

WEDNESDAY, JUNE 3, 2015



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# Sunburn — The morning read of what’s hot in Florida politics — March 31

By **Peter Schorsch** - Mar 31, 2015

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Sunburn – The morning read of what’s hot in Florida politics.

Today’s **SachsFact** is brought to you by the public affairs, integrated marketing and reputation management experts at Sachs Media Group: It took \$45 million, 1,016 days and more than 3.2 million man-hours of labor to build, but Florida’s towering Capitol has stood the test of time – 37 years since its dedication. The 22-story building, the tallest in Tallahassee, was opened for

use the previous year but officially dedicated by Governor Reubin Askew on March 31, 1978. Always a strong believer in the highest ideals of government, Askew said that day: “We dedicate it, not only here today, but every day as we work for the people who really

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SIGN UP

The morning  
Florida politic

Email

own it."

Now, on to the 'burn...

**DAYS UNTIL** Sine Die – 32; Special Election in SD 6, HD 17 & 24 – 6; Special Election in HD 64 – 21; Jacksonville's Mayoral Election – 49; Florida's Presidential Primary: 350; Florida's 2016 Primary Election: 518; Florida's 2016 General Election: 588.

**JEB BUSH, HILLARY CLINTON LEAD LATEST NATIONAL POLL** via **Sarah Dutton, Jennifer De Pinto, Anthony Salvanto, and Fred Backus of CBS News**

The Republicans: As he did last month, Jeb Bush remains the potential candidate with the most support from Republicans, and he is also the best-known of the candidates tested. Former Governor Mike Huckabee shows the second-highest level of consideration, followed by Senators Rand Paul and Marco Rubio. Respondents could say "yes" to as many or as few candidates as they wanted.

Texas Senator Ted Cruz has undergone the biggest change since last month (interviews were being conducted for the poll when he announced his candidacy): 37 percent of Republicans would now consider voting for him, last month only 23 percent said so. Senator Rand Paul has gained 9 points since last month; now, 39 percent would consider voting for him, up from 30 percent in February.

Wisconsin Governor Scott Walker remains less well-known, but almost all Republicans who know him would consider voting for him; just 8 percent say they would not (the smallest percentage of any potential candidate tested in the poll). The difference between the percent that say they would consider him (35 percent) and the percent that would not (8 percent) is largest for Walker.

While the percent of Republicans that would consider voting for New Jersey Governor Chris Christie has held steady, Christie also receives the highest percentage – 42 percent – who say they would not consider voting for him. Fewer Republicans now say they would consider voting for neurosurgeon Ben Carson than did so last month.

The poll tested a number of policy positions in general terms, asking Republicans if they would consider voting for a hypothetical candidate for the party's nomination who holds a different view on an issue than they did.

The Democrats: Revelations about Hillary Clinton's use of a private email server while serving as secretary of state have done little to change her commanding lead as the

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potential candidate for the Democratic nomination in 2016. 81 percent would consider voting for her – the same percentage as last month.

Vice President Joe Biden follows Clinton as a distant second: 48 percent of Democrats would consider backing him for the Democratic nomination, virtually unchanged from February. Most Democrats still don't have an opinion yet of the remaining potential candidates asked about in the poll. Of this group, Senator Elizabeth Warren continues to have the most support: 31 percent would back Warren, and only 16 percent would not consider her for the party's nomination. Still, Warren remains unfamiliar to 53 percent of Democrats nationwide.

**THE LATEST Q-POLL OF FLORIDA'S PRESIDENTIAL PRIMARY Results available here after 6:30 a.m.**

As Bush and Rubio consider White House campaigns in 2016, Quinnipiac University will release a new survey of the presidential race in early primary states of Florida, Ohio and Pennsylvania.

Quinnipiac is following up its poll from early February showing Bush virtually tied with prospective Democratic candidate Hillary Clinton in Florida. Clinton also had a comfortable lead over Rubio. Florida, Ohio and Pennsylvania should be crucial swing states in the 2016 election cycle. If either Bush or Rubio becomes the Republican nominee, Florida will play an even bigger role.

**MARCO RUBIO CONFIRMS APRIL 13 LAUNCH via Marc Caputo of POLITICO**

Rubio confirmed ... he plans to make a big April 13 announcement — likely his presidential bid and likely at the Freedom Tower, an iconic Miami building known as the Ellis Island of the South.

"We haven't reserved a specific site yet ... I won't confirm that," Rubio said on "The Five," one of Fox News' most-watched talk shows. "But I will announce on April 13 what I'm going to do next in terms of running for president or the U.S. Senate."

Rubio had planned to make the launch announcement exclusively on "The Five," but the Tampa Bay Times ruined that plan over the weekend by reporting the likely date and venue.

Rubio's team plans ... to tour the Freedom Tower, which remains the likeliest spot for his announcement. Controlled by Miami Dade College, the school's president sent

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Early winner of tl  
for #EGS15, but  
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a Friday email labelled "confidential information" to trustees that said Rubio would use the tower as the location for a major announcement at 5:30 p.m. on April 13. The Mediterranean-style building, completed in 1925, is one of Miami's signature landmarks. It served as the headquarters of the former Miami News and then, after the newspaper vacated the building, became a U.S. processing facility that welcomed Cuban exiles fleeing Fidel Castro's government after he seized power in 1959.

Since then, the Freedom Tower has become synonymous with the Cuban immigrant experience, a pivotal part of the biography of Rubio, the son of Cuban immigrants. Rubio referred to his roots by saying America "literally changed the history of my family."

"I tell people all the time: America doesn't owe me anything," Rubio said. "I have a debt to America that I will never be able to repay. But if I have the opportunity to repay it somewhat, by serving in its highest office, that's something that I want to consider very seriously."

