

# STATE /LOCAL WEEKLY REPORT

## FEBRUARY 4-8, 2013

\*The weekly report comprises a variety of media sources, including news articles, lobbyist reports and information gathered through the OIA.

### *State Legislative Issues*

This week, various bills were filed for the 2013 session that may impact various County departments. The following includes a quick overview:

- **Repackaged Drugs/Workers Compensation**

SB 662 by Senator Alan Hays (R – Umatilla) and HB 605 by Rep. Matt Hudson (R – Naples) are identical Senate and House companion bills that limits to \$4.18 the amount doctors can charge as a dispensing fee for repackaged workers compensation drugs. Repackaged drugs currently have a significant fiscal impact on large employers, including the County, SB 662/HB 605 would likely reduce this impact.

Please click the links to view the bills:

(SB	662)	<b>Last</b>	<b>Action:</b>	02/07/2013	Filed:
<a href="http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49830">http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49830</a>					
(HB					605)
<a href="http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49793">http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49793</a>					

HB 483 by Rep. Jose Diaz of our delegation would prohibit employers from refusing to authorize a doctor to treat an injured employee solely because the doctor dispenses repackaged drugs directly. The bill also prohibits employers from determining the pharmacy or doctor a claimant uses, which may run counter to current County policy. HB 483 requires a doctor who repackages drugs to provide a credit to the employer of \$15 per prescription.

Please click the link to view the bill:

(HB 483) **Last Action:** 01/30/2013 Referred to Health Quality Subcommittee; Insurance and Banking Subcommittee; Health and Human Services Committee:  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49607>

- **Agricultural preemption**

HB 203 by Rep. Halsey Beshears (R – Monticello) prohibits a local government from charging an assessment or fee upon any bona fide farm operation on land classified as agricultural land under state law.

Please click the link to view the bill:

(HB-203) Last Action: 02/05/2013 On Committee agenda-- Agriculture and Natural Resources Subcommittee, 02/12/13, 1:30 pm, Reed Hall:  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49438>

- **Transportation concurrency**

HB 319 by Rep. Lake Ray (R – Jacksonville) provides that development projects may not be delayed or prohibited by local governments because of transportation impacts. The bill also requires local governments to calculate proportionate share contributions based solely on the capital improvements necessary to mitigate a particular development's impacts.

Please click the link to view the bill:

(HB 319) Last Action: 01/30/2013 Referred to Economic Development and Tourism Subcommittee; Transportation and Highway Safety Subcommittee; Economic Affairs Committee:  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49521>

- **Sales tax exemption for commercial leases**

SB 656 by Senator Dorothy Hukill (R – Port Orange) and HB 629 by Rep. Marlene O'Toole (R – The Villages) are similar Senate and House companion bills that over six years entirely phase out state sales tax on commercial (non-residential) leases. The phase out includes sales surtaxes. This pair of bills if passed would not only have a fiscal impact on revenue sharing the County receives from state sale tax, but also would have a fiscal impact on the transit and Jackson Memorial Hospital half-penny sale surtaxes in Miami-Dade County.

Please click the links to view the bills:

(SB	656)
<a href="http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49813">http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49813</a>	
(HB	629)
<a href="http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49817">http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49817</a>	

- **Limits on conservation land purchases**

SB 584 by Senator Alan Hays (R – Umatilla) prohibits the state and local governments from purchasing lands for conservation purposes if an equal amount of public property not being held in conservation is returned or sold at fair market value to the private sector. An analysis must also be conducted describing the annual cost of maintenance of the proposed land purchase.

Please click the link to view the bill:

(SB 584)  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49759>

- **Public works projects/limits on use of in-house labor**

SB 602 by Senator Dorothy Hukill (R – Port Orange) eliminates an exception to the requirement that a public construction project must be competitively bid out for private firms as opposed to done with in-house labor. The exception that would be eliminated allows the use of in-house labor when the local government finds that the use of in-house is in the best interest of the local government after public notice.

Click on the link to view the bill:

(SB 602)  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49759>

- **Local authority to regulate outdoor smoking**

Three bills have been filed that would authorize local governments to regulate smoking at outdoor property of the local government, SB 258 by Senator Rob Bradley (R – Orange Park), HB 439 by Rep. Bill Hager (R – Boca Raton) and HB 141 by Rep. Travis Cummings (R – Orange Park). These bills have been filed in response to recent court decisions that have struck down local government ordinances banning smoking at parks and beaches. Links to these bills are included below.

Click on the links to view the bills:

(SB 258)  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49353>  
(HB 439)  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49583>  
(HB 141)  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49356>

- **Preemption of regulation of employee benefits/sick leave/living wage**

HB 655 by Rep. Steve Precourt (R – Orlando) would prohibit local governments from requiring private employers to provide benefits to

employees including health or disability benefits, sick, vacation or holiday leave that is not otherwise required by state or federal law. HB 655 would also prohibit a local government from imposing a living wage for employees of employers that contract with the local government.

Click the link to view the bill:

(HB 655)  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49853>

### **TRI-COUNTY DELEGATION MEETING**

Representative Mark Pafford, Chair of the Palm Beach County delegation, recently sent a letter to Senator Eleanor Sobel, Chair of the Broward County delegation, and Representative Eddy Gonzalez, Chair of the Miami-Dade delegation, requesting a joint delegation meeting to discuss sea level rise. A tri-county delegation meeting is scheduled for Wednesday, February 13<sup>th</sup>. The tri-county Mayors met recently and established a list of five shared priorities that included regional transportation, climate change, elections, Everglades restoration and corrections mandates.

### **ELECTIONS**

This week, the Senate Ethics and Elections Committee discussed the major issues arising from the 2012 elections. The Honorable Ken Detzner, Secretary of State, Florida Department of State was present. Several bills were presented for discussion purposes and no votes were taken. They included the following:

#### ***SB 80 Relating to Elections by Senator Joyner***

This bill expands the list of available sites at which early voting may be held to include city halls, public library facilities, courthouses, places of worship, civic centers, convention centers, community centers, county government centers, conference centers, community college facilities, universities or colleges, fairgrounds, or any other location designated by a supervisor of elections as meeting the requirements of state law. It deletes a requirement that an early voting site be designated and used as such for at least one year before an election. It revises the hours of early voting to 12 hours per weekday and 12 hours in the aggregate each weekend at each site. It allows voters to change their addresses at a polling place and vote a regular ballot.

#### ***SB 176 Relating to Elections by Senator Diaz de la Portilla***

This bill expands the early voting period for elections that contain state or federal races to provide one more day of early voting. It provides that supervisors of elections may provide early voting for no more than 14 hours per day for general election early voting. It requires supervisors of elections to submit a report to the Secretary of State at least three months before a general election.

***SB 234 Relating to Voter Registration by Senator Clemens***

This bill provides for the Department of Highway Safety and Motor Vehicles to automatically update voter registrations when residents complete a driver license or identification card application, renewal, or change of address.

***SB 254 Relating to Amendments to the State Constitution by Senator Clemens***

The joint resolution proposes an amendment to the State Constitution to limit the number of amendments to the State Constitution that the Legislature may submit to the electorate at the same time to three.

***SB 388 Relating to Elections by Senator Soto***

This bill revises provision regulating third-party voter registration organizations including the designation of a registered agent and individuals responsible for day-to-day operations as well as additional reporting requirements. It deletes a requirement that a voter's change of address must occur within a county for the voter to be able to vote in the new precinct. It deletes a provision that authorizes the placement of the full text of a proposed constitutional amendment or revision on the ballot. It provides that each county shall operate one early voting site for each complete set of 70,000 registered voters in the county as of July 1 of each general election year. It adds six more days of early voting for general elections and provides that voting must be provided for eight hours during each workday and at least 14 hours on weekends.

The House Ethics and Elections Subcommittee will also held a workshop on election reform. The Florida State Association of Supervisors of Elections made recommendations for elections legislation and gave public testimony regarding elections reform and there was also discussion of policy options regarding elections reform. HB 569 by Representative Schenck was discussed without a vote. This bill is a comprehensive package of elections reform items that, among other items, prohibits the existence of Committees of Continuous Existence and raises the individual contribution limit from \$500 to \$10,000.

**Professional Sports Facilities**

SB 306 by Sen. Oscar Braynon (D-Miami Gardens) Providing that tourist development tax revenues may also be used to pay the debt service on bonds that finance the renovation of a professional sports facility that is publicly owned, or that is on land publicly owned, which is publicly operated or operated by the owner of a professional

sports franchise or other lessee; requiring private contributions to the professional sports facility as a condition for the use of tourist development taxes; authorizing the use of certain tax revenues to pay for operation and maintenance costs of the renovated facility; prohibiting the Department of Economic Opportunity from certifying more than one professional sports franchise renovation facility, etc. Effective Date: July 1, 2013

On 2/5/13 (SB 306) passed favorably by Senate Committee on Commerce and Tourism;  
11 Yeas, 0 Nays

A similar bill HB 165 has been by Rep. Eddy Gonzalez (R- Hialeah) and Rep. Eric Fresen (R- Miami)

## **OCEAN OUTFALLS**

SB 444 by Relating to Domestic Wastewater Discharged Through Ocean Outfalls by Senator Diaz de la Portilla was filed January 24 and was referenced to four committees on January 28. The House bill is in drafting and will be filed by Representative Manny Diaz, Jr. Our lobbyist are coordinating with a team of lobbyists for the other affected governments, which include Broward County, the City of Hollywood, and the City of Boca Raton. Miami-Dade County Water and Sewer staff have worked closely with the Department of Environmental Protection and the Department supports this bill. This bill will provide for 5% peak flow discharges, which will significantly reduce the County's costs to implement ocean outfalls requirements under state law. The bill also provides for the management of reuse requirements system-wide, so that there are not separate requirements under state law and Miami-Dade County's Water Use Permit. Finally, the bill provides a process for the affected governments to enter into optional partnerships to implement outfalls requirements.

## **ENVIRONMENTAL CONTROL**

Miami-Dade County Public Works and Waste Management (PWWM) opposes any efforts to disallow the inclusion of renewable energy towards achievement of the recycling goal established HB 7243, which passed during the 2010 Legislative Session. Under current law, PWWM counts waste-to-energy production, landfill gas utilization and other recycling programming toward the long-term recycling goal. This issue will be monitored for any language that would threaten the current state of the law.

## **AGRICULTURE**

The Miami-Dade Agriculture Manager supports funding to provide assistance to Miami-Dade County farmers dealing with the effects of invasive pests, diseases, freezes, flooding, windstorm and other potential damages to the local agricultural industry. Federal and state grant programs are available. However, we will seek state appropriations to address these issues, including continued funding for current programs.

## **BUSINESS AFFAIRS – FILM AND ENTERTAINMENT**

Miami-Dade County Regulatory and Economic Resources (RER) supports full funding of the State Office of Film and Entertainment, as well raising or removing the cap on high-impact television shows. Last year, the cap was raised and the County has already attracted another show. However, the cap has been hit again, so in order to attract additional shows, the cap will need to be raised again or removed entirely. The Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development will be hearing a presentation from the Florida Film Commission this week.

## **BEACH EROSION FUNDING**

Florida law provides that \$30 million in documentary stamp revenues are to be allocated to beach projects. While funding has been a challenge in recent years due to the economic decline, the program has maintained a reasonable level of funding even as other priority environmental programs have received no funding. Last year, for example, the beach program was funded at \$27 million, with \$5 million going to program operations and \$22 million going to beach projects.

This year presents an additional challenge because there are four federal projects on Florida's Southwest coast that sustained damage from Tropical Storm Debby, as well as nine federal projects on Florida's East Coast from Brevard to Broward County that sustained damage from Hurricane Sandy. There were also several non-federal projects that currently have no federal funding available because Florida's request for FEMA funding was denied. An appeal was filed which was also denied. The damage to projects that normally would have received 100 percent FEMA funding totals \$54 million. Complicating things further, if those FEMA projects are not maintained by the state and local governments, they cannot apply for FEMA funding in the future. There are several interested legislators whose districts have sustained damage. Most understand that the state must step up to the plate with funding to address these projects; however, it is too soon to know whether there will be supplemental funding and at what level. There does appear to be interest in providing as much funding for beach projects as possible, although the focus will likely be on the hardest hit beaches this year.



## **INLAND PROTECTION TRUST FUND**

RER supports full funding from the Inland Protection Trust Fund (IPTF) for the Florida Petroleum Cleanup Program to remediate contamination sites. Rutledge Ecenia will work with a coalition of interested stakeholders to maintain funding for this program as the budget is developed.

