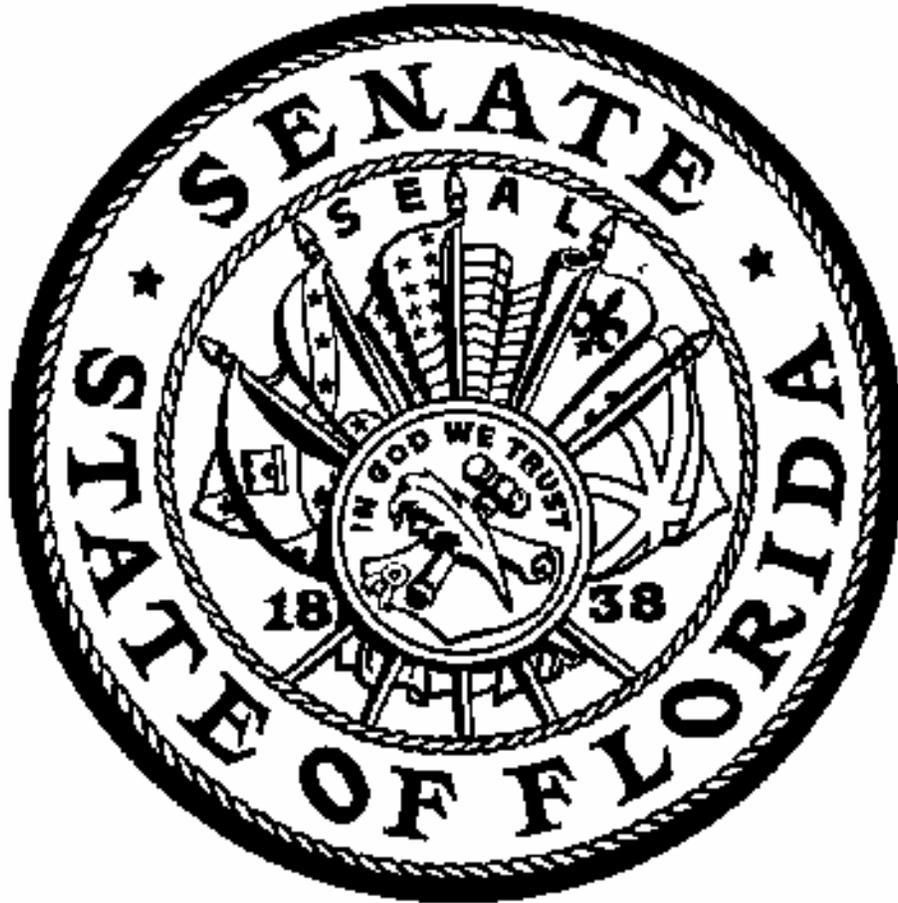


2005-B Special Session

Summary of Legislation Passed



*Compiled and Edited by
Office of the Senate Secretary*

This document can be accessed on the Senate's Web page (<http://www/flsenate.gov>), and copies are available in the Senate Document Center, 304 Capitol, (850) 487-5915

The 2005-B Special Session *Summary of Legislation Passed* is a collection of reports submitted by Senate Committees to the Secretary of the Senate. These reports have been compiled and edited for standardization. This summary is provided for information only and does not represent the opinion of any Senator, Senate Officer, or Senate Office.

Table of Contents

Commerce and Consumer Services.....	1
Ethics and Elections.....	3
Health Care.....	7
Judiciary	11
Regulated Industries.....	13
Transportation	15
Ways and Means	17
Index.....	19

SB 18-B — Florida Minimum Wage Act

by Senator Alexander

This bill implements the provisions of s. 24, Art. X of the State Constitution, relating to the Florida minimum wage. The bill replicates the provisions of the constitution and adds additional provisions to:

