

2008 Florida State Legislative Accomplishments

April 4, 2008

1. Brian Daiagi - Claims Bill

H B 797 Relief for Brian Daiagi

Florida 's Constitution requires individuals with judgments in excess of \$200,000 against a governmental entity to appeal to the Legislature with a Claims Bill.

The Claims Bill for Mr. Daiagi was the result of a jury verdict awarding him \$3.9 million dollars for the negligence of the South Florida Water Management District. Mr. Daiagi was in an accident on land owned by the District and is now paralyzed from the waist down. Although the jury had awarded Mr. Daiagi a judgment, and the District Court of Appeal upheld the verdict, the South Florida Water Management District contested the Claims Bill and fought vigorously to defeat it. On the House and Senate Floors, the Bill was hotly debated. Our Firm also worked with the Special Masters and the House and Senate counsel throughout the process.

2. Daniel Decembre - Claims Bill

We successfully passed legislation authorizing the Orange County School Board to pay \$1.8 million to Daniel Decembre. Decembre was brutally attacked on school grounds by a dog. The relief bill garnered much coverage from the local newspaper, Orlando Sentinel. It was a hard fought battle that was resolved during the waning hours of Session. We successfully passed the Bill despite a negative recommendation by the Special Master.

3. The Family Law Section of the Florida Bar

The Family Law Section of the Florida Bar provides section members and the public with information on attorneys practicing in the areas of divorce, child custody, adoption, modification of judgments and enforcement of alimony and child support. The Family Law Section also introduces, reviews, and monitors, bills filed in the Florida Legislature that affect Florida 's families. The following four Bills were top 2008 priorities. They all passed.

- **S B 2532 - Child Custody and Support by Sen. Lynn**

This legislation promotes amicable resolutions of parenting issues by promoting less litigation and reduces the resulting emotional stress which is unnecessarily inflicted upon children arising from their parents prolonged legal disputes.

- **S B 1474 - Dissolution of Marriage by Sen. Joyner**

This legislation abolishes the special equity doctrine. The special equity doctrine was an antiquated mechanism for division of property in divorce cases. The special equity doctrine was inconsistent with the framework of classification of assets as provided by Florida 's current equitable distribution statute, Florida Statute 61.075.

- **S B 0766 - Pub. Rec. Judicial and Administrative Officials by Sen. Rich**

This bill creates a public records exemption for the home addresses and telephone numbers of General Magistrates, Child Support Enforcement Hearing Officers, Article V Judges and their children.

- **H B 0663 Relating to Termination of Parental Rights**

This legislation requires a petition for the adoption of a dependent child to be accompanied by a statement signed by the prospective adoptive parents acknowledging receipt of all information required to be disclosed.

4. Florida Retail Federation

Retailing is Florida 's second-largest industry. FRF represents all sizes and types of retailers and businesses, including retailing centers and 3,600 retail pharmacies in Florida . We monitor hundreds of Bills each session and work on many issues.

5. The Washington Center

The Washington Center for Internships and Academic Seminars is an educational nonprofit organization serving hundreds of colleges and universities in the U.S. and other countries by providing selected students challenging opportunities to work and learn in Washington , D.C. for academic credit.

Working with our sponsors, we were able to secure the recurring \$240,000 the Washington Center receives from the State Legislature.

6. Florida Medical Association

H B 405 Managed Care

Assisted in passing HB 405, the FMA's top priority. Currently, insurance companies have 36 months to "look back" at reimbursements made to doctors to determine their validity and make changes as they see fit. This bill, among other things, changed the look back period from 36 months to 12 months. Insurance companies fought ardently against this bill

7. Southwest Ranches

Southwest Ranches was awarded \$39,0000 in water projects. Additionally, we passed legislation granting the Town two appointments to the South Broward

Utility Board. This Board governs water utility fees for the Town and gives them a seat at the table. The Bill had some opposition.

8. Justice Research Center

Though they were originally on the cut list from the Department of Juvenile Justice Budget, we saved their 10 year contract with the Department from the budget ax.

9. Kristi House

Kristi House is one of our pro bono clients. We helped to pass legislation making it easier to prosecute pimps who engage in the commercial sexual exploitation of children by removing the prosecutions requirement to prove the pimp knew “force, fraud or coercion” would be used to get the minor to engage in sex.

10. Florida Rights Restoration Coalition

We successfully worked to have the Clemency Board grant the restoration of rights to former felons on April 5, 2007. The new Florida Felon Rights rule divided felons into three categories. The civil rights being restored are the right to vote, serve on a jury, hold public office and apply for occupational licenses.