**OOPS** ... Rubio's website can't quote count to seven. **Check it out here**. H/t to Marc Caputo of POLITICO.

### **HOW RUBIO'S BIG MIAMI ANNOUNCEMENT COULD MAKE HIM LOOK LIKE A HYPOCRITE AND BUSH LIKE A PRINCIPLED CONSERVATIVE** via **Adam Smith of the *Tampa Bay Times***

Rewind the clock to 2003: the tea party was still a Revolutionary War phenomenon, Jeb Bush had just won a second term as governor, and Marco Rubio was merely a talented, young legislative leader, rather than a U.S. Senator and credible contender for leader of the free world. Rubio was a 31-year-old Florida House Majority Leader in 2003, a year when legislators faced particularly tough budget decisions. The Republican-controlled legislature ultimately had to hold a special session to hammer out a budget that raised college tuitions 8.5 percent, led to teacher layoffs, and left developmentally disabled Floridians on waiting lists for services.

But even as lawmakers were debating how much to funding for Florida's "medically needy" program for severely ill Floridians, Marco Rubio was pushing for taxpayers to spend \$7-million so Miami Dade Community College could buy Freedom Tower. He called it the "Cuban Ellis Island" and said it has "tremendous meaning in our community."

Then-Gov. Bush, a fellow Miami-Dade resident, threatened to veto the Freedom Tower earmark, calling it "a turkey," which is Tallahassee-speak for pork barrel project.

"It is certainly not a turkey," Rubio told the *Orlando Sentinel* at the time. "Just because a project maybe didn't go through the proper channels doesn't mean that it is unworthy of state funding."

### **POLL: CUBAN-AMERICANS LESS FAVORABLE THAN OTHER LIKELY VOTERS TO FAVOR OBAMA'S CUBA POLICY** via **the *Miami Herald***

A slight majority of likely voters nationwide favor President Obama's policy to normalize relations with Cuba, while a majority of Cuban-American voters think just the opposite, according to a survey to be released Monday by a Republican pollster.

The survey, carried out March 17-20 by OnMessage Inc., found that 51 percent approved of Obama's Cuba policy. But only 41 percent of Cuban-Americans surveyed approved the president's policy toward the communist island nation; 54 percent opposed it.

Similiar polls show that most Americans favor Obama's Cuba policy, while there is less support among Cuban-Americans.

### **TAMPA-CUBA TRADE AND TOURISM TIES HINDERED BY EMBARGO, CONFUSION** via **Jamal Thalji of the *Tampa Bay Times***

The bay area's appetite for tourism and trade with Cuba was stoked after the Obama administration relaxed some travel restrictions to the island nation in January.

But that interest is still stymied by red tape, confusion and the 53-year-old U.S. embargo of Cuba.

"I'm still seeing a lot of questions," said ABC Charters Inc. President Tessie Aral, who charts three flights a week to Cuba from Tampa International Airport.

Aral and other experts spoke at an informational forum ... about the potential for Americans to travel to Cuba and do business there. It was moderated by one of the area's most vocal critics of the embargo, U.S. Rep. Kathy Castor.

She said both nations are still adjusting to the relaxed travel rules. They also still have to deal with the embargo, which continues to block unfettered travel and trade.

"The embargo is still in place," Castor said. "That's why there are mixed signals."

### **COMMERCE SECRETARY PENNY PRITZKER COMES TO TAMPA TO PUMP**

## **CONTROVERSIAL TRADE AGREEMENT** via **Mitch Perry of Florida Politics**

U.S. Commerce Secretary Penny Pritzker came to Tampa ... ostensibly to discuss the Obama administration's new forays into diplomatic relations with Cuba. However, she used the majority of her speech to pump up the Trans Pacific Partnership, one of the biggest international trade agreements in modern history that president Obama hopes to have negotiated before the summer.

"We cannot forget or ignore the fact that 95 percent of the world's customers live outside the United States," Pritzker told the hundreds of people in attendance. "That is what our push for trade promotion legislation, for the Trans-Pacific Partnership and the Trans-Atlantic Trade and Investment Partnership, is about: providing American businesses with a fair opportunity to sell their goods and services to consumers across the Asia Pacific and in Europe – today, tomorrow, and long into the future."

The Trans-Pacific Partnership, or TPP, is considered huge in scope – it includes 11 other countries across the Asia-Pacific, covering about 40 per cent of global output. But very little is known about it by the public. Comparisons have been made to NAFTA, the free trade agreement that the U.S., Canada and Mexico signed in 1994. It's taken nearly seven years to negotiate.

Pritzker said that there are 570 million "middle class" consumers living in the TPP region currently, and that number is expected to reach 2.7 billion in 2030. She urged those in attendance to get behind supporting the deal, saying it would be cataclysmic for U.S. businesses if it doesn't go through.

"If we fail to strike tough new trade deals, other countries will move quickly to fill the leadership void. Our nation's global standing will suffer, and we will lose influence among critical allies," she warned, saying that without such an agreement, "our businesses and the workers they employ risk being left behind."

Pritzker did note that labor and environmental standards are important to the Obama administration.

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## **SQUEEZING ALAN GRAYSON? CONGRESSIONAL LIBERALS ENDORSE PATRICK MURPHY** via **George Bennett of the *Palm Beach Post***

There's more than regional significance to the endorsement by Rep. Lois Frankel of the 2016 Senate bid of her fellow Palm Beach County U.S. House delegation member, Rep. Patrick Murphy.

Frankel joins two other members of the county delegation — Reps. Ted Deutch, D-Boca Raton, and Alcee Hastings, D-Miramar — in endorsing Murphy for the seat of Republican Sen. Marco Rubio, who appears likely to give up the seat for a presidential bid.

The Frankel, Deutch and Hastings endorsements can be viewed as South Florida House members coalescing behind one of their own. But it's also noteworthy that all three are liberal Democrats whose voting records are more closely aligned with outspoken liberal Rep. Alan Grayson than with Murphy.

Grayson is also weighing a Senate bid. Grayson's controversial liberal pronouncements (comparing the tea party to the Ku Klux Klan, saying Republican health care policy wants patients to "die quickly if you get sick") might not play well in a general election, but he could cause a problem for Murphy in a Democratic primary dominated by left-leaning voters.

Murphy, who represents a Republican-leaning House district, has broken with Democrats on votes to delay portions of Obamacare, build the Keystone pipeline and change portions of the Dodd-Frank financial regulations.