- Adopt the U.S. Consumer Price Index for the south region as the applicable index for determining the annual adjustments to the state minimum wage;
- Require the Agency for Workforce Innovation and the Department of Revenue to publish the annually updated minimum wage on their respective websites;
- Require employees to first notify employers before initiating a civil action to enforce their right to receive the state minimum wage;
- Allow employers 15 calendar days to resolve any claims for the unpaid wages before a suit may be filed;
- Limit the damages awarded to employees to only unpaid wages if the court determines the employer acted in good faith and had reasonable grounds for believing that their action was not in violation of the constitution;
- Restrict the court from awarding punitive damages;
- Impose restrictions on class action suits;
- Limit eligibility for the minimum wage to workers who are currently entitled to receive the federal minimum wage under the Fair Labor Standards Act (FLSA) and its associated implementing regulations; and
- Provide that the exemptions outlined in ss. 213 and 214 of FLSA are incorporated into this act by reference.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-2

SB 6-B — Lobbying Reform

by Senator Sebesta

Senate Bill 6-B makes significant changes in the regulation of legislative and executive branch lobbying in the areas of registration, reporting, and prohibitions relating to expenditures. The major provisions of the bill are as follows:

Registration

Requires each principal at registration to designate its main business on the statement authorizing each of its lobbyists, pursuant to a classification system approved by the Office of Legislative Services.

Compensation Reporting

Defines “compensation” as anything of value provided or owed to a lobbying firm by a principal for any lobbying activity.

Requires quarterly compensation reporting by lobbying firms, mostly in dollar ranges.

Authorizes the Joint Legislative Auditing Committee to designate 10 “independent contract auditors” to randomly audit the quarterly compensation reports of three percent (3%) of lobbying firms annually, at state expense; final audit reports are forwarded to the President of the Senate and Speaker of the House (for legislative lobbying firms) and the Florida Commission on Ethics (for executive branch lobbying firms) for disposition.

Mandates Internet-based *electronic* filing of compensation reports, beginning with first quarterly report for 2007 (paper filing is required for the 2006 reporting period).

Expenditures

Prohibits *all* lobbying expenditures, except floral arrangements or other celebratory items given to legislators and displayed in chambers on the opening day of regular session.

Eliminates expenditure reporting.

Miscellaneous

Prohibits persons convicted of a felony after January 1, 2006, from being registered to lobby until: release from incarceration and postconviction supervision; payment of court costs and restitution; and restoration of civil rights.

If approved by the Governor, these provisions take effect January 1, 2006, except as otherwise provided.

Vote: Senate 36-3; House 112-6

SB 8-B — In-Kind Contributions to Political Parties

by Senator King

Senate Bill 8-B creates a uniform method for the acceptance of in-kind contributions made to state and county political parties.

Acceptance Method

The bill provides that only a party chairperson or designee or designees may accept an in-kind contribution to their respective state or county political party.

The donor of an in-kind contribution to a political party at the county or state level must provide a prior signed and dated written notice of the intended contribution, which may be by electronic or facsimile message, and the party chairperson or designee must accept the in-kind contribution in a signed and dated writing before any in-kind contribution is made.

Failure to obtain the written acceptance of the party's chairperson or the chairperson designee is deemed a refusal of the in-kind contribution.

The bill provides that the names of a chairperson's designee or designees for a state political party must be on file with the Division of Elections, while the names of a chairperson's designee or designees for a county political party must be on file with the supervisor of elections in the respective county. The designees' names must be on file at the state and county level prior to the date of a contributor's written notice of an intended in-kind contribution.

A donor of an in-kind contribution does not have to provide prior written notice for an in-kind contribution to a party if the in-kind contribution is for food and beverage in an aggregate amount not exceeding \$1,500, which is consumed at a single sitting or event; and which is accepted in advance by the state or county political party's chairperson or chairperson's designee. The party acceptance need not be in writing.

Reporting Requirements

In addition to the regular reports of contributions and expenditures required under s. 106.29, F.S., the bill requires that each state executive committee and each county executive committee file a copy of each prior written acceptance given by a party chairperson or chairperson's designee with the Division of Elections.

If approved by the Governor, these provisions take effect February 1, 2006.

