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Sent: Friday, March 23, 2012 4:31 PM
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Subject: TALLAHASSEE WEEKLY REPORT - March 19-23, 2012

TALLAHASSEE WEEKLY REPORT

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Redistricting

Yesterday, in the midst of a Special Session, the Florida Senate passed a revised map of its new districts. Near the end of the Regular Session, the Florida Supreme Court rejected the Senate map on constitutional grounds, while unanimously approving the House map. The newly passed Senate map will be taken up by the House next week, as members will travel back to Tallahassee to debate and vote on the map. The House redistricting committee will meet on Monday, with the bill being taken up on the floor on Tuesday and Wednesday. Upon House passage, the map will then go back to the Supreme Court for approval.

Under the new map, two pairs of incumbents are drawn into the same district, Senators Andy Gardiner and David Simmons, along with Senators Ellyn Bogdanoff and Maria Sachs. Senator Simmons has indicated that if the Court approves the map, he will move into the open Seminole County district which includes much of the area he currently represents.

In terms of Miami-Dade County, Senator Miguel Diaz de la Portilla filed, and subsequently withdrew, an amendment that would have resulted in a fourth predominantly Hispanic seat being created. Senator Diaz de la Portilla implied in his withdrawal that population shifts would likely lead to this issue being resolved at a later time through the courts.

In terms of the new map for the Congressional districts, a Tallahassee Circuit Judge has set a hearing for April 16 to hear any relevant challenges. Legislative leaders, namely Senate

Reapportionment Chair Don Gaetz, had the judge deny a request to delay action on this map until after the November elections.

Trayvon Martin

In light of the tragic shooting of Miami Gardens teenager Trayvon Martin in Sanford, Florida, Governor Rick Scott appointed a new prosecutor to oversee the investigation. Angela Corey, a prosecutor from Jacksonville, will now take over the case after the local prosecutor, Norman Wolfinger, recused himself.

The Governor also appointed a task force, which will be led by Lieutenant Governor Jennifer Carroll to hold hearings on the shooting, and make recommendations for relevant changes to state law.

Aside from Wolfinger's decision to recuse himself, Sanford Police Chief Bill Lee decided to temporarily leave his position, in light of the scrutiny that has been placed on him for what many believe has been a mismanagement of the case by not arresting the shooter, George Zimmerman.

Trayvon Martin's tragic shooting has brought national attention to Florida's "Stand Your Ground" law, which Zimmerman used to claim self defense. Several legislators, including Senator Oscar Braynon, have called on the Senate to hold hearings into the shooting and possible changes in law, and have taken to the national media to speak up on Martin's behalf.

The following link will provide you to Senator Braynon's appearance on CNN last night: <http://www.cnn.com/video/standard.html#/video/bestoftv/2012/03/22/exp-trayvon-martin-debate.cnn?iref=allsearch>

Bill Action This Week

Governor Rick Scott signed one bill into law this week, HB 1205, the Drug-Free Workplace Act, <http://www.flsenate.gov/Session/Bill/2012/1205>, which gives state agency directors the ability to randomly drug test 10 percent of their workforce, without the need for suspicion.

Obtained via FOIA by Judicial Watch, Inc.

While the bill does not take affect until July 1, the Governor has asked agency heads to refrain from implementing the drug tests until an existing court case on the matter is resolved.

The Governor was also presented with 34 bills earlier this morning. Listed below are those relevant to Miami-Dade County. He has until April 7 to act.