## **TITLE V FUNDING**

RER supports full funding from the Air Pollution Control Trust Fund to approved Local Agency Air Pollution Control Programs for the Title V Program. This is an issue that surfaces every year. It is important to work with other counties facing the same threat in order to protect local program funding.

## **CONTAMINATION OF WATER WELLS**

RER supports increased funding for the Water Supply Restoration Program to investigate private water well contamination and to respond as needed. Funding for this program was reduced in FY 2009-2010 from \$3.5 million to \$3.72 million. It has been maintained at this level since that time. Most state programs have experienced reduced funding levels as the economic collapse has taken its toll on the state budget. State economists appear cautiously optimistic that the budget situation is beginning to turn around, although the recovery will be slow and it will not be easy to return to previous funding levels quickly. However, this is an important public safety issue that will likely continue to be funded at a similar level, if not an increased level, going forward.

## **FLORIDA FOREVER**

RER supports full funding of the Florida Forever program at a minimum of \$300 million up to \$1 billion annually for land conservation. The Governor and Legislature are not likely to approve funding for Florida Forever at a figure that approaches this range. However, there may be some small amount of funding for the program this year. Additionally, a coalition of environmental advocates is attempting to place a citizens' initiative petition on the ballot, known as the Florida Land and Water Legacy Amendment. The amendment would dedicate 33 percent of Florida's documentary stamp tax to a laundry list of programs including Florida Forever over a period of 20 years.

## **2013 SESSION DATES**

February 4, 2013	Interim Committee Week
February 11, 2013	Interim Committee Week
February 11-12, 2013	GMCC Fly-in
February 18, 2013	Interim Committee Week
March 1, 2013	House Bills must be in final draft form
March 5, 2013	Regular Session convenes
March 5, 2013	12:00 noon, deadline for filing bills for introduction
April 3-4, 2013	Miami-Dade County Days
May 3, 2013	60 <sup>th</sup> day – last day of Re

## ***Local News***

### **Miami**

Thursday night, Commissioner Marc Sarnoff fielded angry questions from Grove council members and residents who demanded to know why he didn't fight a trolley-bus garage now under construction in a residential section of the West Grove, just a mile from the Home Depot site.

The garage will serve trolleys owned by the nearby city of Coral Gables. A development company, Astor, agreed to build the garage for the Gables after that city approved a mixed-use luxury apartment building on a block that includes the existing trolley garage.

Miami never held a public hearing on the garage because, according to Sarnoff and city staffers, the developer did not need a zoning change or other approval that would have required a hearing. Neighbors disagree, and several abutting property owners filed a lawsuit against the city shortly before Thursday's meeting, asking a judge to stop the project.

Read more here: <http://www.miamiherald.com/2013/02/01/3212792/miamis-commissioner-sarnoff-gets.html#storylink=cpy>

### **Doral**

Richard Blom will now head Doral's Police Department. The 60-year old previously worked at the Miami Police Department for more than 30 years.

Blom said he had many goals for the department. "My job will be to move the department on several fronts, from suppressing crime, alleviating traffic congestion, enhancing officer capabilities through progressive training," he said. "We will make significant progress in all these areas."

Blom replaces Ricardo Gomez, who was fired by the former city manager following a Florida Department of Law Enforcement investigation into alleged mishandling of

taxpayer dollars. Gomez was ultimately cleared of any wrongdoing, but was let go anyway.

## **Miami Beach**

Miami Beach's elderly, low-income residents may get a break on their taxes this year.

After Florida voters approved a constitutional amendment in November to expand homestead tax exemptions for seniors, the Miami Beach City Commission had to vote to implement the program in the city. They did so on Wednesday, voting to allow additional exemptions to elderly residents who make \$27,000 or less, and who have had a permanent residence in the city for at least 25 years.

It will cost the city about \$17,000 to extend the benefits to about 90 qualifying residents, according to an analysis by city staff.

Corporate sponsorships

The commission on Wednesday referred its contract with The Superlative Group, which has been researching the possibility of corporate sponsorships in the marketable city of Miami Beach, to the Finance and Citywide Projects Committee.

The idea has been floated as a way to boost city coffers without any cost to residents. At one point, Carnival Corp. floated the possibility of buying naming rights for Miami Beach's South Pointe Park, but abruptly walked away from the idea. The city is currently mulling the idea of lending its name to an official sunblock.

Residents haven't been keen on selling off their city's naming rights. Instead, they want to look into creating a park conservancy to care for Miami Beach's award-winning public parks.

Film permits

Commissioners on Wednesday also tweaked rules regarding the film-production industry in the city.

The new rules require neighbor consent for film or print productions that go on for more than 10 days. Residents had asked for neighbor consent to be triggered at five days. An exception will apply to filming near hospitals.

The commission also gave preliminary approval of a fee schedule for people who break the city's rules regulating productions in the city, and for an appeal process for those who receive citations.

Lastly, the amendments also provide a clearer definition of "city-wide" and "driving shot" permits, and expand vehicle access to the beach, park and pedestrian use areas, according to a city report. In 2012, the city issued more than 1,000 film and print permits, according to a city report.

Debarment of contractors

The City Attorney's Office and the Public Works Department will begin an investigation

on whether to ban Harbour Construction from doing any more work for the city.

Commissioners on Wednesday approved the start of the investigation.

The company was implicated in a corruption probe that landed the Beach's former procurement director, Gus Lopez, in jail for rigging bids, according to prosecutors. Lopez has plead not guilty.

The company was not charged in the case, but police say company employees admitted to falsifying a letter of credit and receiving leaked information about other companies' bids. Harbour Construction received the \$1.4 million in work on Miami Beach's botanical garden and has been paid more than \$3.6 million for an ongoing Dade Boulevard seawall and bike path project.

After the arrest of Lopez, Miami Beach tightened its rules regarding who can do business with the city. They included new rules that allow the city to ban companies that admit to breaking the law in exchange for immunity.

Read more here:

<http://www.miamiherald.com/2013/02/05/v-print/3219090/miami-beach-commission-has-busy.html#storylink=cpy>

## **Palmetto Bay**

On Monday, Palmetto Bay's newly elected vice mayor tried to terminate Village Attorney Eve Boutsis, who has represented the village almost since its 2002 incorporation.

Other Village Council members didn't support Vice Mayor John DuBois' proposal to remove Boutsis immediately. But a majority, with council members Pat Fiore and Tim Schaffer, agreed to discuss the village's legal services on Feb. 20, including whether to interview other lawyers.

DuBois' issues with the attorney:

- Her contract does not "define [her] scope of representation in any significant terms."
- She charged the village \$462.50, representing 2-1/2 hours at her contracted rate of \$185 per hour, for time she spent with DuBois, at his request, going over billing procedures. "I don't know of any attorney in the U.S., other than bankruptcy court cases, that will bill for a discussion of bills," DuBois said.
- She works for the village, meaning she represents the five-member council, the village manager and staff. "It seems as though we get in a situation where the city attorney or city manager has to figure out which are the three people that make up the majority of desired actions. That's a very difficult job for the city attorney, or city manager for that matter."

DuBois also questioned whether the village attorney needed to work so frequently with staff. "There's extraordinary amounts of bills for things that I believe staff should be

doing,” he said.

Read more here: <http://www.miamiherald.com/2013/02/05/3218809/palmetto-bays-new-vice-mayor-tries.html#storylink=cpy>

## **Announcements**

### **Miami-Dade League of Cities**

What: MDCLC 59<sup>th</sup> Annual Installation Gala

Where: Jungle Island 1111 Parrot Jungle Trail, Miami, FL.

When: Saturday, February 9, 2013

# STATE / LOCAL WEEKLY REPORT

## February 11- February 15, 2013

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This week, Miami-Dade County Mayor Carlos Gimenez and Miami-Dade County Commissioner Lynda Bell travelled to Tallahassee to advocate the County's critical priorities. The visit included meetings with members of the Delegation, as well as, key legislative and policy leaders.

The issues discussed included the County's transportation needs, elections reform, ocean outfalls legislation, property insurance, Jackson Hospital, and Dolphin's stadium legislation.

### **LEGISLATIVE ISSUES**

#### **Local Business Tax**

The Florida House Finance & Tax Subcommittee released a draft bill to restructure local business taxes (formerly known as occupational licenses). Unlike prior years when bills were filed that would have eliminated the local business tax in its entirety, this year's draft bill proposes to streamline local business taxes while attempting to preserve current local revenues in the aggregate.

The attached draft bill replaces the current local business tax statutes effective October 1, 2014 with a new local business tax structure. Here are some key provisions of this new structure:

1. Provides for only 3 classifications of local business taxes;
2. These 3 classifications to be based solely on a business premises square footage: 0-2,499 square feet, 2,500-9,999 square feet and 10,000+ square feet;
3. The rate applied to each larger class may not exceed 300% of the class below it;
4. Counties may only levy a local business tax in the unincorporated area;
5. Requires local business tax to be enacted by a 2/3rds supermajority of the BCC, and by ordinance rather than resolution;
6. Grandfathers cities and counties that have expressly pledged local business taxes for bonds to continue under current system until such bonds are paid off;
7. Preserves existing local business tax surcharge for economic development in Miami-Dade and Broward Counties;
8. Limits total amount of revenue under new structure to 5% above

FY 2013-14 amounts (appears to include economic development surcharge);

9. Allows cities and counties to increase rates up 10% every seven years beginning LFY 2020-21.

A copy of the draft bill is attached along with a section-by-section analysis. To preserve aggregate local business tax revenue (plus 5%), some businesses will likely pay considerably more, especially if the county local business tax is limited only to the unincorporated area and given the maximum 300% difference between classifications.

The House elections package has now been filed as HB 7013 (formerly Proposed Committee Bill EES 13-01). House leadership has referred HB 7013 to two House committees, Appropriations and State Affairs, before reaching the House floor. HB 7013 will be heard in the House Appropriations Committee on Thursday, February 21 at 8 am.

Here's a link to the text of HB 7013:

<http://static.lobbytools.com/bills/2013/pdf/7013.pdf> . It's identical to PCB EES 13-01 and includes the following provisions:

1. Generally imposes a 75 word limit on ballot summaries for constitutional amendments proposed by the Legislature;
2. Expands eligible early voting sites to include a fairground, civic center, courthouse, county commission building, stadium or convention center;
3. Allows local flexibility for up to 14 days of early voting including the Sunday before election day.

Here's a link to the House Ethics & Elections Subcommittee staff analysis that contains additional information: <http://static.lobbytools.com/bills/2013/pdf/AEES1A1375.pdf>.

Members of the House Appropriations Committee hearing the bill on Thursday from Miami-Dade are Representatives Erik Fresen, Joe Gibbons, Eddy Gonzalez and Cynthia Stafford. We will be speaking with each of them, as well as other committee members before the meeting.

The Senate has not yet released its elections package and is not scheduled to hear any elections bills next week.

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### **Other Bills of Interest**

Here are several bills that have recently been filed for the 2013 session that would possibly have impacts on the County.

#### **1. Local preference ordinance preemption**

SB 684 by Senator Alan Hays (R – Umatilla) preempts city and county ordinances granting local preference for procurement of both personal property and construction services if there is any state funding involved. There is an identical House companion bill, HB 307 by Rep. John Tobia (R – Melbourne). A link to SB 684 is included below.

SB 684 - Relating to Preference in Award of State Contracts (Hays)

Preference in Award of State Contracts; Expanding provisions that require an agency, university, college, school district, or other political subdivision of the state to provide preferential consideration to a Florida business in awarding competitively bid contracts to purchase personal property to include the purchase of construction services; requiring counties and municipalities to provide such preferential consideration; providing that for specified competitive solicitations the authority to grant preference supersedes any local ordinance or regulation that restricts specified contractors from competing for an award based upon certain conditions, etc. Effective Date: July 1, 2013

<http://www.flsenate.gov/Session/Bill/2013/0684>

#### **2. Preemption of family or medical leave regulation**



SB 726 by Senator David Simmons (R – Altamonte Springs) would prohibit cities and counties from requiring private employers to provide family or medical leave benefits for employees. SB 726 does not prohibit local governments from providing such benefits to their own employees. SB 726 requires employers to provide 5 sick days and 1 family leave day per year in addition to federal requirements. SB 726 is similar to HB 655 by Rep. Steve Precourt (R – Orlando), but SB 726 does not include a living wage preemption that is in HB 655. A link to SB 726 is included below.