According to an analysis by the Sunlight Foundation, Grayson has voted with his party 97 percent of the time in the current Congress, compared to an 83 percent party loyalty score for Murphy. Grayson and Murphy have agreed on 71 percent of votes.

**SAVE THE DATE:** Progressive group Ruth's List is holding a \$250-a-plate brunch in St. Petersburg on Sunday, April 12. Event begins 1 p.m. at the home of JoAnn Nestor, 3547 Bayshore Blvd. NE. Congresswoman Kathy Castor is special guest. Event host committee includes former State Sen. Betty Castor, Pinellas County Commissioners Pat Gerard and Janet Long, St. Petersburg City Councilwoman Darden Rice, former state CFO Alex Sink, Lorna Taylor and Lauren Weiner. RSVP is required.

## **DAVID JOLLY ONE OF 15 REPUBLICANS BEING TARGETED BY DCCC ON COLLEGE AFFORDABILITY** via **Mitch Perry of Florida Politics**

As we reported over the weekend, just 17 House Republicans to vote against his own party's budget last week. Now the campaign organization dedicated to helping him lose next year is going after a part of that vote that referenced college accessibility.

This week the Democratic Congressional Campaign Committee (DCCC) is targeting Jolly and 14 other House Republicans in college campus newspapers, attacking them for not supporting Pell Grants- which provide funding for low-income students working toward undergraduate degrees. A DCCC spokesperson told Florida Politics the ad would be running in the USF Tampa campus paper *The Oracle*. There are no plans to run it in *The Crow's Nest* (the USFSP paper) at this time.

"The Republicans made a clear statement of their priorities by casting votes that would make it more expensive for young people to attend college – priorities that stand in stark contrast to Democrats," said Ben Ray Luján, Chairman of the Democratic Congressional Campaign Committee. "We will be using the first week of Congress's April recess to remind voters just how out of touch Republicans are on college affordability."

Jolly isn't the only Florida Republican being targeted in the ad campaign. South Florida Republican Carlos Curbelo is also having ads ran against him in the campus newspapers of the University of Miami and Florida International University.

## **FOLEY & LARDNER AMONG 3 FIRMS VYING TO REPRESENT RICK SCOTT, CABINET IN SUNSHINE LAWSUIT** via **Tia Mitchell of the Florida Times-Union**

Gov. Scott and the Cabinet recently realized they never got around to hiring a firm to represent them collectively in the Sunshine Lawsuit filed against them over the firing of a state official.

Scott, Chief Financial Officer Jeff Atwater, Agriculture Commissioner Adam Putnam and Attorney General Pam Bondi hired attorneys to represent them individually after the lawsuit was filed in February. But it is customary to also have joint representation when a government body is named as a defendant along with individual people.

The four will review firms who have applied to represent them jointly during a Tuesday morning conference call. So far, they have received three applications, including one from Foley & Lardner, an international firm with a large presence in Jacksonville.

The firm said it would charge \$350 an hour for three attorneys, including Herschel Vineyard, who recently ended a stint as secretary of the Department of Environmental Protection under Scott. Former Jacksonville City Council President Kevin Hyde, attorney Robert Hosay and attorney Joe Jacquot, who currently serves as chair of the Jacksonville Ethics Commission and served as deputy attorney general under Bill McCollum, would also be assigned to the case. Karen Bowling, Scott's former business partner, works in the firms' governmental affairs department and is not listed as someone who would be assigned to assist with defending the lawsuit.

The others vying for the job include the firm Oertel, Fernandez, Bryant & Atkinson and the firm Shutts & Bowen. Daniel Nordby, a former general counsel of the Florida House under Speaker Will Weatherford, would serve on the Shutts & Bowen team.

Scott and the Cabinet will pay whoever they hire up to \$50,000 in fees and expenses. Of course, that is on top of \$50,000 and \$100,000 maximum contracts they already signed with various other firms.

### **DOC SKIRTS LAW, RISKS SAFETY ON PROBATION CASELOADS** via **Noah Pransky of WTSP**

Years of penny-pinching at Florida's Department of Corrections has led to supervisors skirting state laws that mandate maximum caseloads for probation & parole officers. And the result has been severe lapses in supervision over the state's most dangerous felons living in the community.

10 Investigates revealed the newest findings to DOC Secretary Julie Jones who expressed concern over the high caseloads and ordered all field offices to fill any available vacancy to reduce the workload on existing officers. But records indicate reversing the dangerous problems will be no easy task.

Following five stories last week exposing budget and supervision problems at the DOC's probation/parole division, 10 Investigates received more than 100 new tips from probation officers around the state. A common complaint from numerous regions involved the "piling on" of too many cases, which impacted officers' abilities to focus on high-risk offenders.

After the tragic case of Jessica Lunsford, Florida lawmakers instituted maximum caseloads for probation officers monitoring potentially-dangerous felons. Florida State Statute (F.S.S.) 948.001 prohibits officers from monitoring more than 50 drug offenders at once. F.S.S. 948.10 prohibits the DOC from giving officers more than 25 "community

control" or "house-arrest" cases.

But documents obtained by 10 Investigates shows many DOC offices loading officers up with full caseloads of statutorily-limited probationers, plus dozens of other max- and medium-risk probationers who fall under different classifications. A review of 14 drug offender-specialists in Hillsborough County revealed the average load was 105 cases each.

One officer had 48 drug offenders, 43 maximum-risk offenders, 20 medium-risk offenders, and 10 other cases. The DOC listed five drug-offender vacancies in Hillsborough County, which Jones said would be filled as soon as possible.

Officers in charge of community control probationers aren't supposed to have more than 25 cases, but most of the caseloads reviewed by 10 Investigates in Hillsborough County reveal officers with 20-25 house arrest cases also have dozens of other cases to worry about, many of which are deemed "medium-" or "high-risk" felons.

**ASSIGNMENT EDITORS:** Department of Economic Opportunity Executive Director Jesse Panuccio joins Commissioner of Education Pam Stewart and others to celebrate STEM Day at the Florida Capitol Courtyard, beginning 11:00 a.m., 400 S Monroe St. in Tallahassee.