Vote: Senate 39-0; House 116-2

SB 40-B — Public Records/Public Meetings Exemptions for Executive Lobbying Compensation Reporting

by Senator Sebesta

Senate Bill 40-B is linked to SB 6-B, which overhauls the regulation of legislative and executive branch lobbying. The bill creates a temporary exemption for audit and investigatory records and meetings of the Ethics Commission relating to compensation reporting violations by executive lobbying firms, until the alleged violator requests in writing that they be made public; or the Commission determines probable cause exists to believe that a violation has occurred.

If approved by the Governor, these provisions take effect January 1, 2006, provided Senate Bill 6-B becomes law.

Vote: Senate 39-0; House 106-9

HB 3-B — Medicaid

by Rep. Benson and others (CS/SB 2-B by Health Care Committee and Senators Peaden, Carlton, and Atwater)

This bill provides the Agency for Health Care Administration (AHCA) the authority to implement the Medicaid capitated managed care pilot program in two demonstration sites (Broward and Duval Counties) as specified in CS/CS/SB 838 (ch. 2005-133, L.O.F.) and in accordance with the federally-approved Medicaid waiver application and special terms and conditions received in October 2005. The bill also makes numerous statutory changes related to implementation of the pilot program. Specifically, the bill:

- Provides for statewide expansion of the program in accordance with the process in the federally-approved special terms and conditions received on October 19, 2005, which requires legislative approval of expansion into additional sites, with the goal of full statewide implementation by June 30, 2011.
- Requires AHCA to ensure that there is fair representation of the stakeholder groups included in current statute on the Medicaid Disproportionate Share Council; requires the Council to use the low income pool objectives specified in the bill to guide its recommendations regarding the development of the low-income pool plan; and repeals the Council on June 30, 2006, unless saved from repeal by the Legislature.
- Creates a Medicaid Low-Income Pool Council and specifies its membership. The Council must be in place by July 1, 2006. The Council will make recommendations to the Legislature no later than February 1 each year regarding the low-income pool, which replaces the Upper Payment Level (UPL) funding program for safety-net hospitals. The bill establishes objectives to guide the distribution of funds from the low-income pool.
- Excludes capitated managed care pilot program counties from the current requirement for AHCA to contract with a single entity in each AHCA area to provide comprehensive behavioral health care services to Medicaid recipients on a capitated, prepaid basis and provides alternative contracting requirements in AHCA areas with pilot counties.
- Exempts federally qualified health centers reimbursed by AHCA on a prepaid basis from HMO regulation, but requires them to comply with federal solvency requirements and other requirements that apply to capitated managed care plans in the pilot sites.

- Requires Medicaid provider service networks to comply with certain federal solvency requirements, rather than the state solvency requirements for HMOs. Eliminates the requirement that AHCA competitively bid contracts with provider service networks. Includes minority physician networks and emergency room diversion programs that meet the capitated managed care pilot requirements as provider service networks.
- Requires provider service networks established in a managed care pilot area that are reimbursed on a fee-for-service basis to include a savings-settlement mechanism to share savings with the state.
- Authorizes AHCA to seek options for making direct payments to hospitals and physicians employed by or under contract with the state's medical schools for the costs associated with graduate medical education under Medicaid reform.
- Requires managed care networks in the demonstration sites to include in their networks the Department of Health's Children's Medical Services Network, to the extent possible.
- Establishes detailed standards for managed care plan compliance, including quality assurance and outcome measures and a patient-encounter reporting requirement.
- Establishes detailed requirements to minimize the risk of Medicaid fraud and abuse in all plans operating in the Medicaid managed care pilot program.
- Includes federally qualified health centers in current statutory provisions relating to school-based services provided to Medicaid-eligible children.
- Requires AHCA to assign Medicaid recipients who are currently enrolled in a Medicaid managed care plan and who do not make a choice of plans during the reform enrollment process, or at the point of eligibility redetermination, into the most appropriate reform plan operated by the recipient's current managed care plan.
- Requires AHCA to submit proposed changes to the approved special terms and conditions to the Legislature before submitting them to the federal government and requires AHCA to report to the Legislature any changes that are approved by the federal government.
- Requires AHCA to convene a technical advisory panel to advise the agency in the areas of risk-adjusted-rate setting, benefit design, and choice counseling in the Medicaid reform demonstration sites.
- Establishes risk corridors of no more than 10 percent variance in the capitation rates for comprehensive benefits in the first two years of the demonstration.