We successfully lobbied for \$50,000 from the Florida Parole Commission’s 2007-08 budget to provide for community-based marketing and outreach pertaining to changes made by the Florida Cabinet concerning restoration of civil rights.

11. Bethune-Cookman University

- Successfully passed legislation for the Bethune-Cookman University collegiate license plates.
- Some of our accomplishments includes legislation that allows B-CU to directly work with the Council on the Social Status of Black Men and Boys on education issues.
- Legislation to include B-CU in the creation of the Tobacco Education and Prevention Program and the Space Technology and Research Diversification Initiative.
- Fought for reduced cuts to the FRAG program and the 2008-09 HBCU funding allocation.
- Secured more than \$4 million in recurring funding for access, retention and recruitment.

12. City of Lauderdale Lakes

We successfully secured \$300,000 in funding for the City’s Stormwater Improvement Project Phase 3 and worked with the Florida League of Cities to successfully defeat legislative attempts to place spending revenue caps on local government, and any further property tax reform measures.

13. City of Miami Gardens

We secured \$100,000 in funding for the City's Drainage Improvement Project, and worked with the Florida League of Cities to successfully defeat legislative attempts to place spending revenue caps on local government, and any further property tax reform measures.

14. City of Opa-Locka

We secured \$100,000 in funding for Cairo Lane Stormwater Drainage Improvements, \$100,000 in funding for the City's NW 143rd Street Stormwater Drainage Improvements, and \$76,049 in FRDAP funding for the City's local park project, Ingram Park 's Lakefront.

15. City of Pompano Beach

We secured \$125,000 in funding for the City's Chlorine System Conversion project, and \$135,199 in FRDAP funding for the City's local park project, Pompano Community Park Amenities.

16. City of West Park

We secured \$250,000 in funding for the City's SR7/US 441 Stormwater Improvements.

17. Florida Memorial University

Some of our accomplishments include :

- Defeating legislation that sought to revise the way independent universities calculate their graduation rates.
- Defeating legislation that would potentially burden the accountability standards and accreditation status of independent universities.
- Successfully amending legislation to include FMU in the creation of the Tobacco Education and Prevention Program.
- Successfully fought for lower cuts to the FRAG program and the 2008-09 HBCU funding allocation.
- Successfully amended and passed legislation that allows FMU to directly work with the Council on the Social Status of Black Men and Boys on education issues.
- Secured over \$3 million in funding for access, retention and recruitment

18. Miami-Dade County

Preserved \$3.5 million dollars in funding for the County's Traffic Signal Control Cabinet Inversion project. The project will be included in the Florida Department of Transportation's 5 Year Work Plan.

Defeated legislative attempts to weaken the County's ordinance on Crane Safety. We negotiated with County officials and legislative sponsors for over 15 hours to find a common solution.

Formed a coalition with Orlando and Broward County officials to defeat legislation that would relieve internet companies from paying taxes on local

hotel rooms.

Passed legislation that would create a Children's Zone in Liberty City , Little Haiti, Wynwood, and Unincorporated North Dade. The initiative would establish a holistic approach to addressing the education standards, economic disadvantages, and crime rates in an urban community.

Supported legislation that would strengthen Elder Care facilities throughout the State.

Supported legislation that would provide insurance coverage for individuals with autism spectrum disorders.

19. Service Employee International Union

Lobbied for hearings in the Senate on the change of ownership in Nursing Homes

Worked with Healthcare leaders to maintain statutory language related to 2.9 nursing staff ratios. We were able to reduce the two year rollback to only one year.

Defeated attempts to pass the taxpayer bill of rights in the Florida Legislature and the Taxation and Budget Reform Commission.

Passed legislation that provides transparency in relation to hospital care and costs.

Defeated attempt to modify implementing bill language that would have prevented nursing homes from being cited if they failed to maintain 2.9 staffing levels.

20. City of Hollywood

Passed landmark beach management Legislation, House Bill 1427, which calls on the Department of Environmental Protection to ensure that annual funding priorities include inlet sand bypassing, modifications to channel dredging, jetty redesign, etc. The City of Hollywood has been negatively impacted for decades by Port Everglades. This legislation will prioritize the funding for the Port Everglades sand by-pass project.

Ocean Outfall: Worked with Department of Environmental Protection and Hollywood on Ocean Outfall legislation that will curtail its use. We successfully Amended the Legislation as it relates to water reuse, deep well injection, wet weather events, effluent flows, etc. The Amendments and changes will result in significant cost savings to the City.

Funding Issues :

\$250,000 Fred Lippman Senior Center (14th year of annual funding with no cuts).