**FDLE ADMITS MISSTEPS IN SENDING AGENT TO LIBERAL BLOGGER'S HOME** via **Steve Bousquet of the *Miami Herald***

Daniel Tilson, a liberal South Florida blogger, was just trying to be funny and witty at Gov. Scott's expense.

Tilson thought Scott's two-day roll-out of a tax cut calculator in the Capitol last week was so fanciful, he likened it to the Beatles' Magical Mystery Tour, a song that contains the lyric: "They're coming to take you away, coming to take you away." The laughing suddenly stopped when a special agent from the Florida Department of Law Enforcement's Miami office knocked on the door of Tilson's house in Boca Raton last week to ask him some questions.

Tilson wasn't home at the time, and he later had a five-minute phone conversation with the agent. His first-person account of the incident on the blog Context Florida ignited a social media firestorm. On Monday, FDLE Commissioner **Rick Swearingen** conceded his agency overreacted.

The following is the complete FDLE statement:

"On March 27, an FDLE analyst from our Fort Myers region came across the blog post, 'Coming to take you away, take you away ... #Scott.' The analyst passed the information on to her supervisor, who forwarded it to FDLE's Miami region. The Miami region asked an FDLE special agent to speak with Mr. Tilson to determine whether the post was merely referencing a song or something more. Following their conversation, the matter was closed.

"FDLE agents will always err on the side of caution when judging the context of a blog, email or other posting. However, Commissioner Swearingen is reviewing the incident and believes FDLE could have better evaluated the post and is speaking to all regions to ensure better coordination in the future."

Among the lingering questions are these: Don't FDLE agents have more pressing matters during working hours than to comb through Facebook posts looking for disparaging remarks about Scott? Why didn't FDLE's Miami office immediately alert the FDLE protective operations people who guard Scott at all times?

Did somebody in Scott's office tip off FDLE to the post and demand that Tilson be investigated?

### **KOCH BROTHERS GROUP ATTACKS ANDY GARDINER, SENATE OVER MEDICAID EXPANSION** via **Gray Rohrer of the *Orlando Sentinel***

Americans for Prosperity, the free-market advocacy group financed by the billionaire industrialists Charles and David Koch, is going on the attack.

The group sent mail ads to the districts of Senate President Andy Gardiner and 24 other senators over their support for a plan to expand Medicaid under the Affordable Care Act, or Obamacare.

It also encourages residents to call senator's district offices.

AFP sent the mailers to the districts of senators who voted for the Medicaid expansion plan in committee. Gardiner, who is vice president of external affairs at Orlando Health, doesn't sit on any committee as Senate President, but pushed expansion from the onset of the legislative session.

"I agree Florida should not expand the existing Medicaid program. What we have done

instead is to develop a consumer-driven approach that provides access to high-quality, affordable health care coverage while promoting personal responsibility," Gardiner stated in response.

"Our plan includes conservative, free market guardrails that will control the cost and growth of the Medicaid program for Florida's taxpayers."

AFP spokesman Andres Malave disagrees. He said the Senate plan will further burden a "bloated system."

**TWEET, TWEET:** @GoMeteoric: Count me among those who believes the fewer bills passed, the more successful the legislative session. Bring on @SineDieHanky

### **EMAIL BLITZ FIGHTS CUTS TO STATE LAND-BUYING FUNDS** via **John Kennedy of the *Palm Beach Post***

After leading a ballot measure last fall directing millions of state dollars toward environmental efforts, conservation groups now find themselves waging a new campaign to convince lawmakers how to spend the money.

Lawmakers' email in-boxes are being flooded with fresh, late-hour pleas from activists who led Florida's Amendment 1, dubbed the Water and Land Legacy measure.

The ballot proposal grew out of years of frustration among environmentalists over Gov. Scott and the Legislature's reducing funding for Florida Forever, the state's key conservation land-buying program.

So environmentalists were stunned by what they saw as bitter irony when separate budget blueprints emerging in the House and Senate last week again shortchanged Florida Forever.

Activists are firing back with a barrage of emails.

"These proposals have a long way to go before they satisfy the intent of Florida voters," said an email last week from 1000 Friends of Florida, among several conservation groups urging supporters to contact lawmakers.

The Senate is recommending \$2 million as the pot of money Florida Forever could use to buy new land and preserve it from development. The House has set \$10 million aside. Both amounts are far less than the \$67.5 million currently budgeted for land-buying and

the \$100 million recommended for the coming year by Scott. Environmentalists have said \$170 million should go toward Florida Forever.

**ASSIGNMENT EDITORS:** Craft beer enthusiasts, farmers, small business owners, scientists, local elected officials, and clean water supporters will gather at 3 Daughters Brewing in St. Petersburg in support of federal, state, and local efforts to protect clean water. Press conference begins 6:30 p.m., 222 22nd St. S, St. Petersburg.

## **MY TAKE: STATE HOSPITAL RATE-SETTING BILL WOULD HAMSTRING PROVIDERS** [Full story here](#)

The ledgers of Florida's major hospitals are a widely various mixture of uncompensated care in emergency rooms — the first and last line of medical defense for the indigent and uninsured — combined with more profitable services that help balance the books and ensure that hospitals have money to keep their infrastructures up to date and allow patients access to a wide range of elective operations that could not be provided at a loss.

A well-meaning bill now emerging in the Senate might well throw off that delicate balance.

SB 516 would create, in statute, a fixed-payment schedule for services provided by out-of-network or non-participating providers to patients of a preferred provider organization (PPO) or an exclusive provider organization (EPO) and prohibit providers from charging anything above that scheduled rate.

Introduced in the wake of reports of high rates billed to trauma patients, this bill's cure would be worse than the disease.

For years, emergency room service providers have negotiated rates in a market setting with insurance companies to come to a schedule of rates that both can live with. This arrangement has led to nationally recognized levels of care in Florida, a state with a large elderly population and others reliant on the care our hospitals provide.