- Requires that the risk adjustment for the capitation rates in the demonstration is phased in and completed by the beginning of year 3 of the demonstration.
- Specifies that the two-year application of risk corridors and phase-in of the risk adjustment rates do not apply to managed care plans offering benefits exclusively to high-risk, specialty populations. The agency may set risk-adjusted rates immediately for such plans.
- Before the implementation of risk-adjusted rates, the rates shall be certified by an actuary and approved by the federal Centers for Medicare and Medicaid Services.
- Includes a definition of “capitated managed care plans” and specifies that the Children’s Medical Services program is included in this definition.
- Specifies Legislative intent that, if any conflict exists between the statutory provisions relating to reform and other Medicaid statutes, the reform requirements prevail. AHCA must report to the Legislature any conflicts identified during implementation.
- Requires AHCA to report to the Legislature by April 1, 2006, regarding negotiations with the federal government over the Low Income Pool and to submit to the Legislature quarterly and annual reports regarding implementation of the pilot projects.
- Requires that contracts between state agencies shall charge no more than a reasonable amount for indirect cost and overhead. Specifies that the limit on overhead or other indirect costs is not intended to limit an agency’s ability to certify matching funds or designate in-kind contributions that will allow the drawdown of federal matching Medicaid dollars.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 26-14; House 87-31

SB 12-B — Wilton Dedge Compensation

by Senators Webster and Haridopolos

Under Senate Bill 12-B, the Legislature appropriated \$2 million as compensation for Wilton Dedge for the 22 years he was incarcerated as an innocent man. Mr. Dedge was convicted for sexual assault, but was exonerated by a DNA test on evidence from the crime scene.

The payment under the bill is contingent on the satisfaction of several conditions before March 6, 2006. These conditions require the Dedge family to dismiss with prejudice the lawsuit that they have filed against the state and waive any other claims that they may have. The Department of Financial Services will use the appropriated funds to purchase an annuity for Mr. Dedge from an insurance company or other financial institution of his choice.

The bill also waives tuition requirements for Mr. Dedge for up to 120 hours of instruction at state career centers, community colleges, and state universities to which he is admitted. The tuition benefit under the amendment is similar to the benefits received by children of police officers who were killed in the line of duty.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 117-2

HB 41-B — Judges

by Rep. Goodlette and others (SB 14-B by Senators Saunders and Aronberg)

This bill creates two new circuit court judgeships for the Twentieth Judicial Circuit and two new county court judgeships for Collier County. The judgeships must be filled by an appointment by the Governor. The judgeships take effect on January 2, 2006. Additionally, the bill authorizes nine full-time equivalent positions for the courts and two full time equivalent positions for the Office of the State Attorney for the Twentieth Judicial Circuit.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 119-0

HB 1-B — Slot Machine Gaming

by Business Regulation Committee and Rep. Attkisson (SB 4-B by Senators Jones, Posey, Geller, and Constantine)

The bill creates ch. 551, F.S., to implement s. 23, Art. X of the State Constitution, which was adopted in November 2004, and authorized the use of slot machines in certain pari-mutuel facilities in Miami-Dade and Broward Counties if approved by referendum in each county. The voters in Broward County approved a referendum authorizing slot machines on March 8, 2005. The voters in Miami-Dade County did not approve a referendum authorizing slot machines in that county.

The bill provides for powers and duties of the Division of Pari-mutuel Wagering of the Department of Business and Professional Regulation to adopt rules necessary to license, implement, administer, and regulate slot machine gaming. The bill provides for powers and duties of the Department of Law Enforcement and local law enforcement agencies. The bill provides for penalties, prohibits certain activities, and prohibits certain relationships.