SB 726 - Relating to Regulation of Family or Medical Leave Benefits for Employees (Simmons)

Regulation of Family or Medical Leave Benefits for Employees; Prohibiting a political subdivision from requiring or otherwise regulating family or medical leave benefits for employees; preempting regulation of family or medical leave benefits to the state; specified employees; providing that the act does not prohibit a political subdivision from establishing family or medical leave benefits for its employees; providing that the act does not prohibit a federally authorized or recognized tribal government from requiring family or medical leave benefits under certain conditions, etc. Effective Date: Upon becoming a law.

<http://www.flsenate.gov/Session/Bill/2013/0786>

### **3. Prohibition on “development exactions” by local government**

HB 673 by Rep. Keith Perry (R – Gainesville) would prohibit cities and counties from imposing on private property a tax, fee or charge or require any other development exaction, directly or indirectly, that (i) does not result from a development or proposed development with an essential nexus to development impacts upon the infrastructure or other public facilities that are maintained, owned, or controlled by the county, municipality, or other local governmental entity; or (ii) Is more stringent than an exaction imposed by a state or federal agency on or against the same property that concerns the same impact unless the county, municipality, or other local governmental entity demonstrates that the exaction is reasonably necessary. The bill provides limited exceptions. A link to HB 673 is included below.

HB 673 - Relating to Development Exactions (Perry)

Development Exactions: Prohibits local governments from imposing or requiring certain exactions on or against private property; provides exceptions. Effective Date: July 1, 2013

<http://www.flsenate.gov/Session/Bill/2013/0673>

### **4. CRA/former military facility**

HB 621 by Rep. Kionne McGhee (D –Miami) would revise the criteria for creation of a CRA to include land previously used as a military facility and adjacent to a zoological park. HB 621 is consistent with Resolution R-113-13 passed by the BCC at the February 5 meeting. A link to the bill is included below.

HB 621 - Relating to Community Redevelopment (McGhee)

Community Redevelopment: Revises definition of term "blighted area," as applicable to Community Redevelopment Act of 1969, to include land previously used as military facility & adjacent to county-owned zoological park. Effective Date: July 1, 2013

<http://www.flsenate.gov/Session/Bill/2013/0621>

## **5. Clarification of affordable housing property tax exemption**

SB 740 by Senator Wilton Simpson (R –New Port Richey) would clarify a property tax exemption for affordable housing, closing a loophole created by legislation in 2011. A link to this bill is included below, also included below is an article on this issue from the Tampa Bay Times. Passage of this bill may have a positive fiscal impact on the County.

SB 740 - Relating to Tax Exemptions for Property Used for Affordable Housing (Simpson)

Tax Exemptions for Property Used for Affordable Housing; Deleting an ad valorem tax exemption for property owned by certain Florida-based limited partnerships and used for affordable housing for certain income-qualified persons, etc. Effective Date: Upon becoming a law and shall first apply to the 2013 ad valorem tax rolls.

<http://www.flsenate.gov/Session/Bill/2013/0740>

## **LEGISLATIVE NEWS**

### **House panel approves election-law changes**

A House committee gave quick, unanimous approval to four major election-law changes intended to prevent the long lines at polling places that marked Florida's 2012 voting.

The package (**PCB EES 13-01**) extends the early voting period from eight days to up to 14 days, increases the number of early voting hours from 96 to a maximum of 168, allows voting to be done at sites like civic centers and fairgrounds that have more parking than the office locations currently used, and applies the 75-word limit on ballot summaries to constitutional amendments passed by the Legislature.

A 2011 law reduced early voting to a maximum of eight days and 96 hours, and limited the discretion of county elections supervisors to choose locations, resulting in waits of five to eight hours in some large counties.

"There's a common realization now that Florida needs more voting days, we need more polling locations and, in those locations, they need to be properly staffed and properly equipped," said Rep. Janet Cruz, D-Tampa, the Democratic Party's point person on election laws.

Rep. Dennis Baxley, R-Ocala, sponsored the bill two years ago that reduced early voting days and applied many other restrictions that Democrats claimed were intended to "suppress" voting by black and young Floridians. Baxley denied any such ill intent but called the new package "a fair and needed response" to problems at the polls last fall.

Democrats offered nine amendments but withdrew them, saying they will be reintroduced in later committee stops on the House floor. Subcommittee Chairman Jim Boyd, R-Bradenton, said his panel has already passed a campaign-finance package this week and will take up ethics rules in two weeks -- with all three issues getting a fast-track vote early in the session that convenes March 5.

## **Red Light Cameras**

TALLAHASSEE — A bill to repeal Florida's law permitting the use of cameras to ticket motorists who run red lights began moving through the Legislature on Thursday with its narrow approval by a House committee.

The law passed three years ago ended legal disputes over whether local governments, some of which had installed the cameras, have legal authority to do so. It also set uniform fines and diverted most of the proceeds to the state. Collier County is the lone Southwest Florida area with red-light cameras, but county commissioners voted in December to remove the county's 10 cameras at 19 intersections.

Commissioners again on Tuesday voted 3-1 not to sign a contract to keep them. The cameras are slated to be removed Feb. 28.

Collier Commissioner Georgia Hiller argued this week red-light cameras don't stop crashes. Collier installed the cameras in April 2009. There were 17 red-light crashes in the 33 months before then — and 17 in the 33 months afterward, according to the Department of Highway Statistics.

Lee County commissioners in 2010 voted the idea down after having a test camera at Summerlin Road and Colonial Boulevard.

Law enforcement officials argued against repeal of the state legislation, saying the cameras reduce accidents and save lives. Opponents, however, contend studies backing up those arguments are flawed and the real issue is money.

"I know what safety is," said Rep. Daphne Campbell, a Miami Democrat who is sponsoring the bill, citing her experience as emergency room nurse. "This law is strictly revenue-driven."

The state gets \$83 of each \$158 fine. That amounted to \$51 million in the last full budget year. Local governments and camera contractors get the rest.

In the fiscal year ending last June, 73 agencies gave out nearly 1 million citations for violations at 404 intersections fitted with red light cameras, according to a state survey. Those agencies reported a 41 percent decline in rear-end collisions and 44 percent drop in side-impact crashes.

Officials said their cities and counties aren't getting rich on the fines. Kathy Russell, a lobbyist for Orlando, said over a two-year span her city collected \$6.1 million in fines but netted \$300,000 after paying the state's share, the contractor that provides and operates the cameras and related expenses.

The attempted repeal is the third in as many years since the law was passed in 2010. The House narrowly passed a repeal bill in 2011, but it never got a floor vote in the Senate. Repeal bills failed to get out of committee in both chambers last year.

The Economic Affairs Committee voted 10-8 for the bill, which is on a fast track in the House with only one more committee stop — Appropriations — before a possible floor vote. It may have problems in the Senate, though, where no similar legislation yet has been filed.

## **Citizens Insurance**

On Thursday, Citizens decided to spend more of its ratepayers' money, \$327 million, on private reinsurance in 2013.

Travel to meet with reinsurers in the Caribbean and Europe has helped lead to unflattering stories about \$600-a-night hotel rooms, wining and dining, and executive travel costs. Officials at Florida's last-resort insurer have moved to impose tougher standards on expenses, but it hasn't dimmed their enthusiasm for reinsurance.

State-created Citizens spent nothing on private reinsurance as recently as three years ago, but company officials portrayed the trend as a success. Reinsurance is coverage that insurers can buy from other companies.

President Barry Gilway on Thursday said top officials recently met with 60 reinsurers and syndicates.

The board approved the concept of putting \$327 million of ratepayers' money in 2013 into reinsurance premiums, which go to offshore and Wall Street financial interests. Details of the arrangements come up for approval in March.

Reinsurance would help reduce the risk of assessments to Citizens customers and others in the rare instance of, say, a once-a-century megastorm. It would provide \$1.75 billion of coverage for Citizens in 2013, up from \$1.5 billion last year.

But Citizens does not pose a risk of assessments in most storm scenarios now.

Florida's largest property insurer has more than \$6 billion in surplus and close to \$20 billion in claims-paying resources including the state's Cat Fund, which functions like private reinsurance at typically less than half the price.

No assessments are projected in 2013, for example, with a repeat of the multi-storm 2004 season, or the 2005 season with Hurricane Wilma.

The increased spending on reinsurance means Citizens is on track to contribute 23 percent less to its claims-paying surplus than it did last year.

Unlike private reinsurance, money put into the surplus is available year after year to grow and act as a reserve to pay claims. Money spent on reinsurance premiums simply goes into the pockets of private reinsurers if not needed in the contract period, typically one or two years.

Under contracts in effect last year involving underwriter Goldman Sachs, for example, there was a less 3 percent chance reinsurance coverage would be used. And it wasn't.

The \$6 billion surplus is a major reason why Weiss Ratings of Jupiter gives Citizens an A plus for financial strength, while all other Florida-based insurers get less than recommended ratings, meaning B plus or higher in its scale.

Citizens' risk exposure is shrinking, meanwhile, thanks to programs that transferred about 277,000 customers to private carriers in recent months. A pending deal would see 31,000 coastal customers move to newly-formed Weston Insurance Co. Citizens has about 1.3 million customers, including 130,000 in Palm Beach County.

To read more: <http://www.palmbeachpost.com/news/weather/hurricanes/citizens-wants-to-spend-more-on-reinsurance-put-le/nWPpC/>

## **State Prison System**

Thus far, privatization and consolidation have not provided the cost savings Florida's prisons officials had hoped for.

At least \$58 million of the state Department of Corrections \$95.2 million budget gap is blamed on facilities that took too long to close, unforeseen staffing issues and privatization plans halted by court orders. Department spokeswoman Ann Howard said snags in the efforts originally designed to save the department millions of dollars were impossible to predict.

On Wednesday, DOC budget Chief Mark Tallent told the House Justice Appropriations Subcommittee the deficit emerged in fiscal year 2011-12 after 11 facilities around the state were ordered closed due to a shrinking inmate population. One of those facilities included the Glades Correctional Institution, which closed four months later than expected, costing the department an unanticipated \$7 million. DOC also failed to estimate the number of employees it needed to

staff the remaining facilities, costing another \$13.2 million. The now-closed facilities still require upkeep that cost \$1.5 million, which was more than the budgeted \$250,000.

As for privatization, Tallent said DOC counted on saving \$11 million by privatizing 18 of its facilities across the state, but that was halted by a Leon County circuit judge. That deficit was continued into this fiscal year to the tune of another \$14 million.

Tallent said the department stands to expend an extra \$12 million this year because of partially blocked efforts to privatize all of its health services. Wexford Health Sources is expected to complete the privatization of nine DOC facilities next month. But a larger privatization effort with Corizon Correctional Healthcare was prohibited by a Leon County Circuit Court judge. The court ruling means the department will expend an estimated \$1 million a month more than it expected. The state is appealing the ruling.

The department was forced to contract work to temporarily replace 673 health services workers who quit ahead of privatization or the possibility of it.

The remaining \$36 million of DOC's budget gap included spending an extra \$12.2 million toward the expansion of an HIV and AIDS drug distribution program in South Florida and an \$8.3 million adjustment for a miscalculated inmate intake estimate. Also, the department told the subcommittee it spent an unanticipated \$9.3 million in bed linens and other supplies.

DOC's \$95 million shortfall could see \$74 million in relief from Gov. Rick Scott's proposed budget, which provides the department a total of \$2.2 billion and also includes the privatization of 14 work release centers around the state. Scott's budget still faces approval from the Legislature, which will convene on March 5 for this year's session.

House Justice Appropriations Subcommittee Chair Charles McBurney, R-Jacksonville, said he was still studying the numbers provided during the Wednesday meeting.

The Senate Appropriations Subcommittee on Criminal and Civil Justice will hear about DOC's budget woes on Wednesday. Vice chair Arthenia Joyner, D-Tampa, said the \$95 million deficit was a sign DOC should focus on rehabilitating offenders rather than incarcerating them.

[http://www.tallahassee.com/article/20130215/POLITICSPOLICY/302150025/?nclink\\_check=1](http://www.tallahassee.com/article/20130215/POLITICSPOLICY/302150025/?nclink_check=1)

## **State Lobby**

### 2012 Lobby Expenditures

TALLAHASSEE — Companies, interest-groups and local governments paid \$123 million to lobby the Florida Legislature last year, led by phone giant AT&T, Malaysian casino giant Genting, U.S. Sugar Corp., and an Oklahoma-based Internet sweepstakes cafe company.

The total is only the legislative lobbying portion of the cash haul in Tallahassee, and is derived from the mean amount paid by each principal to their contract lobbyists, since the lobbying firms report most of their compensation in \$10,000 ranges. Still, it dips slightly from 2011, when clients paid \$127 million to lobby the Florida Legislature.