SB 516 would stop those talks and force hospitals to limit care in some specialties in order to make up the capital they would lose from the presumably lower rates that result from the government-set payment schedules.

Besides disrupting current contract talks and the painstaking planning on the part of hospitals to coordinate services across our massive state, the bill would remove any

further incentive for the insurers and hospitals to negotiate going forward, wedging state government bureaucrats — God bless them — in between the doctors who provide emergency care to folks at their most vulnerable and the insurers who pay for it.

## **NEW RESTRICTIONS ON ABORTION COULD PASS LEGISLATURE** via **William March of the Associated Press**

The Legislature is considering several new measures to restrict abortions, including one with a strong chance of passage that calls for a 24-hour waiting period before a woman can undergo the procedure.

That measure, House Bill 0633, would require that a woman make one trip to the clinic for legally required counseling before coming back 24 hours later for the procedure. Another measure, House Bill 147, with less chance of passage, would require that abortion clinic doctors have admitting privileges at a hospital within 30 miles.

Waiting periods and admitting privileges have been part of unsuccessful Florida legislation in past years, but not as separate bills.

Abortion opponents say the measures intend to safeguard women's health, but some acknowledge that restricting access and cutting the number of abortions is one goal.

Pro-abortion rights supporters argue the bills are vulnerable to court challenges under the Florida Constitution, which says every person "has the right to be let alone and free from governmental intrusion into the person's private life."

Along with waiting period and admitting privileges bills, there is the "Florida for Life Act," a ban on most abortions that would challenge the U.S. Supreme Court's Roe v. Wade decision legalizing abortion. Rep. Charles Van Zant ... has introduced the bill, House Bill 247, every year since 2010, but even anti-abortion forces don't consider it feasible.

"It would immediately be struck down," Stemberger said. "It would be wasting political capital."

## **LEGISLATURE OPENS DOOR TO FOR-PROFIT MENTAL HEALTH SERVICES** via **Mary Ellen Klas of the Tampa Bay Times**

The data on Florida's mental health problem tells the story: people who go untreated for mental illness are more likely to be addicted to drugs, have children in the state's child welfare system, draw unemployment checks and land in prison.

The total cost to taxpayers is unknown but, according to the Kaiser Family Foundation, Florida ranks 49th in terms of per-capita spending on mental health.

After another year of tragic headlines, Florida legislators have proposed at least 22 bills that make the most dramatic changes to the state's mental health delivery system in decades. Under the proposals, they would change everything from the way the mentally ill are treated by law enforcement, doctors, child welfare workers and courts to the way the state matches federal mental health money. If successful, the state also would draw down \$40 million more in federal Medicaid funds to cover mental health services for uninsured Floridians.

But there is a catch: the reform effort would also end the system's dependence on not-for-profit managed care providers and would open the door to for-profit managed care companies to compete for the \$506 million in state business.

"We need to allow competition in the system," said Rep. Gayle Harrell ... who is sponsoring the House bill, HB 7119.

She said that the for-profit companies would have to follow the same "ground rules" as the not-for-profit organizations known as "managing entities," which now are required to spend no more than 5 percent on administration and devote the rest of the budget to mental health services.

The goal is to provide more performance-based payment of services, but the idea has drawn mixed reviews from mental health advocates. On one hand, they welcome the long-overdue update of the state's mental health delivery system. On the other, they question how a chronically underfunded system could have room for big companies to make profits.

## **BILL TO SHIELD LAW ENFORCEMENT INFO ADVANCES IN SENATE COMMITTEE** via **Mitch Perry of Florida Politics**

Jack Latvala's expansive and controversial bill that would exempt the employment history of police officers exempt from public records disclosure sailed through the Senate Criminal Justice Committee this afternoon. Latvala said the legislation is needed after he learned that a Clearwater man who requested an employment application of a Clearwater police officer was able to unearth information about the officer that hadn't been redacted. "It brought to mind that there are some other pieces of information that could be used to track down the location of either a police officer, a law enforcement official, or their close family members," the Senator said.

The bill would make secret the residential addresses, including former residencies, and residencies in which the person frequently resides other than the person's home address; It would also shield email addresses, drivers license numbers, license plate numbers, and banking and financial information of current or former public defenders, asst. public defenders as well as law enforcement officers.

But that's not all.

It would also shield the home addresses, email addresses, phone numbers, photographs, dates of birth and places of employments of the parents, siblings and co-habitants of all of the above mentioned public officials. "In other words, we want to be able to keep folks who might want to cause harm to these law enforcement people for being able to get to their loved ones as well," Latvala added.

The Senator did offer an amendment that removes language that would have allowed former places of employment to be shielded from the public.

The legislation is strongly opposed by the First Amendment Foundation. The organization's president, Barbara Petersen has told the Tampa Bay Times that the exemptions "effectively eliminate oversight and accountability for these personnel by taking their entire history out of public view."

## **DOROTHY HUKILL AIMS TO SHOOT DOWN GPS TRACKING via James Call of Florida Politics**

Hukill struck another blow for privacy with a measure restricting the use of GPS devices. There are more than 25 global positioning satellites circling the earth and more than half of Americans have I-phones capable of communicating with the orbiting data collectors.

Parents find GPS devices help them monitor their teenagers' coming and goings. Employers use it to improve customer service such as deliveries and to save money on fuel and make sure employees don't leave work early.

Hukill though told the Senate Criminal Justice Committee that GPS tracking also has dark side. She explained GPS tracking devices placed on a vehicle played a role in two murder cases in other states and of several instances of violence and domestic abuse.

The Criminal Justice Committee cleared it with a unanimous vote.

## **FUTURE OF JET FUEL TAX EXEMPTION UNCERTAIN** via **Ryan Ray of Florida Politics**

Sen. Darren Soto has thrown a wrench into an already contentious plan to eliminate a tax break for small airline carriers.

As Sen. Anitere Flores' bill was taken up in Senate Finance & Tax on Monday, she was prepared for a heated back-and-forth between legacy carries like United Airlines and Delta, who stand to gain from her bill to eliminate the break and replace it with a lower overall rate of jet fuel taxation, and smaller carriers like Jet Blue and Spirit, who now argue that the exemption is crucial to their business model.