The bill provides that the payout percentage of a slot machine be no less than 85 percent. The tax rate on slot machine revenues of 50 percent is imposed and up to 1500 slot machines are allowed for play for each facility. An initial application fee of \$3 million is required and is to be paid annually thereafter upon submission of a renewal application. The bill provides that the slot machine gaming areas may be open 365 days a year and open for a maximum of 16 hours per day.

The bill provides that no person under the age of 21 be permitted in slot machine gaming area, no complimentary alcoholic beverages can be served, and no ATMs are allowed within the facilities of the slot machine licensee.

The bill provides for temporary slot machine licenses under certain conditions.

The bill requires that there be a binding written agreement on file with the division that provides for the payment of purses and breeders' awards on live thoroughbred races conducted at the licensee's pari-mutuel facility.

The bill provides funding for the Division of Pari-mutuel Wagering and the Department of Law Enforcement. One million dollars is provided for a program for the prevention of compulsive and addictive gambling.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 33-7; House 110-8

HB 31-B — NASCAR License Plate

by Rep. Patterson and others (CS/SB 16-B by Transportation Committee and Senators Lynn, Clary, Wilson, Dawson, Siplin, Haridopolos, Aronberg, Bullard, Diaz de la Portilla, Peaden, Fasano, Smith, Hill, King, Posey, Baker, Campbell, Argenziano, Margolis, Miller, Wise, Saunders, Lawson, Villalobos, Carlton, Atwater, Dockery, Jones, Sebesta, Bennett, Pruitt, Alexander, Crist, Webster, Rich, Garcia, Constantine, and Geller)

The bill directs the Department of Highway Safety and Motor Vehicles to issue a NASCAR License Plate, upon the NASCAR Hall of Fame, Inc., meeting the requirements of s. 320.08053, F.S. In addition to applicable motor vehicle registration taxes and fees, a \$25 annual use fee will be charged for this new specialty license plate. The annual use fees will be distributed to the NASCAR Hall of Fame, Inc., to be used exclusively for the construction and operation of the NASCAR Hall of Fame.

If approved by the Governor, these provisions take effect 30 days after the City of Daytona Beach is designated by the National Association for Stock Car Auto Racing, Inc., as the site for the official NASCAR Hall of Fame facility.

Vote: Senate 39-0; House 116-3

HB 15-B — Ad Valorem Taxation

by Rep. Hasner and others (SB 10-B by Senators Atwater, Klein, and Aronberg)

This bill allows the governing body of a county that has been declared a major disaster area eligible for individual assistance to extend the time in which property tax payments made by individuals will qualify for early-payment discounts. The provisions of this bill expire April 1, 2006.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 119-0

Index

SENATE AND HOUSE BILLS	
0001-B.....	13
0002-B.....	7
0003-B.....	7
0004-B.....	13
0006-B.....	3, 5
0008-B.....	4
0010-B.....	17
0012-B.....	11
0014-B.....	11

0015-B.....	17
0016-B.....	15
0018-B.....	1
0031-B.....	15
0040-B.....	5
0041-B.....	11

CHAPTER LAWS	
2005-133	7

FLORIDA STATUTES	
0106.29.....	5
0320.08053.....	15
0551.....	13

STATE CONSTITUTION	
Art. X, s. 23.....	13
Art. X, s. 24.....	1

A

Ad Valorem Taxation	17
---------------------------	----

F

Florida Minimum Wage Act.....	1
-------------------------------	---

I

In-Kind Contributions to Political Parties	4
--	---

J

Judges.....	11
-------------	----

L

Lobbying Reform.....	3
----------------------	---

M

Medicaid	7
----------------	---

N

NASCAR License Plate	15
----------------------------	----

P

Public Records/Public Meetings Exemptions for Executive Lobbying Compensation Reporting. 5	
--	--

W

Wilton Dedge Compensation.....	11
--------------------------------	----