Here are the top 15 clients trying to ply politicians:

### 2012 Principals

PRINCIPAL NAME	Sum of mean
AT&T	\$1,350,989.50
Bayfront 2011 Development, LLC	\$964,990.00
United States Sugar Corporation	\$854,992.00
International Internet Technologies	\$739,993.50
Dosal Tobacco Corporation	\$684,985.00
South Florida Regional Transportation Authority	\$665,996.50
Associated Industries of Florida	\$659,983.50
Florida Justice Association	\$637,988.50
Safety Net Hospital Alliance of Florida	\$609,985.00
infraManagement Group, LLC	\$578,000.00
Florida Power & Light Company	\$569,990.00
Automated Healthcare Solutions	\$564,995.00
Altria Client Services Inc. and its Affiliates	\$549,985.50
Florida Hospital Association	\$544,987.00
Harris Corporation	\$518,998.00

International Internet Technologies is the new entrant to the Big Leagues of lobbying, appearing nowhere near the top in 2011. Last year, lawmakers led by former Rep. Scott Plakon, R-Longwood, played with the idea of cracking down on the so-called “sweepstakes” cafes, which provide gaming-like video games many counties have attempted to ban. The company has gone to court in North Carolina to keep its operations open there, and its lobbyists in Tallahassee include Greg Turbeville, Richard Gentry, former lawmaker Ron Greenstein, and Jeff Hartley.

Bayfront is the development arm of Genting, which has wanted to develop a destination casino at the site of the Miami Herald building in South Florida. That effort went nowhere in the Capitol, and the company flirted with pushing a constitutional amendment to allow the mega-casinos – including hiring Gov. Rick Scott’s pollster, Tony Fabrizio.

The South Florida Regional Transportation Authority wins the prize for biggest spender amount public agencies paying to lobby other public organizations. Last year, that top spot went to Miami-Dade County.

## **2013 Session Dates**

February 18, 2013	Interim Committee Week
March 1, 2013	House Bills must be in final draft form
March 5, 2013	Regular Session convenes

## **Announcements:**

Miami-Dade County Days will celebrate its 25<sup>th</sup> Anniversary as it holds its Fly-In on Wednesday, April 3 – Thursday, April 4, 2013.

For more information, please click the link: <http://dadedays.com/>

## **LOCAL NEWS**

### **Cutler Bay**

Cutler Bay council members hope to name a permanent Town Manager by May.

The Town Council already has approved and posted a job announcement on its website, asking qualified candidates to submit their resumes and applications to the Town Clerk's office.

Interested candidates have until March 15 to submit resumes and applications.

The council has enlisted the help of a group of former city and county managers to help evaluate candidates.

The Range Riders, a program of the Florida City and County Management Association, will assist the council by recommending a list of candidates to the council for consideration. The group provides free services to help counties and cities hire managers.

After the March deadline, the town clerk will send all the resumes and applications to the Range Riders, who will later recommend 10 candidates.

After sending the list of 10 semifinalists to the clerk, the council will consider the list of candidates.

The council will hold a special meeting on April 4, where council members will be able to add candidates to the list and later narrow the list down to five people. A background check will be conducted of each of the candidates, and the results will be sent to both the clerk and Range Riders on April 27.



The Town Council will then interview the finalists and choose a new town manager on May 2. The town attorney will negotiate employment terms from May 3-8.

The new agreement will be voted on by the Town Council on May 15.

Back in June, the council voted 3-2 to terminate the contract of town manager Stephen Alexander without cause. Alexander was Cutler Bay's first and only town manager since it incorporated.

The council later appointed public works director Ralph Casals as interim town manager. Casals said Thursday that he plans to apply for the permanent job.

Read more here: <http://www.miamiherald.com/2013/02/14/v-print/3234498/cutler-bay-plans-to-hire-town.html#storylink=cpy>

## **Pinecrest**

The village of Pinecrest is going implement the red-light camera program, assuming the state Legislature doesn't repeal the current law.

Pinecrest Mayor Cindy Lerner, a former state legislator, wants the cameras to remain legal, saying they prevent accidents and save lives. But state Rep. Daphne Campbell, a Miami Shores Democrat whose family minivan has received five tickets since 2010, is set to present a bill to outlaw the cameras in front of the House's Economic Affairs Committee. Campbell says the cameras unfairly line the pockets of the camera vendors at the expense of poor people who can't afford the \$158 tickets.

The village is testing red-light cameras at six intersections along U.S. 1 that are prone to car crashes. But before police start to issue fines, the village is collecting data at the Kendall Drive, Datan Drive, Southwest 98th Street, 104th Street, Killian Drive, and Chapman Field Drive intersections. Since the village has a mutual aid agreement with Miami-Dade police, the village will be able to monitor both south and northbound lanes.

The village's Transportation Advisory Board recommended the cameras last April. On Jan. 15, the village council voted 4-1 to give the green light to a new red-light camera pilot program.

Pinecrest police Lt. Jason Cohen said that although the primary purpose of the cameras is safety, they could also help police capture suspects fleeing the scene of a crime. Cohen said the department is hoping to also get cameras that would scan license plates and therefore keep an accurate record of who is on the road and when.

In Pinecrest, some residents have been suspicious of the vendor. American Traffic Solutions, or ATS, has been known to entertain municipal employees from around the country during their complimentary seminars. Taxpayers are usually on the hook for officials' wages and travel expenses. Cohen and Inganzo said that no officials from Pinecrest has travelled to an ATS seminar.

Village Manager Yocelyn Galiano Gomez said that once a study of the projected cost and revenues is completed, the council must give the final approval. She would then negotiate a contract with ATS, which operates red-light cameras in 20 municipalities in Miami-Dade.

Galiano Gomez said she is concerned that construction projects on U.S. 1 that are set to begin in June will have an effect on revenues.

If the village would approve eight cameras on U.S. 1 northbound intersections, the vendor estimates revenue at \$62,437.50 a month. The program would cost \$40,700 a month on the first year, and \$38,300 a month after the initial year. ATS projects an anticipated profit for the village of \$21,737.50 per month, or \$260,850 a year. Adding the southbound lanes would increase revenue, Galiano Gomez said.

Before the village gets its share of the \$158 fee, \$10 go to the Department of Health Administrative Trust fund and \$3 to the Brain and Spinal Cord Injury Trust Fund.

Read more here: <http://www.miamiherald.com/2013/02/14/v-print/3234100/miami-beach-rejects-digital-screens.html#storylink=cpy>

## **Miami**

Soon after residents of Miami's Upper Eastside complained that they had no input into the city's redistricting process, the Miami City Commission agreed to hold additional public hearings on the matter.

On Thursday, the commission was supposed to take a straw vote on the new proposed commission districts. But instead, the commission asked redistricting consultant Miguel De Grandy to hold another meeting with neighborhood activists.

The activists oppose plans to move the Shorecrest and Palm Grove neighborhoods from District 2 to District 5, saying all of the Upper Eastside neighborhoods ought to stay together under one commissioner.

De Grandy pointed out that he held several public meetings on the topic, even though they weren't required by law. The meetings were poorly attended.

The commissioners agreed the public should have another chance to weigh in.

The meetings, both scheduled for 6:30 p.m., will be held Thursday at Legion Hall and March 4 at Miami City Hall.

The city is required by law to redraw its commission districts every 10 years to account for shifts in population. The new maps must be completed by May.

In other business, the commission gave Miami defense attorney José Quiñón the green light to represent Mayor Tomás Regalado in a lawsuit filed by Commissioner Michelle Spence-Jones.

The city won't pay the mayor's legal fees, however, unless he prevails in court.

In the lawsuit, Spence-Jones accuses Regalado and Miami-Dade State Attorney Katherine Fernández Rundle of plotting to destroy her political career in connection with two failed prosecutions. Miami City Attorney Julie O. Bru has recused herself from the case, citing a conflict of interest.

Also Thursday, the commission agreed to let the non-profit group Olympia Center Inc. manage affordable housing units and ground-floor retail in downtown's Gusman Center for the Performing Arts.

The non-profit, founded by former Hialeah City Council president Herman Echevarria, is working to restore the performing arts center's historic Olympia Theater. But Echevarria said the restoration efforts have been slow because his organization controls only the theater, not the entire building.

The city and the non-profit spent nearly two years negotiating a contract that will give Olympia Center the rights to manage the 80 affordable housing units through 2017.

Commissioners also gave initial approval to a proposal allowing advertising on city parking meters and pay stations.

Read more here: <http://www.miamiherald.com/2013/02/14/v-print/3234263/miami-commission-oks-attorney.html#storylink=cpy>

## **DORAL**

A resolution aimed at attracting more foreign businesses to Doral by declaring Spanish the second official language of the city failed to gain support from the Doral City Council.

While each councilperson expressed some kind of disapproval in designating a second language for the city during a meeting Wednesday, there was support on the dais for the second part of the resolution that would have declared the city to be "multicultural."

The council voted to postpone the resolution until the March 13.

This is not the first time the issue of bilingualism has surfaced in South Florida.

Read more here: <http://www.miamiherald.com/2013/02/14/v-print/3234484/doral-no-to-spanish-as-an-official.html#storylink=cpy>

## **Miami Gardens**

On Thursday, a press conference was held regarding the upcoming referendum to allow for the renovations to Sun Life Stadium. Miami-Dade Commissioner Barbara Jordan, Miami Gardens Mayor Oliver Gilbert and Dolphins CEO Mike Dee stressed that upgrading the stadium to attract more international soccer games and concerts during the football offseason would employ more

locals, bring customers to the city's shops and restaurants, and spur development on vacant parcels nearby.

<http://www.miamiherald.com/2013/02/14/3235251/dolphins-take-stadium-pitch-to.html>

## **Business**

On Thursday, American Airlines, Miami's largest carrier and one of the top private employers in the county, announced its merger with US Airways.

Experts and airline officials say there are many positives, especially in South Florida: If approved by a bankruptcy judge and anti-trust regulators, the merged airline will offer more destinations around the world, compete better with the powerful United and Delta carriers and allow American to shed the labor tensions that have long proved troublesome.

American Airlines CEO Tom Horton, who had initially resisted proposals from US Airways, spoke of the benefits of the \$11 billion deal.

He highlighted Miami as a region with significant promise for the new airline, calling the hub and the Latin American and Caribbean operation "the best airline franchise in the world."

Tourism and business leaders in Miami said they were encouraged by Thursday's announcement.

Frank Nero, president and CEO of the Beacon Council said airlift in and out of Miami is one element that the council, Miami-Dade's economic development partnership, markets to businesses.

William Talbert III, president and CEO of the Greater Miami Convention & Visitors Bureau said American carries nearly 70 percent of passengers at Miami International Airport, making its health crucial to the important tourism industry.

In the most recent Airline Quality Rating, which ranks airlines according to performance, US Airways was in eighth place, American was No. 10, and regional carrier American Eagle brought up the rear in fifteenth place.

In Thursday's interview, Horton said the carrier has been ordering new planes and working to improve the passenger experience. American and parent company AMR filed for bankruptcy protection in November 2011 and have since revealed several changes to the fleet and operations as it restructures.

The new airline will have some 6,700 daily flights and annual revenue of roughly \$40 billion. US Airways CEO Doug Parker, who started pursuing the deal after American filed for bankruptcy, will be CEO of the new airline; after Horton's departure, he will become chairman as well.

The deal is expected to close by the end of September, as part of American's emergence from Chapter 11 protection. No major hurdles are expected. Pilots from both airlines have agreed to the outlines of a deal that should make it much easier to get a final, joint contract. A group of unsecured creditors has already agreed to terms.

Read more here: <http://www.miamiherald.com/2013/02/14/v-fullstory/3235374/american-airlines-ceo-merger-means.html#storylink=cpy>

## **Announcements**

### **Miami-Dade League of Cities**

On Saturday the MDCLC held its annual Installation Gala at Jungle Island in the City of Miami. President Luis Gonzalez Councilman, Hialeah made way for incoming President Deede Weithorn Commissioner, City of Miami Beach, who will now lead efforts on protecting the sovereignty of municipalities, as well as working with elected officials on important issues that affect residents and the business community of the respective cities, towns and villages.