But she was not prepared for Soto's late-filed amendment which would replace that language with an evaluation scheme providing that airliners will selectively receive the break based on number of Florida jobs created, capital investment in Florida and the creation of new routes within the state — including, Capitol-goers might wistfully hope, much-needed enhancements for its routes through Tallahassee.

The amendment was opposed by Flores who stopped short of calling it “unfriendly” but certainly implied as much, as well as by Chair Dorothy Hukill. Yet, improbably, it ended up passing on a 4-3 vote.

Where that leaves Flores in her efforts is unclear. A legislative aide with her office said he had “no clue” as to whether she will still pursue the bill or will try to purge it of Soto's language in its next stop, Appropriations.

“We have a long history of working together on issues, so I think we'll come to a resolution that helps the small airlines that are so invested in my district in Orlando as well as one that creates a level playing field for all carriers that service Florida,” Soto told Florida Politics.

## **LEGISLATORS POUND FMPA AFTER TOP OFFICIALS FAIL TO APPEAR** via **Bruce Ritchie of Florida Politics**

Senators and representatives serving on a panel that oversees state audits responded angrily ... when they were told that top officials at the Florida Municipal Power Agency were too busy to meet to discuss audit findings that described lavish spending and risky fuel trading schemes.

And Sen. Joe Abruzzo, a Democrat from Wellington who chairs the Joint Legislative Audit

Committee, vowed that FMPA officials will be subpoenaed when they are requested again to attend a committee meeting.

The Auditor General issued a report this month finding that the FMPA participated in fuel hedging practices that cost municipal customers \$247 million between 2003 and 2014. The Auditor General also cited spending including more than \$12,000 on holiday parties, nearly \$600,000 in travel costs over a 20-month period and health care benefits for life for CEO and General Manager Nick Guarriello.

Newberry Mayor Bill Conrad, who serves as board chair, told the Joint Legislative Auditing Committee that Guarriello didn't show because the agency had not received the request until Friday and he had scheduling conflicts. The committee consists of five senators and five representatives.

Deputy General Counsel Jody Lamar Finklea told the committee that the FMPA received the request on Tuesday but the general counsel Frederick M. Bryant could not attend because he was ill.

Sen. Lizbeth Benacquisto, a Republican from Fort Myers, said she also was sick but still was there. Asked whether Bryant had been prepared to attend, Finklea responded, "The general counsel and general manager are very busy folks."

## **SENATE COMMERCE PANEL SAYS NO TO PALCOHOL SALES IN FLORIDA** via **Christine Jordan Sexton of Florida Politics**

A Senate commerce panel ... passed a ban that bans the sale of powdered alcohol in Florida.

Under CS/SB 998 a person who sells or offer to sell Palcohol can be charged with a first degree misdemeanor and a second violation in five years would be a third degree felony. A person who purchases, uses offers for use or possesses Palcohol commits a noncriminal violation punishable by a fine of \$250.

The bill heads to the Senate Rules and Calendar Committee next.

The Alcohol and Tobacco Tax and Trade Bureau approved labels for several variety of powdered alcohol product "Palcohol" on March 10, 2015. The bureau is responsible for assuring that alcohol and tobacco products comply with federal marketing and labeling requirements and ensures that proper tax and trade requirements on alcohol. The TTB approved labels for Palcohol March 10.

## **IS FLORIDA READY FOR SLUNGSHOTS?** via **John Kennedy of the *Palm Beach Post***

Is Florida ready for a new concealed weapon? Some senators apparently think so, with the Criminal Justice Committee unanimously approving a bill (SB 1000) ... that would make it legal to pack a slungshot.

A slungshot is a stretch of knotted rope usually enclosing a steel ball or rock. It was used to help throw line in the maritime trade but was converted into a 19th century weapon that looks like something lifted from film director Martin Scorsese's *Gangs of New York*.

But Senate sponsor Alan Hays ... said the device is gaining new popularity in the smart phone age.

Hays said many women are tucking slungshots into their handbags for self-defense. But Florida currently makes carrying a slungshot a violation of concealed weapons laws and also includes penalties for manufacturing or selling them.

"This is a cleanup of an obsolete law," Hays said.

## **UBER INSURANCE DEAL COMES INTO FOCUS IN FLORIDA** via **Charles Elmore of the *Palm Beach Post***

A deal between insurers and ride service Uber is propelling a House bill as Florida legislators approach the halfway mark of their scheduled 60-day session.

But as committees wind down their business in the Florida House, other bills are facing likely death such as a measure to let drivers opt out of state-required Personal Injury Protection if they have health insurance.

House insurance chair John Wood ... said the mood in Tallahassee has been to see how existing PIP reforms play out. Any change would likely require the leadership of the governor and state's chief financial officer, he said.

Meanwhile, some insurance industry groups say they and Uber agree on a plan that sets requirements for drivers when they have the company's app turned on but have not yet accepted a request for service. It is in line with a model that surfaced last week as a possible standard across multiple states for Uber and Lyft, appearing in an amended version of HB 817 by Rep. Matt Gaetz.

It represents "a critical step forward," said Logan McFaddin, Florida government relations counsel for the Property Casualty Insurance Association of America.

An Uber statement on its blog said, "We believe everyone benefits from appropriate insurance standards and safe transportation options."

The original standard in the Gaetz bill for the "app on" period was no greater than that required for other private motorists under Florida law — \$10,000 liability for injury to one person and \$20,000 for two or more. Now it's \$50,000/\$100,000 plus \$25,000 for property damage, similar to requirements passed last fall in California, officials said.

### **LAKELAND HOSPICE UNDER THREAT DOES "RIGHT THING," CONTINUES TO TAKE CARE OF PATIENTS, PAY EMPLOYEES [Full story here](#)**

Despite threats of law enforcement action and regulatory sanctions, a Lakeland Hospice ordered to close by the state over a "disputed clerical error" is still taking care of its personnel and terminally ill patients.

