



FPF LEGISLATIVE REPORT

April 26-30, 2010



Submitted by: **Randy Touchton, FPF Governmental Relations Director**

The 2010 Regular Session of the Florida Legislature came to a conclusion at approximately 8:47 p.m. on April 30th. There had been a tremendous amount of speculation, earlier in that week, as to whether the Legislature would be able to finish on time. The final budget weighed in at 70.4 billion dollars.

There were a total of 2,113 general bills that were filed for consideration during the 2010 Regular Legislative Session, of which, 253 were passed. They now await the fate of the Governor.

It was a very interesting session, to say the least. As I reported at the “Firefighters Day on the Hill” event, in my 30 years of involvement with the legislative process, it was the most trying of any previous session. Overall, we fared pretty well, considering that our major focus was one of defense. It could have been one big disaster had any of the three retirement bills been successful. Trust me, they will be back and reintroduced for consideration next session.

Probably the highlight of the week was the passage of the “John J. Curry Act” (**C/S for House Bill 65** by Soto/**C/S for Senate Bill 202** by Baker), which expands the current firefighter death benefit statute to include deaths which occur during training exercises. The legislation was amended onto the “Adam Pierce Act” (**HB 1193** by Plakon/**Senate Bill 1932** by Altman), which allows a special risk member who is severely injured or disabled in the line of duty to continue to receive their disability retirement while employed with their current employer, and continue to receive the special risk accrual rate of 3%. The “John J. Curry Act” was made retroactive back to the date of his death, so Kristen and Owen will be entitled to receive the benefit. What a small token of a return for their major sacrifice.

We were successful in defeating **House Bills 1453** by Representative Zapata and **1319** by Representative Grady, and **Senate Bill 1902** by Senator Bennett, which would have been devastating to all public pension plans. Those bills would have changed the definition of “salary” to exclude everything other than the base rate of pay; changed the “Average Final Compensation” to be calculated on the total number of years of service; reduced the accrual rate of all classes of employment in the FRS by 10%; and re-established a 1% employee contribution. That’s just to name a few of the major changes proposed within those bills.

Other successes in the retirement area were defeating the measure which would have abolished the Health Insurance Subsidy (**House Bill 5701**) and defeating the reinstatement of an FRS employee contribution (**Senate Bill 2022**).

Senate Bill 198 by Senator Baker and **House Bill 65** by Representative Hooper, relating to the purchase of past service credit, died. Senate Bill 198 passed the full Senate and died in House Messages, and unfortunately, the House elected not to take the bill up.

The only change to the Florida Retirement System that did pass (**HB 5607**) was the reduction in the DROP guaranteed investment return from 6.5% to 3% effective on July 1, 2010. Anyone currently participating, or who enters the DROP program prior to that date will continue to receive the higher return.

C/S for C/S for House Bill 1309, relating to the State Board of Administration, passed. Although we had advocated for an increase in the membership of the SBA to include a plan participant, or a former participant receiving retirement benefits, the only change in that area was an increase in the membership of the Investment Advisory Council from 6 to 9 members. This will occur in February of 2011, and possibly, we can have an FPF member appointed to this council.

We were successful, in working with several retiree groups in helping stop **Senate Bill 1710** by Senator Fasano and **House Bill 1025** by Representative Workman. The legislation would have allowed the segregation of retirees into their own health insurance plan, and would have prevented a public sector government from subsidizing the cost of their health insurance coverage. This legislation would have had a devastating effect in significantly driving up the health insurance costs for retirees.

C/S for C/S for C/S for Senate Bill 742 by Senator Detert and **C/S for C/S for House Bill 355** by Representative Roberson successfully passed. The bill requires 911 dispatchers to take a Public Safety Telecommunications Training Program, pass an examination administered by the Department of Health to measure competency and proficiency in public safety telecommunications, and changes the title of “911 Emergency Dispatchers” to “911 Public Safety Telecommunicators”.

We were successful in amending the **C/S for C/S for C/S for House Bill 159**. This legislation would have exempted the Florida Insurance Guaranty Association from the payment of premium taxes, which would have resulted in a loss of approximately \$444,000.00 in revenue to the 175/185 pension plans on an annual basis. Our amendment eliminated this exemption.

House Bill 5605 passed, which restructures the Public Employee Relations Commission. The Chairman of the commission would remain as a full-time position, and the other two commissioners would be relegated to part-time. This was supported by PERC, and results in the saving of 5 full time positions.