### **Monthly BOD Meeting**

What: MDCLC Board of Directors Meeting

Where: Miami Shores Country Club located at 10000 Biscayne Boulevard, Miami Shores

When: Thursday, March 7, 2013 at 6:00 PM

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1                                   A bill to be entitled  
2       An act relating to local business taxes; amending s.  
3       205.022, F.S.; amending definitions; creating s.  
4       205.025, F.S.; creating and specifying  
5       classifications; creating s. 205.027, F.S.; defining  
6       parameters for rates; amending s. 205.0315, F.S.;  
7       providing procedure after October 1, 2014, for a  
8       county or municipality that has not adopted a business  
9       tax ordinance to adopt such an ordinance; amending s.  
10      205.032, F.S.; requiring a county ordinance levying a  
11      local business tax to be approved by a two-thirds  
12      majority of the governing body of the county;  
13      providing that such a local business tax will only  
14      apply to businesses in the unincorporated portions of  
15      the county; amending s. 205.033, F.S.; removing  
16      obsolete language; amending s. 205.042, F.S.;  
17      requiring a municipal ordinance levying a local  
18      business tax to be approved by a two-thirds majority  
19      of the governing body of the municipality; amending s.  
20      205.043, F.S.; removing obsolete language; amending s.  
21      205.045, F.S.; eliminating authority for a  
22      municipality to issue a local business tax receipt and  
23      collect the tax on behalf of a county; amending s.  
24      205.053, F.S.; removing obsolete language;; amending  
25      s. 205.0535, F.S.; providing parameters for the rate  
26      structure and amount of revenue derived therefrom for  
27      local business taxes in the local 2014-15 fiscal year;  
28      repealing s. 205.0536, F.S.; amending s. 205.054,

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F.S.; providing conforming language; amending s.  
205.066, F.S.; removing an exception to an exemption;  
providing legislative intent to revise and simplify  
local business taxation in the state; authorizing the  
continuation of local business taxation under current  
structure, to the extent necessary to meet specified  
debt obligations secured by local business tax  
revenues; authorizing the continuation of local  
business taxation under current structure until  
September 30, 2018 for counties and municipalities  
meeting specified criteria; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (3) and (5) of section 205.022,  
Florida Statutes, are amended to read:

205.022 Definitions.—When used in this chapter, the  
following terms and phrases shall have the meanings ascribed to  
them in this section, except when the context clearly indicates  
a different meaning:

(3) "Classification" means the method by which a business  
or group of businesses is identified ~~by size or type, or both.~~

(5) "Local business tax" means the ~~fees~~ taxes charged and  
the method by which a local governing authority grants the  
privilege of engaging in or managing any business, profession,  
or occupation within its jurisdiction. It does not mean any fees  
or licenses paid to any board, commission, or officer for  
permits, registration, examination, or inspection. Unless

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otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under the provisions of this chapter.

Section 2. Section 205.025, Florida Statutes, is created to read:

205.025 Classification.—

(1) For the purposes of this chapter, business classifications shall be based upon the square footage of the premises upon which the business operates and are limited to the following three classifications:

(a) Less than 2,500 square feet.

(b) Between 2,500 square feet and 10,000 square feet.

(c) More than 10,000 square feet.

(2) To determine which classification a business falls under, the square footage of the premises upon which a business operates shall be determined based upon that portion of the premises that the business has exclusive control over, either through ownership or tenancy.

Section 3. Section 205.027, Florida Statutes, is created to read:

205.027 Rates.

(1) Counties and municipalities levying a local business tax pursuant to this chapter must use a rate structure where the rate applied to businesses classified under s. 205.025(1)(b) is at least equal to, but no more than three hundred percent of the rate applied to businesses classified under s. 205.025(1)(a), and the rate applied to businesses classified under s. 205.025(1)(c) is at least equal to, but no more than three



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hundred percent of the rate applied to businesses classified  
under s. 205.025(1)(b).

Section 4. Section 205.0315, Florida Statutes, is amended  
to read:

205.0315 Ordinance adoption after October 1, ~~1995~~ 2014.—  
Beginning October 1, ~~1995~~ 2014, a county or municipality that  
has not adopted a business tax ordinance ~~or resolution~~ may adopt  
a business tax ordinance consistent with the provisions of this  
chapter. The business tax rate structure ~~and classifications~~ in  
the adopted ordinance must be reasonable and based upon the rate  
structure ~~and classifications~~ prescribed in ordinances adopted  
by adjacent local governments ~~that have implemented s. 205.0535~~.  
~~If no adjacent local government has implemented s. 205.0535, or~~  
~~if~~ the governing body of the county or municipality finds that  
the rate structures ~~or classifications~~ of adjacent local  
governments are unreasonable, the rate structure ~~or~~  
~~classifications~~ prescribed in its ordinance may be based upon  
those prescribed in ordinances adopted by local governments ~~that~~  
~~have implemented s. 205.0535~~ in counties or municipalities that  
have a comparable population.

Section 5. Section 205.032, Florida Statutes, is amended  
to read:

205.032 Levy; counties.—The governing body of a county may  
levy, by ~~appropriate resolution or~~ ordinance approved by at  
least a two-thirds majority of the governing body of the county,  
a business tax for the privilege of engaging in or managing any  
business, profession, or occupation within the unincorporated  
portions of its jurisdiction. However, the governing body must

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first give at least 14 days' public notice between the first and last reading of the ~~resolution or~~ ordinance by publishing a notice in a newspaper of general circulation within its jurisdiction as defined by law. The public notice must contain the proposed classifications and rates applicable to the business tax.

Section 6. Section 205.033, Florida Statutes, is amended to read:

205.033 Conditions for levy; counties.—

(1) The following conditions are imposed on the authority of a county governing body to levy a business tax:

(a) The tax must be based upon ~~reasonable~~ the three classifications contained in s. 205.025 and must be uniform throughout any class.

~~(b) Unless the county implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate provided by this chapter in effect for the year beginning October 1, 1971; however, beginning October 1, 1980, the county governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, the increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to licenses or receipts granted to any~~

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~~utility franchised by the county for which a franchise fee is paid.~~

(c) A receipt is not valid for more than 1 year, and all receipts expire on September 30 of each year, except as otherwise provided by law.

(2) Any receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual business tax, but not less than \$3 nor more than \$25, and presentation of the original receipt and evidence of the sale.

(3) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another location in the same county upon payment of a transfer fee of up to 10 percent of the annual business tax, but not less than \$3 nor more than \$25.

~~(4) The revenues derived from the business tax, exclusive of the costs of collection and any credit given for municipal business taxes, shall be apportioned between the unincorporated area of the county and the incorporated municipalities located therein by a ratio derived by dividing their respective populations by the population of the county. This subsection does not apply to counties that have established a new rate structure under s. 205.0535.~~

~~(5) The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days following the month of receipt. This subsection does not apply~~

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~~to counties that have established a new rate structure under s. 205.0535.~~

(~~6~~4) (a) Each county, as defined in s. 125.011(1), or any county adjacent thereto may levy and collect, by an ordinance enacted by the governing body of the county, an additional business tax up to 50 percent of the appropriate business tax imposed under subsection (1).

~~(b) Subsections (4) and (5) do not apply to any revenues derived from the additional tax imposed under this subsection.~~  
 Proceeds from the additional business tax must be placed in a separate interest-earning account, and the governing body of the county shall distribute this revenue, plus accrued interest, each fiscal year to an organization or agency designated by the governing body of the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

(c) An ordinance that levies an additional business tax under this subsection may not be adopted after January 1, ~~199~~2015.

(~~7~~5) Notwithstanding any other provisions of this chapter, the revenue received from a county business tax may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

Section 7. Section 205.042, Florida Statutes, is amended to read:

205.042 Levy; municipalities.—The governing body of an

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incorporated municipality may levy, by ~~appropriate resolution or~~  
ordinance approved by at least a two-thirds majority of the  
governing body of the municipality, a business tax for the  
privilege of engaging in or managing any business, profession,  
or occupation within its jurisdiction. However, the governing  
body must first give at least 14 days' public notice between the  
first and last reading of the ~~resolution or~~ ordinance by  
publishing the notice in a newspaper of general circulation  
within its jurisdiction as defined by law. The notice must  
contain the proposed classifications and rates applicable to the  
business tax. The business tax may be levied on:

(1) Any person who maintains a permanent business location  
or branch office within the municipality, for the privilege of  
engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location  
or branch office within the municipality, for the privilege of  
engaging in or managing any profession or occupation within its  
jurisdiction.

(3) Any person who does not qualify under subsection (1)  
or subsection (2) and who transacts any business or engages in  
any occupation or profession in interstate commerce, if the  
business tax is not prohibited by s. 8, Art. I of the United  
States Constitution.

Section 8. Subsection (1) of section 205.043, Florida  
Statutes, is amended to read:

205.043 Conditions for levy; municipalities.—

(1) The following conditions are imposed on the authority  
of a municipal governing body to levy a business tax:

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(a) The tax must be based upon ~~reasonable~~ the three classifications contained in s. 205.025 and must be uniform throughout any class.

(b) ~~Unless the municipality implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate in effect in the municipality for the year beginning October 1, 1971; however, beginning October 1, 1980, the municipal governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, an increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to receipts or licenses granted to any utility franchised by the municipality for which a franchise fee is paid.~~

(c) A receipt is not valid for more than 1 year and all receipts expire on September 30 of each year, except as otherwise provided by law.

Section 9. Section 205.045, Florida Statutes, is amended to read:

205.045 Transfer of administrative duties.—The governing body of a municipality that levies a business tax may request that the county in which the municipality is located issue the municipal receipt and collect the tax thereon. ~~The governing~~

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~~body of a county that levies a business tax may request that~~  
~~municipalities within the county issue the county receipt and~~  
~~collect the tax thereon.~~ Before any ~~local government~~ county may  
issue receipts on behalf of ~~another local government~~ a  
municipality, appropriate interlocal agreements must be entered  
into by the affected local governments.

Section 10. Subsection (1) of section 205.053, Florida  
Statutes, is amended to read:

205.053 Business tax receipts; dates due and delinquent;  
penalties.—

(1) All business tax receipts shall be sold by the  
appropriate tax collector beginning July 1 of each year, are due  
and payable on or before September 30 of each year, and expire  
on September 30 of the succeeding year. If September 30 falls on  
a weekend or holiday, the tax is due and payable on or before  
the first working day following September 30. Provisions for  
partial receipts may be made in the ~~resolution or~~ ordinance  
authorizing such receipts. Receipts that are not renewed when  
due and payable are delinquent and subject to a delinquency  
penalty of 10 percent for the month of October, plus an  
additional 5 percent penalty for each subsequent month of  
delinquency until paid. However, the total delinquency penalty  
may not exceed 25 percent of the business tax for the delinquent  
establishment.

Section 11. Section 205.0535, Florida Statutes, is amended  
to read:

205.0535 Reclassification and rate structure revisions.—

~~(1) By October 1, 2008, any municipality that has adopted~~

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281 ~~by ordinance a local business tax after October 1, 1995, may by~~  
282 ~~ordinance reclassify businesses, professions, and occupations~~  
283 ~~and may establish new rate structures, if the conditions~~  
284 ~~specified in subsections (2) and (3) are met. A person who is~~  
285 ~~engaged in the business of providing local exchange telephone~~  
286 ~~service or a pay telephone service in a municipality or in the~~  
287 ~~unincorporated area of a county and who pays the business tax~~  
288 ~~under the category designated for telephone companies or a pay~~  
289 ~~telephone service provider certified pursuant to s. 364.3375 is~~  
290 ~~deemed to have but one place of business or business location in~~  
291 ~~each municipality or unincorporated area of a county. Pay~~  
292 ~~telephone service providers may not be assessed a business tax~~  
293 ~~on a per-instrument basis.~~

294 ~~—— (2) Before adopting a reclassification and revision~~  
295 ~~ordinance, the municipality or county must establish an equity~~  
296 ~~study commission and appoint its members. Each member of the~~  
297 ~~study commission must be a representative of the business~~  
298 ~~community within the local government's jurisdiction. Each~~  
299 ~~equity study commission shall recommend to the appropriate local~~  
300 ~~government a classification system and rate structure for~~  
301 ~~business taxes.~~

302 ~~—— (3) (a) After the reclassification and rate structure~~  
303 ~~revisions have been transmitted to and considered by the~~  
304 ~~appropriate local governing body, it may adopt by majority vote~~  
305 ~~a new business tax ordinance. Except that a minimum tax of up to~~  
306 ~~\$25 is permitted, the reclassification may not increase the tax~~  
307 ~~by more than the following: for receipts costing \$150 or less,~~  
308 ~~200 percent; for receipts costing more than \$150 but not more~~



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~~than \$500, 100 percent; for receipts costing more than \$500 but not more than \$2,500, 75 percent; for receipts costing more than \$2,500 but not more than \$10,000, 50 percent; and for receipts costing more than \$10,000, 10 percent; however, in no case may the tax on any receipt be increased more than \$5,000.~~

~~(b1) Beginning October 1, 2014, the total annual revenue generated by the new rate structure for the local 2014-15 fiscal year following the fiscal year during which the rate structure is adopted may not exceed:~~

~~1a. For municipalities, the sum of the revenue base and 105 percent of that revenue base. The revenue base is the sum of the business tax revenue generated by receipts issued for the most recently completed local fiscal year or the amount of revenue that would have been generated from the authorized increases under s. 205.043(1)(b), whichever is greater, plus any revenue received from the county under former s. 205.033(4).~~

~~2b. For counties, the sum of the revenue base, 105 percent of that revenue base, and the amount of revenue distributed by the county to the municipalities under s. 205.033(4) during the most recently completed local fiscal year. The revenue base is the business tax revenue generated by receipts issued for the most recently completed local fiscal year or the amount of revenue that would have been generated from the authorized increases under s. 205.033(1)(b), whichever is greater, but may not include any revenues distributed to municipalities under former s. 205.033(4).~~

~~(2) If, for the period October 1, 2014, through September 30, 2015, the revenues received by a local government from the~~

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local business tax rate established under s. 205.027(1), are  
above the thresholds established in subsection (1), the  
governing authority must adjust the rates of the local business  
tax to the extent necessary to reduce revenues to the threshold  
amounts established in subsection (1) by ordinance as soon as  
reasonably practicable.