Florida Agency for Health Care Administration has accused the Compassionate Care Hospice on Drane Field Road of not submitting license renewal paperwork by a February deadline. With that, the company's license is technically expired, according to the state, prompting a letter to CCH on March 9 ordering the hospice facility to cease operations immediately.

CCH officials said they sent the proper paperwork to the AHCA in a timely manner, which the agency says they never received. Last week, the AHCA denied a hearing for CCH attorneys to present what they say is compelling evidence the company submitted the proper license renewal.

In an emergency hearing, the First District Court of Appeal granted CCH approval to keep operating while the state sorts out the issue.

Despite an uncertain future, CCH remains committed to its employees, patients and families suffering through some of the most stressful situations possible. For example, the company today sent out payroll checks totaling \$250,000 for the 150 employees in the Central Florida region. This comes even as there are no assurances CCH will receive reimbursement, something dictated by state law for licensed hospice providers.

CCH Executive Robert Aberman said, for the time being, the company will continue to

pay employees and provide care to terminally ill patients

"It's the right thing to do," he said in an email.

### **MDX OVERHAUL PLAN GAINS GROUND** via **Kathleen McGrory of the *Miami Herald***

The Miami-Dade Expressway Authority's recent pledge not to hike tolls hasn't stopped state lawmakers from attempting to restructure the agency and impose tougher ethics regulations.

State Rep. Jeanette Nuñez and Sen. Anitere Flores are pushing legislative proposals that would shrink the MDX board from 13 members to nine. The bills (HB 989/SB 1276) would also prohibit anyone who has represented or done business with a government agency over the past decade from being appointed to the board.

The Senate version of the bill is scheduled for a hearing ... before the Ethics and Elections Committee. Its counterpart in the House has just one more committee stop before it can be considered on the floor.

Nuñez sponsored a similar proposal last year, after the MDX board defied opponents and raised tolls on the busy Dolphin Expressway. But the bill met resistance from the Miami-Dade County Commission and several key state lawmakers, and failed to make it across the finish line.

Nuñez said she filed a new MDX bill because the board is still too big.

"More board members does not equate to better board members," Nuñez said, pointing out that the board that governs Jackson Health System has been much more efficient since shrinking from 17 members to seven in 2012.

There are currently 13 members on the board, seven of whom are appointed by the county commission and five of whom are appointed by the governor. The Florida Department of Transportation's district secretary also serves as a voting member.

Under the proposed legislation, the commission and governor would each appoint four members. The district secretary would remain on the board.

### **BATTLE OF THE SEXES? LEGISLATORS VOTE ALONG GENDER LINES IN BID TO HIRE NEW STATE AUDITOR GENERAL** via **Christine Jordan Sexton of Florida Politics**

It was a battle of the sexes at a joint legislative panel meeting ... with a bipartisan, bicameral group of female legislators supporting a woman as the state's new auditor general and a like group of men supporting the male candidate.

It took a second vote — and Joint Legislative Committee Chairman Rep. Joseph Abruzzo announcing he was going to support Sherrill Norman — before a candidate could muster enough votes to be named the next state auditor general.

The appointment must be confirmed by both the House and Senate, which Abruzzo said he anticipated happening before the end of the 2015 regular legislative session.

Three candidates appeared before the joint legislative panel on Monday: Norman, Kathryn Walker and Sam McCall. Walker didn't receive any votes and Norman and McCall were each supported by five lawmakers.

In order for a motion to pass a joint committee there must be majority approval of the majority of members from both chambers. With a vote down gender lines none of the candidates could get a majority of both chamber's support, let alone a clear majority.

"This is going to get very interesting," Abruzzo said after the initial vote.

Legislators then explained why they supported each candidate.

**TWEET, TWEET:** @GrayRohrer: Tie vote in joint House-Senate committee to decide new auditor general. I'm sure figuring out \$4b budget gap&Medicaid expansion will be easy

## **LEGISLATIVE SCHEDULE HIGHLIGHTS**

### **HOUSE BILL ON PSC TERM LIMITS**

The House Government Operations Appropriations Subcommittee will consider HB 7109 from St. Cloud Republican Mike La Rosa that seeks to make changes to the Florida Public Service Commission, including term limits for new commissioners to three successive terms. Meeting begins 9 a.m. in Morris Hall of the House Office Building.

### **SENATORS EXAMINE 'BAD FAITH' LAWSUIT REFORM**

The Senate Banking and Insurance Committee takes up SB 1088, from St. Petersburg Republican Jeff Brandes, which would protect insurers from so-called "bad faith" lawsuits.

Meeting is 10 a.m. in Room 110 of the Senate Office Building.

### **ABORTION WAITING PERIOD CONSIDERED**

The Senate Health Policy Committee looks at SB 724, filed Miami Republican Anitere Flores, which would impose a 24-hour waiting period before any abortion. Meeting is 10 a.m. in Room 412 of the Knott Building.

### **PANEL TO CONFIRM NATIONAL GUARD ADJUTANT GENERAL**

Newly appointed Florida National Guard Adjutant Gen. Michael Calhoun meets with the Senate Military and Veterans Affairs and Space and Domestic Security Committees to consider his confirmation. Meeting is 10 a.m., in Room 37 of the Senate Office Building.

### **LAWMAKERS TAKE UP SCHOOL CHOICE BILL**

A bill in front of the House Education Appropriations Subcommittee will give parents freedom to choose public schools for their children. The bill also allows parents to transfer children to any school at less than 90 percent capacity. HB 1145 is from Palm Harbor Republican Chris Sprowls. Meeting is 12:30 p.m. in Morris Hall of the House Office Building.

### **WRITE-IN CANDIDATE RESIDENCY REQUIREMENT DISCUSSED**

The House Transportation & Economic Development Appropriations Subcommittee will discuss HB 4043, filed by Aventura Democrat Joe Geller, to eliminate the residency requirement for write-in candidates. Florida law now says write-in candidates must live in the district they seek to represent at the time of qualification. Last year, the residency prerequisite led to a court battle in House District 64, which covers Hillsborough and Pinellas counties. Meeting is 12:30 p.m. in Reed Hall of the House Office Building.