The **C/S for Senate Bill 610** by Senator Fasano and **C/S for House Bill 417** by Representative Hayes was the Sheriffs Collective Bargaining bill that died. We had successfully worked with Senator Fasano and Representative Hays to get Firefighters, EMTs and Paramedics exempted from the bill; however, when the bill got to House Messages, Representative Bogdanoff filed an amendment to strip that exemption from the bill. Although we asked that the amendment be withdrawn, she was not agreeable to that. We then joined with the PBA and FOP in preventing the bill from being considered. It died in House Messages.

C/S for House Bill 123 by Representative Patterson and **C/S for Senate Bill 212** by Senator Oelrich was amended and passed on **Senate Bill 2176**. The legislation disqualifies a law enforcement officer, a correctional officer, or a correctional probation officer from the heart and lung presumption provisions if they do not follow the medical protocol or treatment prescribed by their physician. We were successful in preventing the inclusion of Firefighters, EMTs, and Paramedics into this legislation, and we further had read into the legislative record that the bill only applied to those law enforcement positions. The 1st District Court of Appeals has had a tendency to rule that a legislative act involving a first responder group should be applied equally among all first responder groups. Our establishment of legislative intent was to clearly show that this legislation was intended solely to be applied to the law enforcement positions.

Although **Senate Joint Resolution 2420** by Senator Haridopolos, the “Tax Payer Bill of Rights Act” was amended to exclude local governments from the Joint Resolution, after being favorably passed by the Senate Community Affairs Committee and withdrawn from the Senate Governmental Oversight and Accountability Committee, it died in the Senate Finance and Tax Committee.

We were carefully watching **C/S for Senate Joint Resolution 1254**, which in one day was withdrawn from all of its committees of references and placed on the Special Order Calendar. The legislation would have reduced from 10% to 5% the limitation on annual assessment increases applicable to non-homesteaded property. According to the Revenue Estimating Conference, it would have had a minimal impact on local governments initially; however, in the outer years that impact would have become significant. The bill was Temporarily Passed on Third Reading and died.

For our S-20 members, they will not be subject to a salary reduction or a salary increase. This is the 5th year that state employees will have gone without a salary increase. Although a 3% salary reduction for all state employees had been talked about the entire session, in the end, that did not occur.

All of the state firefighter positions were funded by the Legislature, and the Division of Forestry received approximately 1.5 million dollars in a replacement equipment allocation. I am currently working with S-20 President Rodney Durbin on a rumor that we are hearing that the mental health facility in Chattahoochee, operated by the Department of Children and Family Services, is talking about contracting for fire services with the City of Chattahoochee.

Although Health Insurance premiums for state employees will remain the same, the co-pays associated with the plan will increase as follows:

HMO Plans:

- Urgent care physician visit will increase from \$15 to \$25 per visit
- Emergency room visit will increase from \$50 to \$100 per visit
- Primary care physician visits will increase from \$15 to \$20
- Specialist physician visits will increase from \$25 to \$40 per visit

Preferred Provider Network:

- Urgent care physician visits will increase from \$15 to \$25 per visit
- Emergency care visits will increase from \$50 to \$100 per visit

In terms of the State Prescription Program for the period of 7/1/10 to 12/31/10:

- \$10 co-pay for generic drugs
- \$25 co-pay for preferred brand name drugs
- \$40 co-pay for non-preferred brand name drugs
- \$20 for generic mail order drugs
- \$50 for preferred name brand mail order drugs
- \$80 for non-preferred name brand mail order drugs

The cost from 1/1/11 to 6/30/11:

- \$7 co-pay for generic drugs
- \$30 for preferred brand name drugs
- \$50 for non-preferred brand name drugs
- \$14 for generic mail order drugs
- \$60 for preferred name brand mail order drugs
- \$100 for non-preferred name brand mail order drugs

Life Insurance benefits for state employees will be capped at a \$15,000 level rather than the current 1.5 times their annual salary.

There was a litany of legislation relating to building codes, fire sprinkler retrofit, elevator safety, fire safety, and fire prevention which I will begin wading through and that will be the subject of a follow up final legislative report.

Thanks for all your requested help in the form of e-mails, calls, and letters to the members of the Legislature, they were invaluable to the effort.

