalf of Floridians seeking relief for a variety of tragic situations, where the damages exceed the $200,000 “sovereign immunity” cap that government agencies can pay without Legislative intervention. Neither new House Speaker Cannon nor Senate President Haridopolos has yet indicated whether claims bills will be considered in the upcoming Session.

FAC LEGISLATIVE CONFERENCE

The Florida Association of Counties held its 2010 Legislative Conference on November 17-19 in Nassau County, Florida.

The annual conference gives county commissioners from all over the state the opportunity to gather and establish the Association’s legislative priorities for the upcoming 2011 Regular Session. After FAC’s policy committees finished their work, the Legislative Executive Committee met to adopt the 2011 legislative priorities which are as follows:

- **TABOR** - opposing legislative and constitutional restrictions on county authority over revenues and expenditures.
- **Florida Retirement System** - including supporting the establishment of a study commission to review the economic and practical impacts of changes to the FRS.
- **Growth Management** - including support for maintaining the Florida Department of Community Affairs or if the state decides to eliminate DCA, to delegate to the Regional Planning Councils (RPCs) the regulatory authority to review issues of regional significance.
• **Medicaid Reform** - including maintaining critical Medicaid services such as the Medically Needy Program, ensuring access to primary health care, and maintaining comprehensive and coordinated Transportation Disadvantaged services.

• **Pretrial Release** - including preserving county authority to provide pretrial release services, changing burdensome reporting requirements, and opposing restrictions on judicial discretion.

Commissioner Kristin Jacobs, who co-chairs the FAC Sustainability Workgroup, attended the conference and reported to FAC's Growth, Environmental Planning & Agriculture Policy (GEPA) Committee on the energy and water legislative policies the Workgroup developed since its creation this past summer. The Workgroup’s policies were made part of the GEPA Committee's legislative policies for the upcoming 2011 Session. The committee also heard from U.S. EPA officials about the Numeric Nutrient Criteria Rule the federal agency released Monday. The final rule establishes water quality standards for Florida's lakes, rivers and streams.

The official FAC 2011 Legislative Program should be available Monday on FAC's website, [www.fl-counties.com](http://www.fl-counties.com).

**FLORIDA SUPREME COURT EVERGLADES FINANCE PLAN RULING**

In a unanimous November 18th decision, the Florida Supreme Court affirmed the South Florida Water Management District's ability to use a form of bond financing, known as certificates of participation, to purchase Everglades land from U.S. Sugar Corporation. The Miccosukee Tribe fought the lower court's ruling, arguing that the court should not validate use of bonds for the transaction because the project did not serve a public purpose. The Florida Supreme Court disagreed, finding that it was within the District's authority to purchase and use the land for the public purpose of protecting and conserving Florida's water resources. However, the Court only approved the immediate land purchase, rejecting the District's use of certificates of participation to purchase a $50 million option on additional acreage in the future, concluding that the option agreement would not provide an immediate benefit to Florida taxpayers or the state itself. Environmental groups and Governor Crist, a long-time proponent of the project, both lauded the Court's decision, viewing it as a step forward in the ongoing effort to preserve the Everglades.