(3) If a reduction in tax rates is required pursuant to  
subsection (2), the county or municipality shall refund the  
revenue generated in excess of the threshold established in  
subsection (2) on a prorata basis to the businesses that paid  
the local business tax. Such refunds may be granted as a credit  
against tax due in the subsequent year.

(e4) In addition to the revenue increases authorized by  
paragraph (b) subsection (2), revenue increases attributed to the  
increases in the number of receipts issued are authorized.

(45) After the conditions specified in subsections (2) and  
(3) are met, municipalities and counties may, beginning in  
local fiscal year 2020-21 and every other seven years  
thereafter, increase or decrease by ordinance the rates of  
business taxes by up to 510 percent. An increase, however, may  
not be enacted by less than a majority plus one vote two-thirds  
of the governing body. Nothing in this chapter shall be  
construed to prohibit a municipality or county from decreasing  
or repealing any business tax authorized under this chapter.

(5) A receipt may not be issued unless the federal  
employer identification number or social security number is  
obtained from the person to be taxed.

Section 12. Section 205.0536, Florida Statutes, is

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repealed.

Section 13. Subsections (1), (5), and (6) of section 205.054, Florida Statutes, are amended to read:

205.054 Business tax; partial exemption for engaging in business or occupation in enterprise zone.—

(1) Notwithstanding the provisions of s. 205.033(1)(a) or s. 205.043(1)(a), the governing body of a county or municipality may authorize by appropriate ~~resolution or~~ ordinance, adopted pursuant to the procedure established in s. 205.032 or s. 205.042, the exemption of 50 percent of the business tax levied for the privilege of engaging in or managing any business, profession, or occupation ~~in the respective jurisdiction by~~ of the county or municipality when such privilege is exercised at a permanent business location or branch office located in an enterprise zone.

(5) If an area nominated as an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, the governing body of a county or municipality may enact the appropriate ordinance ~~or resolution~~ authorizing the exemption permitted in this section; however, such ordinance ~~or resolution~~ will not be effective until such area is designated pursuant to s. 290.0065.

(6) Any exemption authorized by a county under this section shall only apply to businesses located within the unincorporated portion of the county.

(6) This section expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act; and a receipt may not be issued with the exemption authorized in

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this section for any period beginning on or after that date.

Section 14. Section 205.066, Florida Statutes, is amended to read:

205.066 Exemptions; employees.—

(1) An individual who engages in or manages a business, profession, or occupation as an employee of another person is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual acting in the capacity of an independent contractor is not an employee.

(2) An employee may not be held liable by any local governing authority for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by any local governing authority to apply for an exemption from a local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.

(3) A principal or employer who is required to obtain a local business tax receipt may not be required by a local governing authority to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.

~~(4) The exemption provided in this section does not apply to a business tax imposed on individual employees by a municipality or county pursuant to a resolution or ordinance adopted before October 13, 2010. Municipalities or counties that, before October 13, 2010, had a classification system that~~

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~~was in compliance with the requirements of this chapter and that  
actually resulted in individual employees paying a business tax  
may continue to impose such a tax in that manner.~~

Section 15. It is declared to be the legislative intent to  
revise and simplify local business taxes in this state  
consistent with the provisions of this act effective October 1,  
2014. In order to transition to the new tax structure that will  
be in effect on October 1, 2014, counties and municipalities may  
continue levying local business taxes pursuant to the provisions  
of this chapter, until September 30, 2014. Local business taxes  
in effect on September 30, 2014 are not authorized beyond that  
date. Beginning October 1, 2014, all local business taxes must  
be approved and levied pursuant to, and in accordance with, the  
provisions of Chapter 205 as amended by this act, including the  
restrictions on classifications and rates provided for in ss.  
205.025 and 205.027, respectively and the requirement that  
ordinances authorizing local business taxes must be adopted by a  
two-thirds majority of the governing body of the county or  
municipality that chooses to continue levying local business  
taxes after September 30, 2014. Such ordinances may be adopted  
at any time after July 1, 2013 and scheduled to become effective  
beginning October 1, 2014.

Section 16. Notwithstanding the revisions to chapter 205,  
Florida Statutes, made by this act, counties or municipalities  
imposing a local business tax as of September 30, 2014, pursuant  
to chapter 205, Florida Statutes, may continue to levy such tax  
in the same manner and with the same rates and classifications  
as are in effect on March 1, 2013, to the extent necessary to

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meet all obligations to or for the benefit of holders of bonds  
or certificates that were issued before March 1, 2013, and for  
which taxes levied pursuant to chapter 205, Florida Statutes,  
are expressly identified and pledged as security, separate from  
any other pledge of non-ad valorem revenues.

Section 17. Notwithstanding the revisions to chapter 205,  
Florida Statutes, made by this act, any county or municipality  
whose business tax receipts in its 2012-2013 fiscal year  
comprised at least 20 percent of the county's or municipality's  
total revenue derived from local taxes levied by the county or  
municipality in that fiscal year may continue to levy such tax  
in the same manner and with the same rates and classifications  
as are in effect on February 1, 2013, until September 30, 2018.  
However, any such county or municipality that chooses to  
continue to levy such tax may not increase its general county  
millage, general municipal millage, or any dependent special  
district millage above the level in effect for fiscal year 2013-  
2014 in any fiscal year through September 30, 2018, unless a  
majority of the electors of the qualifying county or qualifying  
municipality voting in a general or special election held not  
more than 12 months before the increased rate takes effect has  
approved the increased rate. As used in this section, the terms  
"general county millage," "general municipal millage," "and  
dependent special district millage" have the same meanings as in  
s. 200.001(1).

Section 18. This act shall take effect October 1, 2014,  
except sections 15, 16 and 17 which shall take effect July 1,  
2013.

# DRAFT BILL- CHAPTER 205

## Section #

## Effect

1	Minor conforming and clean up changes to definitions.
2	1. Creates 3 classifications based upon sq. footage of the business- 0-2,499, 2,500-9,999 and 10,000+. 2. Attempts to specify how sq. footage determination s/b made. 3. Sq. footage is defined.
3	Establishes parameters for rate structure to be applied to the classification system where the rate applied to each larger class may not exceed 300% of the class below it.
4	Removes language allowing a county LBT to be adopted via resolution (now only by ordinance). Makes other conforming changes.
5	1. Requires <u>county</u> LBT to be approved by 2/3 majority of governing body. 2. Clarifies that county tax only applies in unincorporated county. 3. Makes other conforming changes.
6	1. Removes old references regarding rate setting. 2. Removes provisions related to apportioning county tax among municipalities within the county.
7	1. Requires <u>city</u> LBT to be approved by 2/3 majority of governing body. 2. Makes other conforming changes.
8	Removes old references regarding rate setting.
9	Removes provisions allowing cities to collect LBT on behalf of county. Retains provisions allowing county to collect on behalf of cities.
10	Removes reference to adoption of LBT by resolution.
11	1. Removes old language regarding reclassification and rate structure. 2. Limits amt. of revenue under new structure to 5% above FY 2013-14 amounts. 3. Provides if new structure generates more than that- must adjust rates down and must refund or credit to businesses that pd. 4. Allows cities and counties to increase rates up 10% every seven years beginning LFY 2020-21.
12	Repeals obsolete section regarding distribution of county revenues.
13	Makes conforming changes to exemption allowed for EZs.
14	Removes grandfathering of exception to exemption related to employees vs. businesses.
15	Transition language- allows cities and counties to adopt new ordinances to conform to the new structure prior to Oct. 1, 2014.
16	"Grandfathers" cities and counties that have expressly pledged LBT for bonding to continue under current system until such bonds are paid off.
17	Allows qualifying local governments to continue under current system until 2018. Restricts govs that choose to continue from increasing ad valorem millage unless approved by voters.
18	Provides effective dates- all Oct 1, 2014, except secs. 15, 16 and 17 which become effective July 1, 2013.

# STATE / LOCAL WEEKLY REPORT

## February 18- February 22, 2013

\*The weekly report comprises a variety of media sources, including news articles, lobbyist reports and information gathered through the OIA.

### **LEGISLATIVE ISSUES**

#### **Elections**

The House Appropriations Committee this morning heard the House elections package, HB 7013 (formerly Proposed Committee Bill EES 13-01). There were 16 amendments considered to HB 7013 today, and the following four amendments were adopted:

1. **Late voter registration:** Expands the types of military personnel allowed to participate in late voter registration to include personnel returning from a military deployment or activation. This amendment was the subject of a separate committee bill by the House Veteran & Military Affairs Subcommittee:  
<http://static.lobbytools.com/bills/2013/pdf/7013776205.pdf>
2. **Early voting hours:** Increases the minimum number of early voting hours per day from 6 hours to 8 hours:  
<http://static.lobbytools.com/bills/2013/pdf/7013197197.pdf>
3. **Absentee ballots returned w/out a signature:** Requires Supervisors of Elections to allow an elector who has returned an absentee ballot without a signature to complete an affidavit to cure the unsigned absentee ballot:  
<http://static.lobbytools.com/bills/2013/pdf/7013944649.pdf>
4. **Selection of canvassing board members:** Allows for the selection of alternates to members of the canvassing board in the event a canvassing board member is unable to serve or disqualified:  
<http://static.lobbytools.com/bills/2013/pdf/7013278821.pdf>

One of the amendments filed but not adopted today was to change the name of absentee ballots to vote-by-mail ballots. This amendment was withdrawn, and may return at a later date:  
<http://static.lobbytools.com/bills/2013/pdf/7013860761.pdf>.



Here's a link to the text of HB 7013 presented in today's committee:

<http://static.lobbytools.com/bills/2013/pdf/7013.pdf>.

HB 7013 passed unanimously from today's committee with the four amendments. It next goes to the House State Affairs Committee, where there are no members of the Miami-Dade Delegation on the committee. From there, HB 7013 will be ready for the House floor. The Senate has not yet released its elections package.

\*If you cannot open the links provided, please try the following:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50010>

This morning the following bills were discussed (No votes taken) during the Office of EDR's Revenue Estimating Impact Conference:

HB 0165 - Relating to Professional Sports Franchise Facilities by Gonzalez and SB 0306 - Relating to Professional Sports Facilities by Braynon, which are identical.

Professional Sports Franchise Facilities: Authorizes use of local option tourist development taxes to pay debt service on bonds & other specified costs relating to financing renovation of professional sports franchise facilities; provides for nonapplicability of prohibition on levy of tax in charter counties that impose convention development tax; provides for monthly distribution of sales tax revenues to facility certified by DEO as professional sports franchise renovation facility; authorizes DEO to screen & certify applicants for funding as professional sports franchise renovation facility; defines "professional sports franchise renovation facility"; authorizes previously certified new or retained professional sports facility to be eligible for additional certification & funding as professional sports franchise renovation facility; requires DEO to determine specified requirements have been met before certifying applicant as professional sports franchise renovation facility; limits expenditure of revenues by certified professional sports franchise renovation facility to specified purposes

Here's a link to the text of HB 0165:

<http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= s0306 .DOCX &DocumentType=Bill&BillNumber=0306&Session=2013>

## **FDOT /DMV**

On Wednesday, the House Transportation & Highway Safety Subcommittee held a workshop on proposed committee bills for both the Florida Department of Transportation and the Florida Department of Highway Safety & Motor Vehicles. Rep. Frank Artiles of our Delegation presented the FDOT bill to the subcommittee.