### **SENATE PANEL LOOKS AT GUNS AT SCHOOL**

The Senate Education Pre-K-12 Committee examines SB 180, from Baker Republican Greg Evers, to allow school superintendents to delegate a trained employee or volunteer who can carry concealed weapons at public schools. Meeting is 1:30 p.m. in Room 412 of the Knott Building.

### **SENATE TALKS REGISTERED NURSE PRESCRIBING POWERS**

The Senate Regulated Industries Committee will consider SB 614, a bill from Sebring Republican Denise Grimsley, to allow physician assistants and advanced registered nurse practitioners expanded drug-prescribing powers. Meeting is 1:30 p.m. in Room 110 of the Senate Office Building.

### **EMPLOYEE HEALTH INSURANCE REFORM BILL**

On the agenda of the House Appropriations Committee is HB 7097, filed by Sanford Republican Jason Brodeur to reform the state employee health insurance program. Under the proposal, employees would have a choice of insurance plans with four different levels of benefits, with the state contributing a certain amount. Meeting is 3 p.m. in Room 212 of the Knott Building.

### **HOUSE CONSIDERS COMMUNICATIONS TAX CUTS**

A wide-ranging tax cut bill in front of the House Finance & Tax Committee (PCB FTC 15-05) would reduce the state's communications-services tax for cell phones, cable television bills as well as a sales-tax exemption for college textbooks. Meeting is 3 p.m. in Morris Hall of the House Office Building.

### **SENATE SEEKS TO ADDRESS TEXTING WHILE DRIVING**

A series of bills in the Senate Communications, Energy and Public Utilities Committee address the problem of texting while driving. SB 192, filed by Rockledge Republican Thad Altman, and SB 246, filed by Delray Beach Democrat Maria Sachs, attempts to make texting while driving a "primary" offense, allowing police to stop drivers for texting behind the wheel. Right now, texting while driving is a secondary offence, meaning police can only cite a motorist for texting after being pulled over for other reasons. Meeting is 4 p.m. in Room 301 of the Senate Office Building.

### **UBER INSURANCE DEBATED**

The Senate Judiciary Committee looks at SB 1298, filed by Altamonte Springs Republican David Simmons, to place new insurance obligations on "transportation network companies," such as ridesharing services Uber and Lyft. Meeting is 4 p.m. in Room 110 of the Senate Office Building.

### **SCHEDULED LEGISLATIVE MEETINGS**

**9 a.m.:** House Health Care Appropriations Subcommittee meets in Room 212 of the

Knott Building.

**10 a.m.:** Senate Community Affairs Committee meets in Room 301 of the Senate Office Building.

**10:30 a.m.:** Senate Governmental Oversight and Accountability Committee Meeting meets in Room 401 of the Senate Office Building.

**1:30 p.m.:** Senate Environmental Preservation and Conservation Committee meets in Room 37 of the Senate Office Building.

**4 p.m.:** Senate Ethics and Elections Committee meets in Room 412 of the Knott Building.

**APPOINTED:** Don Hunter to the Prison Rehabilitative Industries and Diversified Enterprises, Inc Board of Directors.

**APPOINTED:** Thomas Scott to the Florida Elections Commission.

## **NEW LOBBYING REGISTRATIONS**

Peter Antonacci, GrayRobinson: Nelson & Co.

Dean Cannon, Capitol Insight: Camelot Community Care; Lema Construction

Steven Diebenow, Driver McAfee Peek & Hawthorne: Autobahn – Jacksonville, LLC

Candice Ericks, David Ericks, Adams Street Advocates: City of Coconut Creek; Town of Davie; City of Plantation

Christopher Finkbeiner, The Rubin Group: DDC Advocacy; Gregory Seller Consulting

William Garner, Nabors Giblin & Nickerson: Floridians for Solar Choice

Yeline Goin, Yolanda Cash Jackson, Becker & Poliakoff: Autism Speaks

Brian Jogerst, B&H Associates: HCA Management Services

Natalie King, Ronald Pierce, RSA Consulting: City of Winter Haven; Environmental Professionals of Florida; Welldyne

## CONTEXT FLORIDA: HEALTHCARE BUDGETS, GUNS, TESTING AND AGRICULTURAL WORKERS

On **Context Florida**: Maybe it is fondness for suspense that Gov. Scott and GOP House members have strung Floridians along about the future of Florida's healthcare system, says **Daniel Tilson**. Only one third of the way through the legislative session, and the Senate and House have drawn up radically conflicting budgets based on healthcare appropriations or lack thereof, while the lives of 800,000 uninsured Floridians hang in the balance. Guns on campus are on the Florida legislative fast track, notes **Marc Yacht**. Most teachers, parents, and anyone wishing to bring sanity to America's gun culture fear this bill. The finalized bill could be law this summer. Would a parent encourage a child to attend a school with gun-toting students? Yacht said he wouldn't. Educational testing in Florida is not good business, says **Shannon Nickinson**. Some 150,000 agricultural workers live in Florida and **Eve Gartner** says their work literally makes them sick while the U.S. Environmental Protection Agency, the agency tasked with safeguarding agricultural workers, delays strengthening needed protections.

**Visit Context Florida to dig in.**

**TREVOR NOAH SET TO REPLACE STEWART ON 'DAILY SHOW'** via Frazier Moore of the Associated Press

Comedy Central has named Trevor Noah, a 31-year-old comedian from South Africa, as Jon Stewart's replacement on "The Daily Show."

Noah, who was recently brought aboard as an on-air contributor, was chosen two months after Stewart unexpectedly announced he was leaving "The Daily Show" after 16 years as its host and principal voice.

Noah replaces the New Jersey-born Stewart as a biracial comic with an international perspective.

In the network's one-hour late-night comedy block, Noah joins Larry Wilmore, an African-American writer-comedian who in January stepped into Stephen Colbert's half-hour slot following "The Daily Show."

Noah has appeared on "The Tonight Show with Jay Leno" and "Late Show with David Letterman."

No official date for Stewart's departure or Noah's debut has been disclosed.

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