- **HB 37, Knowingly and Willfully Giving False Information to a Law Enforcement Officer, Rep. Diaz** – this is the bill filed as a result of the Casey Anthony trial, and creates “Caylee’s Law”. The Board of County Commissioners passed a resolution, sponsored by Commissioner Diaz, in support of this bill. <http://www.flsenate.gov/Session/Bill/2012/0037>
- **HB 357, Homestead Exemptions for Seniors, Rep. Oliva** – this bill is the statutory implementing bill for the constitutional amendment (HJR 169, also by Rep. Oliva) which provides for an additional homestead exemption for certain seniors. The Board of County Commissioners passed a resolution, sponsored by Chairman Martinez, in support of this issue. The bill takes effect if the amendment passes in the November election. <http://www.flsenate.gov/Session/Bill/2012/0357>
- **HB 711, Sale or Lease of a County, District, or Municipal Hospital** – this bill requires various governing boards of publicly owned hospitals around the state to evaluate the benefits of selling or leasing hospital facilities to a not-for-profit or for-profit entity. <http://www.flsenate.gov/Session/Bill/2012/0711>
- **HB 7049, Human Trafficking, Judiciary Committee** – this bill, which appeared as a critical priority based on a resolution sponsored by Commissioner Diaz, increases penalties for human trafficking to a first degree penalty, and provides additional powers to the Statewide Prosecutor to pursue these cases. <http://www.flsenate.gov/Session/Bill/2012/7049>

Elections Law

The United States Justice Department informed a federal court that it feels a change-of-address provision found in a sweeping elections bill passed in 2011 is discriminatory. It had previously informed the court that it would also be opposing a reduction in the number of early voting days, as well as restrictions on new voter registration drives.

Because of previous violations in the federal Voting Rights Act in five Florida counties, any changes to the state’s election law must be approved by the federal government.

Miami-Dade Legislative Delegation

Obtained via FOIA by Judicial Watch, Inc.

Earlier this week, several House members of the Miami-Dade Legislation met with Mayor Carlos Gimenez to go over their accomplishments this past session. Senators were unable to attend because they were traveling to Tallahassee. Members in the meeting included: Delegation Chair Carlos Lopez-Cantera, Vice Chair Jose Diaz, and Representatives Jeanette Nunez, Jose Oliva, Carlos Trujillo, Eddy Gonzalez, Mike Bileca, Daphne Campbell, Barbara Watson, Luis Garcia, and Ana Rivas-Logan.

Also this week, as the County Commission held a discussion on the 2012 legislative session, Delegation Chair Lopez-Cantera and Vice Chair Diaz attended the meeting to provide further insight on what took place in Tallahassee. Much of the discussion centered on HB 5301, the Medicaid billing issue that we have previously reported on. Chair Lopez-Cantera stated that the version of the bill first put forth by the Senate would have been much more harmful to counties, and the bill that passed makes it a bit more palatable because it allows for the payments to be made over time.

Chairman Lopez-Cantera, who is termed-out and thanked the Board of County Commissioners for the time they spent working together, encouraged the members to reach out to individual members of the delegation early in the legislative process in order to voice any concerns over possible legislation that can affect the county. The Board thanked him for taking the time to appear before them.

Medicaid Billing Issue

HB 5301, the Medicaid billing issue that we have repeatedly reported on, was the subject of two editorials this week in the Miami Herald. The first was written by the Herald's editorial board, and the second was a letter by Broward Commissioner Stacy Ritter, a former legislator. They can be found in the links below:

- Editorial Board: <http://www.miamiherald.com/2012/03/20/2704451/veto-these-bills.html>
- Commissioner Ritter: <http://www.miamiherald.com/2012/03/21/2706436/medicaid-burden-shouldnt-fall.html>

This bill was presented to the Governor on March 14, he has until March 29 to act on it.

Business in Cuba

Earlier this week, Miami-Dade County Attorney Robert Cuevas issued an opinion stating that the terms of HB 959 cannot be enforced at the county level until the federal government authorizes the state to enact procurement limitations, or a federal court finds the law to be constitutional.

HB 959, sponsored by Representative Mike Bileca and Senator Rene Garcia, prohibits the hiring of companies that have business ties to Cuba and Syria.

Internet Cafes

The Federal Appeals Court in Atlanta chose this week not to grant a temporary injunction against Seminole County's ban on internet cafes (what we have come to know as "maquinitas"). There are currently over 1,000 cafes in the state, and rely on a state statute written in the 1970s.

This past session, the House moved forward with a bill by Representative Scott Plakon banning these cafes. The Senate was more interested in regulating them.