\$135,199 Oak Lake Park

\$135,199 Jefferson Park

\$300,000 Port Everglades Sand Bypass,

\$124,325 Restoration design and permitting and sand source investigation for Port Everglades to South County line

\$459,247 Monitoring of Segment III South Broward Beach project,
\$325,000 Glass Demonstration Hot Spot

21. Florida Association of Jewish Federation

Holocaust Claims Bill: Senate Bill 2012 extends the period another ten years within which certain insurers must permit claims from a Holocaust victim or from a beneficiary, descendent, or heir of such a victim and extends the period in which actions seeking proceeds of certain policies may not be dismissed.

Each year we also work with many Federations and Agencies on specific funding requests. Our goal this year was to hold the line on existing programs and fight any cuts or elimination of programs in the recurring base budget. The following programs are in the recurring base budget of the Department of Elder Affairs:

Funding Issues

\$187,440 Dan Cantor Center

\$180,000 Mt. Sinai Caregiver program

\$180,000 Elderly House Call

\$170,391 Miami Beach Senior Center

\$ 42,471 JCS In-home respite

\$ 90,000 Senior Wellness

\$100,000 Holocaust Survivors Assistance

\$ 25,000 Gelber Day Care Center

\$157,500 Federation Transportation

Other programs funded include :

\$1,416,000 Non Custodial Parent Employment Program

\$ 650,000 Ex-offender re-entry program

\$ 300,000 Florida Holocaust Center

\$ 350,000 Holocaust Survivor Program

22. Oracle

Worked to enact a new governance structure for implementation of People Soft ERP. HB 5043 provides for a new Financial and Cash Management System and some limited funding.

23. Ocean Harbor Insurance Company

Worked to defeat any legislation adverse to the PIP (Personal Injury Protection) insurance statutes approved in the special session in 2007.

24. City of Cape Coral

State Road 78 Funding :

Successfully enacted changes to F.S. 163.3182, the Transportation Concurrency Backlog Authority in SB 682. The existing statute is unworkable as it limits sources of funding (i.e. debt) terms of debt repayment and many other issues. The new statute will address areas of significant transportation deficiencies and inadequacies such as State Road 78 in Cape Coral - Lee County . The Bill changes F.S. 339.135(5) which increased the cap of reimbursement for projects to \$250,000,000. This is critical to the funding for State Road 78 project.

Del Prado Road Widening Funding \$4M :

Worked with House and Senate budget committees to ensure that any proposed cuts would not defer approved projects for TRIP funding. The language is in HB 5067.

Chantry Park :

Secured \$135,000 for park improvements.

25. Solid Waste Authority of Palm Beach

The Solid Waste Authority of Palm Beach County owns and operates a number of landfills, incinerators, transfer stations, etc. We successfully Amended various Bills to ensure that they would not negatively impact the landfills operated by the SWA. We also worked on an Omnibus Energy Bill and protected the waste to energy facilities run by the SWA.

26. Community Association Leadership Lobby ("CALL")

The Community Association Leadership Lobby ("CALL") had a very successful 2008 Legislative Session. Created by Becker & Poliakoff, P.A., CALL is the leading organization working to enhance the quality of life and protect property values for Florida 's community association residents. CALL advocates on behalf of more than 4,400 member communities, including condominiums, homeowners' associations, mobile home communities and cooperatives throughout the state. CALL monitors and responds to legislation emerging from Tallahassee that can significantly impact its members. The highlights of CALL's efforts in 2008 include the following:

- CALL played a key role in getting “emergency powers” language incorporated into the Condominium Act, via House Bill 995. HB 995 has been signed by Governor Crist and will become law on October 1, 2008. This language was initially drafted by Becker & Poliakoff attorney Joe Adams. The new law provides the board of directors of a condominium new and increased authority to act to protect property and owners in the event of a declared emergency.
- Also contained within HB 995, CALL drafted an important “glitch fix” which was added to the Condominium Act (Section 718.113(2)(a), Florida Statutes) regarding material alterations. This correction will clarify and resolve a legal ambiguity that had existed in the statute.
- CALL worked to create additional flexibility for communities seeking to implement hurricane protect by requesting revisions to the portions of HB 995 dealing with this issue.
- CALL was instrumental in getting many objectionable changes to the Condominium Act, contained in the original version of HB 995, from becoming law. For example, the original version of HB 995 would have called for criminal sanctions for Board members who failed to properly maintain a condominium association’s official records. CALL was able to convince the legislators to remove this onerous language from the bill.
- CALL fought to preserve the rights of condominiums to establish two year staggered terms to promote continuity on the board of directors.