Here are some provisions of these proposed committee bills of significance to Miami-Dade County:

A. **FDOT** proposed committee bill:

1. **Consolidation of MPOs:** This language makes changes that would facilitate consolidating MPOs towards a goal of reducing the number of MPOs in Florida. We have met with Rep. Artiles and provided amendment language to ensure that Miami-Dade County is not part of this consolidation effort and remains a separate MPO. Rep. Artiles expressed our concerns while presenting the bill this morning (Section 20; Pages 42-49).
2. **Access roads to state parks:** Authorizes FDOT to improve and maintain roads that are part of the county road system or city street system if they provide access to a state park. I've been advised that this change may relate to Crandon Boulevard/Rickenbacker Causeway. It may have a positive fiscal impact on the County (Section 13; Pages 26-27).
3. **Strategic Airport Investment Initiative:** Modeled after a similar program for seaports passed last year, provides funding from the FDOT Work Program for strategic airport investment projects (Section 10; Page 25).
4. **Parking meter revenue:** Local governments currently retain all revenue from parking meters on state roads, this statutory change would require 50 percent of such revenue to go to FDOT. This is an issue in the City of Miami, may have an impact on the County if we have any parking meters on state roads (Section 17; Pages 39-40).
5. **Noise mitigation/land use along turnpike/interstate highways:** Requires local governments to adopt noise compatible land use regulations for residential development adjacent to limited access highways by July 1, 2014; requires local governments to equally share with FDOT in noise mitigation costs if such regulations are not in place and FDOT is required to construct noise mitigation walls (Section 4; Pages 13-15).
6. **Intercity bus service/state funding:** Broadens the eligibility for intercity bus companies to compete for federal and state program funds, may divert funds from existing transit (Section 23; Pages 51-52).

**B. Department of Highway Safety and Motor Vehicles proposed committee bill:**

1. **Electronic submittal of crash reports:** Requires all law enforcement agencies to electronically submit all traffic crash reports for crashes that occur after June 30, 2015 (Section 2; Pages 11).
2. **Drivers Licenses:** Advances the statutory directive enacted in 2011 that all driver license issuance services be assumed by constitutional tax collectors by June 30, 2015 by removing language that requires tax collectors to direct those seeking driver license re-examinations to the department (Section 28; Pages 55).
3. **Texting while Driving:** Neither the FDOT bill nor the DHSMV bill addresses a ban on texting while driving, although there was discussion of the issue this morning. The intent is to address the issue of texting while driving in a stand-alone bill.

Here's a link to the subcommittee packet from the morning's meeting, but please note that it's 234 pages in length (there is a 4-page summary of all the provisions in the FDOT bill appears starting on pdf page 139, while the FDOT bill starts on pdf page 143; there is a 3-page summary of all the provisions in the DHSMV bill appears starting on pdf page 4, while the DHSMV bill starts on pdf page 7):

[http://static-lobbytools.s3.amazonaws.com/bills/2013/event\\_docs/1/CP\\_House\\_H13THSS\\_2013220\\_9.pdf](http://static-lobbytools.s3.amazonaws.com/bills/2013/event_docs/1/CP_House_H13THSS_2013220_9.pdf)

### **Other Bills of Interest Recently Filed**

1. **Preemption of pain management clinic ordinances**  
HB 831 by Rep. Mike Fasano (R – New Port Richey) preempts city and county ordinances regulating pain management clinics as of June 30, 2014 that are more stringent than a model ordinance set forth in the bill. HB 831 also strengthens state laws regulating pain management clinics, and among other things, requires doctors in such clinics to consult the prescription drug monitoring database prior to writing prescriptions for new patients. HB 831 may affect Miami-Dade County's pain clinic ordinance.  
Here's link to HB 831:  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50069>
2. **Collection of delinquent taxes by tax deed application**  
HB 837 by Rep. Debbie Mayfield (R – Vero Beach) would allow tax collectors to collect delinquent taxes by processing tax deed applications.  
Here's a link to HB 837:  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50078>
3. **Professional sports facility – Jacksonville Jaguars**  
SB 922 by Senator Rob Bradley (R – Orange Park) and HB 721 by Rep. Travis Cummings (R – Orange Park) are identical companion bills that would allow a previously-certified professional sports franchise in existence for at least 15 years to qualify for an additional \$2 million annual sales tax benefit for planned facility improvements that exceed \$80 million. SB 922/HB 721 appears to be the Jacksonville Jaguars' bills. Bills or amendments may also surface for the Daytona Speedway, a professional soccer facility in Orlando and perhaps stadium improvements for the Tampa Bay Rays. Here's a link to SB 922, HB 721 is identical:  
<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50053>
4. **Ocean outfalls**  
SB 444 by Senator Miguel Diaz de la Portilla (R – Miami) and HB 707 by Rep. Manny Diaz (R – Hialeah) would allow up to 5 percent of annual treated flows to continue to be discharged through ocean outfalls during peak flow events, and allow utilities to meet 60 percent reuse requirements anywhere in their service area instead of just from ocean outfall flows or through contracts with other utilities in Miami-Dade, Broward and Palm

Beach Counties. Passage of this pair of bills is one of Miami-Dade's critical priorities for the 2013 session. Here's link to HB 707, SB 444 is identical:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49932>

5. **Marketable Record Title**

SB 762 by Senator Joseph Abruzzo (D – Wellington) would provide that the marketable record title act does not extinguish restrictions and covenants that are accepted by a governmental entity or any right, title or interest that is held in the public trust for the public. This issue is in our legislative package and SB 762 was filed at our request. Here's link to SB 762:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49905>

6. **Preemption of contractor & supplier project labor agreements/living & responsible wages/benefits/training/staffing**

HB 181 by Rep. Charles Van Zant (R – Palatka) would prohibit the state, cities and counties in contracts for the construction, maintenance, repair or improvement of public works from requiring contractors or suppliers from:

1. Paying employees a predetermined amount of wages or wage rate;
2. Providing employees a specified type, amount, or rate of employee benefits;
3. Controlling or limiting staffing;
4. Recruiting, training, or hiring employees from a designated or single source;
5. Designating any particular assignment of work for employees;
6. Participating in proprietary training programs; or
7. Entering into any type of project labor agreement

Here's a link to HB 181 is included below:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49409>

7. **Pretrial detention**

PCB CRJS 13-03 is a House Proposed Committee Bill that would provide additional factors a court may consider when ordering pretrial detention including that the defendant is a three-time violent felony offender, a violent career criminal or a habitual violent felony offender. This bill may have a fiscal impact on Miami-Dade Corrections. Here's a link to PCB CRJS 13-03:

<http://static.lobbytools.com/bills/2013/pdf/CRJS3.pdf>

8. **Procurement of architectural/engineering professional services/CCNA**

HB 739 by Rep. Larry Metz (R – Groveland) would allow for consideration of price in a procurement of professional services through a two stage process and allow for a competitive selection process to proceed when fewer than three firms respond to a public solicitation. Here's a link to HB 739:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=49962>

9. **E911 funding**

HB 807 by Rep. Greg Steube (R – Sarasota) would require prepaid wireless cellular providers to pay the 50 cent fee that funds 911 service. Many cellular providers have stopped paying the E911 fee by redefining their cellular service as prepaid. Passage of

this bill would have a positive fiscal impact on Miami-Dade Police 911. Here's a link to HB 807:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50052>

10. **Development permits/mapped flood hazard zone**

PCB EDTS 13-02 is a House Proposed Committee Bill that requires cities and counties to demonstrate that all applicable federal and state permits have been obtained before a development is commenced in mapped flood hazard areas. Here's a link to PCB EDTS 13-02:

<http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName= h0181 .docx &DocumentType=Bill&BillNumber=0181&Session=2013>

11. **Stormwater management permits in CRAs/urban infill & redevelopment areas**

SB 934 by Senator Tom Lee (R – Brandon) and HB 183 by Rep. Daniel Raulerson (R – Plant City) authorize cities and counties to adopt stormwater adaptive management plans & obtain conceptual permits for urban redevelopment projects, and provide for expedited review. Here's a link to SB 934, HB 183 is similar:

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50072>

## **LEGISLATIVE NEWS**

### **Citizen Safety Task Force Releases Final Report**

On February 22, 2013, in News Releases, by Staff

Thousands of citizens provide input to help Task Force reach consensus

Today the Task Force on Citizen Safety and Protection, delivered their final report to the Office of the Florida Senate President, Office of the Speaker of the Florida House of Representatives and the Executive Office of the Governor.

The Task Force concluded that Florida Statute 776 is a good law and should not be overturned. On page five of their final report the Task Force's top recommendations states:

"The Task Force concurs with the core belief that all persons, regardless of citizenship status, have a right to feel safe and secure in our state. To that end, all persons who are conducting themselves in a lawful manner have a fundamental right to stand their ground and defend themselves from attack with proportionate force in every place they have a lawful right to be."

Governor Rick Scott said, "I want to commend the 19 members of the Citizen Safety Task Force and Lt. Governor Jennifer Carroll for their thorough and thoughtful consideration of Florida Statute 776. This diverse Task Force listened to the people of Florida and provided a platform for different viewpoints to be shared on the important issue of citizen safety. I met with Trayvon

Martin's parents and our hearts go out to the entire family for their loss, especially as we approach the anniversary of his death. We look forward to reviewing this final report as we approach the beginning of the legislative session."

The final Citizen Safety Task Force report, video links to all of the task force meetings, correspondence and public input considered is located on the Task Force website.

Link to Task Force website and final report: <http://www.flgov.com/citizensafety/>.

The Task Force on Citizen Safety and Protection, led by Lt. Governor Jennifer Carroll, held public meetings in seven cities across Florida and listened to subject matter experts and citizens. They concluded that Floridians have the right to defend themselves and the right to stand their ground when attacked. They concur that Floridians have the right to arm and protect themselves and their families from violence.

### **Governor Rick Scott: We Must Protect the Uninsured and Florida Taxpayers with Limited Medicaid Expansion**

On February 20, 2013, in News Releases, by Staff

Governor Rick Scott announced that he would support a limited, three-year expansion of the state's Medicaid program under the president's healthcare law while the federal government is paying 100 percent of the cost in order to protect both the uninsured in Florida and state taxpayers.

Governor Scott said, "While the federal government is committed to paying 100 percent of the cost of new people in Medicaid, I cannot, in good conscience, deny the uninsured access to care. We will support a three-year expansion of our Medicaid program under the new healthcare law, as long as the federal government meets their commitment to pay 100 percent of the cost during this time. This legislation would sunset after three years and need to be reauthorized.

"There are no perfect options. Our options are either having Floridians pay to fund this program in other states while denying healthcare to our citizens or using federal funding to help some of the poorest in our state with the Medicaid program as we explore other healthcare reforms.

"Expanding access to Medicaid services for three years is a compassionate, common sense step forward. It is not the end of our work to improve healthcare. And, it is not a white flag of surrender to government-run healthcare. I am committed to working every day to improve access to affordable, high-quality healthcare in Florida, while also protecting taxpayers and keeping our economy growing to create more jobs – which ultimately fuels the dreams of every Florida family."

## **Colombia Trade Mission**

On Wednesday, Governor Rick Scott and Enterprise Florida (EFI) announced that the participating companies on the trade mission to Bogotá, Colombia reported actual and expected sales in excess of \$40 million as a result of the trip. Governor Scott and EFI were a part of one of the largest TEAM Florida trade missions to Bogotá, Colombia, with more than 190 participants representing 116 Florida companies, statewide organizations and higher educational institutions to promote economic development opportunities in the Sunshine State last December. To read more click the link: <http://www.flgov.com/2013/02/20/gov-scotts-colombia-trade-mission-sales-could-top-40-million/>

## **Gov Scott Thanks Secretary Janet Napolitano for visiting Miami Airport; Urges Staffing Problem to be Resolved**

On February 20, 2013, in News Releases, by Staff

Governor Rick Scott today welcomed Secretary of Homeland Security Janet Napolitano to Florida where she will be visiting Miami International Airport (MIA) to review U.S. Customs and Border Protection staffing issues. Following complaints of long-wait times and a chaotic clearance process caused by the United States Customs and Border Protection not staffing the passport control lanes and exits sufficiently, Governor Scott sent a letter to Secretary Napolitano in September outlining the issues facing MIA and asking her to visit the airport to see the challenge first hand.

Governor Rick Scott said, "Miami International Airport is the nation's number one airport for international flights and I am pleased Secretary Napolitano has decided to accept my invitation to visit the airport to take a closer look at staffing needs there. We must ensure Florida is well-positioned to welcome new and returning visitors to the Sunshine State.

"If this staffing problem is not corrected immediately, it has the potential to damage Florida's international competitiveness. More than 1 million jobs in Florida depend on international trade and investment, which is one of the healthiest and fastest growing sectors of our economy. We look forward to hearing Secretary Napolitano's solutions to improve this important customer service issue because we want to ensure that those who visit Florida and who conduct business here are able to clear customs efficiently.

## **Division of Emergency Management and Department of Juvenile Justice Create More Than \$5 Million in Taxpayer Savings**

Agencies retain quality services at a better value for Florida families

TALLAHASSEE, Feb. 22, 2013 – The Florida Department of Management Services (DMS) announced today that two state agencies have been selected as the latest recipients of Gov. Rick Scott's "Governor's Savings Award." The Division of Emergency Management (DEM) and the Department of Juvenile Justice (DJJ) demonstrated their commitment to answering Gov. Rick Scott's request for increased government efficiencies. Through strategic contract renegotiations, these agencies produced more than \$5 million in cost savings and added services.

Governor Scott said, "The more efficient we make state government, the more value we add to services, which improves the quality of life for every Florida family. The Department of Emergency Management Services and the Department of Juvenile Justice have done a great job in ensuring each and every taxpayer dollar is used as effectively as possible. With these savings, we're able to keep the cost of living low and make targeted investments in education, so we can grow jobs and opportunities for Florida families."

The Division of Emergency Management renegotiated nine contracts concerning disaster response, including staffing and broadcasting services, for a combined savings of more than \$2.4 million. As a result of the Governor's Enterprise Vendor Performance Management initiative, the Department of Juvenile Justice successfully renegotiated 19 contracts to reduce overall costs and increase services at no cost to the state. These negotiations generated \$2.8 million in savings.

### **The Division of Emergency Management**

The Division of Emergency Management renegotiated several contracts for lower state term contract rates for disaster response and recovery and information technology staff vendors. The resulting savings are based on the value of additional services added to the contracts. DEM's renegotiated contract for broadcasting services will satisfy a Legislature-mandated project requiring a 3-to-1 ratio of free public announcements, such as hurricane awareness and "Get a PLAN" messages, for the safety of Floridians. The projected cost savings equal \$500,000 over a one-year period.

"I'm pleased that the Division of Emergency Management is being recognized by Governor Scott for ensuring the best value for services provided to the citizens of Florida," said FDEM Director Bryan W. Koon. "I am proud of the hard work of our team and their dedication to customer service, and we will continue to look for ways to conserve funds for the State of Florida, as well as being good stewards of our tax dollars."



## **The Department of Juvenile Justice**

The Department of Juvenile Justice renegotiated its contracts involving the provision of services to delinquent youth. These services include: a moderate-risk residential program for boys, increased on-site nursing and sick call services at residential facilities, and probation services. The new contracts achieved \$2.8 million in savings, to be realized over a three- to four-year period.

“Reforming juvenile justice in Florida also means reforming the way our agency does business so that the needs of troubled youth come first,” said DJJ Secretary Wansley Walters. “With contractors providing many of our services to youth, it is vital that we remain good stewards of the public’s money by managing our contracting and procurement process as carefully and efficiently as possible. I am pleased our hard work on behalf of Florida’s taxpayers and families is paying off.”

## **About the “Governor’s Savings Award”**

The “Governor’s Savings Award” honors state government employees and partnering private-sector companies that work together in the interest of identifying cost savings and avoidances while increasing the effectiveness of government operations.

Since its launch in mid-October 2012, 14 agencies and more than 33 private sector businesses have been lauded for their efforts, which have resulted in a total of more than \$117 million in savings and value-added services for Florida’s taxpayers.

Because of its role as a lead agency in fostering statewide strategies for greater efficiencies, the Department of Management Services helps to track and identify candidates who meet the award criteria for the Governor’s consideration. The awards are presented to recipients in a quarterly reception at the Governor’s Mansion.

## **2013 Session Dates**

March 1, 2013	House Bills must be in final draft form
March 5, 2013	Regular Session convenes
May 3, 2013	Last day of Regular Session

## **Announcements:**

Miami-Dade County Days will celebrate its 25<sup>th</sup> Anniversary as it holds its Fly-In on Wednesday, April 3 – Thursday, April 4, 2013.

For more information, please click the link: <http://dadedays.com/>

## **LOCAL NEWS**

### **Jackson Health System**

On Thursday, JHS Chief Financial Officer Mark Knight reported strong financial results in January, with a surplus of \$5.5 million due to an influx of patients, rigid cost controls and good cash collections.

Days of cash on hand remained at a low 14.5 days, far below the benchmark of 175 days of cash that financially successful hospitals are supposed to have.

While the system has been struggling for more than a year with a steady decline in patient volume, January reversed the trend, with \$87.2 million in net patient revenue, compared to \$82.6 million in January 2012.

Because the audit for fiscal 2011-2012 showed a surplus of \$8.2 million, Knight said that Chief Executive Carlos Migoya earned a bonus of \$219,000 on top of his \$590,000 salary.

Migoya negotiated a bonus possibility with the board when he started in 2011, in return for accepting a considerably lower salary than the maximum of the \$975,000 that the board could have offered. Last March, union fliers accused him of laying off 1,000 workers so that he could earn a hefty bonus. Migoya responded that he would donate any bonus received to the Jackson Memorial Foundation.

On Thursday, Migoya reiterated his intention to donate the bonus.

### **North Miami Beach**

Hospital officials are looking into adding a helipad to the North Miami Beach hospital in an effort to create Level II trauma centers at both Jackson North and Jackson South Community Hospital in Palmetto Bay.

A timeline for the upgrade has not been set because of factors such as regulatory approval, zoning, infrastructure improvements and ongoing discussions with nearby residents, according to hospital officials.

Some of those discussions with residents revolve around the noise that a proposed helipad will cause.

In December, the hospital had an acoustical study conducted at Jackson North to determine what the potential noise impact of a proposed helipad would be on the surrounding residential neighborhood.

That study, which was conducted by Edward Dugger & Associates, concluded that noise levels from a helicopter would not be loud enough to pose a danger to residents in the surrounding area, according to an official with the company.

With the proposed helipad, the primary approach would be east of Interstate 95 from north to south and back out north, avoiding residential areas, according to Piedra.

The hospital brought forward their plans for the proposed helipad during a Dec. 10 planning and zoning meeting, when a vote to approve it failed to pass after a 3-3 vote.

However, the issue is slated to appear before the city council for approval at an upcoming meeting.

In the meantime, hospital officials plan on meeting with the North Miami Beach Civic Association later this month to discuss the acoustical study and other concerns that residents may have.

"We are eager to meet with the homeowners association to demonstrate and prove to them the great enhancements that are coming to an already great hospital — Jackson North," O'Dell said.

In other business

Red-light cameras are coming back at five North Miami Beach intersections.

On Tuesday, the City Council authorized the measure but didn't set a date to activate the cameras. Assistant City Manager Mac Serda said via email there will be a 30-day warning period.

In 2009, the city had two red light cameras. But they deactivated them in 2010 after a state law went into effect requiring cities to enact an ordinance to use red-light cameras, and to put them under state regulation, not local.

The city has amended its contract with American Traffic Solutions to comply with the new law.

After reviewing accident statistics, the city is adding red-light cameras at three intersections, in addition to the two previous ones. They are:

- North Miami Beach Avenue and Northeast 10th Avenue (previous)
- Northeast 163rd Street and Northeast 18th Avenue (previous)

- Biscayne Boulevard and Northeast 163rd Street
- Biscayne Boulevard and Northeast 172nd Street
- Northeast Sixth Avenue and Northeast 167th Street

ATS also conducted a study, according to city documents, and estimates seven or eight violations a day at each intersection for straight and left-turn violations (not right turns on red, which won't activate the cameras.).

After subtracting ATS' program costs of about \$4,750 a month for each camera, the city expects to bring in about \$392,148 a year from violations caught by the cameras.

The city is also expected to hire two community service officers to perform tasks such as reviewing footage from the cameras and attending court hearings once the cameras are active. Factoring in their salary and benefits, the city expects to bring in \$290,148 a year, according to city documents.

Tickets from the red light cameras will be \$158 each. Of that, \$75 will go to the city, \$70 to the state, \$10 to the Department of Health Administrative Trust fund and \$3 to the Brain and Spinal Cord Injury Trust Fund.

Councilwoman Beth Spiegel and Councilman Philippe Deroose opposed the resolution.

## **Hialeah**

José Francisco Caragol Jr., Hialeah's emergency services coordinator and the son of City Councilman José Caragol, has died. He was 51 and had cancer.

Caragol Jr., known as Joe, had a 27-year-long police career until January. During the past seven years, he was in charge of handling the city's emergency response to crises and natural disasters.

Councilman Caragol said that in 2012 his son suffered from permanent back pain, for which he received chiropractic treatment. In November, shortly before Thanksgiving, he was diagnosed of advanced pancreatic and liver cancer. He died on Sunday.

Caragol Jr. joined Hialeah police in January 1986 as a patrol officer and served under different units, including burglary and anti-drug investigations, until he took over emergency services in 2006.

Besides his father, Caragol Jr. is survived by his 4-year-old son, Anthony Thomas, and his sisters Silvia María, Vivien Marie and María Aurora.

The funeral is Wednesday at Vista Memorial, 14200 NW 57th Ave. in Miami Lakes.

## **Doral**

A few weeks ago, residents of the Fairway Homes of Doral found themselves at odds with the celebrity developer Donald Trump.

They had complained to city officials about the loud, early-morning noise caused by the resort's maintenance crews at the Trump-owned Doral Golf Resort & Spa and about trees planted by the resort that blocked their golf course views. Now, things have changed.

Trump spoke to residents earlier this month and said their concerns were being addressed.

First, the noise.

To remedy that problem, the resort changed the path that its maintenance vehicles take in the morning, moving them away from the homes, and replaced eight of its 32 vehicles with quieter, electric ones.

Trump said some neighbors called and thanked the resort for reducing the racket.

At a special City Council meeting in January, city officials, residents and resort representatives discussed the ongoing problems. While the resort, after Trump's organization purchased it out of bankruptcy early in 2012, kept the same maintenance schedule as the previous owners,

Trump had doubled the staff's size and the maintenance fleet, whose heavy-duty utility vehicles would rumble down paths near the residents' back yards.

City Manager Joe Carollo and Mayor Luigi Boria also spoke to the Trumps after the meeting.

The next issue the Trumps are tackling with homeowners is the planting of areca palm trees around the red and gold golf courses, erecting a visual barrier between the homes and fairways. In a previous interview, Trump said the trees were necessary to protect the homeowners from golf balls hit in their direction and to muffle the sound of the maintenance work.

He said he received positive feedback about them from some residents, but others complained that the trees blocked their views, attracted rodents and caused flooding.

Ivanka Trump is scheduled to meet with the homeowners again in March.

In January the city requested an emergency injunction against the resort, alleging that it "continuously operated commercial noise-producing lawn mowers, blowers, chainsaws, power tools and other noise-producing tools between the hours of 6:30 p.m. to 7:30 a.m. on weekdays, and 6:30 p.m. to 9 a.m. on Saturdays and any time on Sundays."

And in November, a special magistrate ruled that the resort committed 19 violations against the city's noise ordinance and fined it \$28,500. In addition, the magistrate ordered the resort to pay \$1,500 for any future violations.

The City Council last month voted unanimously to place a 30-day hold on its emergency complaint and the magistrate's order, to let the city and Trump negotiate.

"The Motion was filed on Feb. 8, but I have not gotten notice that it was granted by the court," Joe Jimenez, an attorney for Doral, wrote in an email. "For now, the case is on hold. I am not aware of any further complaints."

The Trumps said creating a sense of community and working with residents is important to them.

## **Announcements**

### **Orange Bowl Committee**

Andrew Hertz, president and general manager of Miami Seaquarium, was installed recently as the Orange Bowl Committee's new president and chair during a reception at the Riviera Country Club in Coral Gables.

An Orange Bowl Committee member since 2001, Hertz succeeds immediate past president and chair O. Ford Gibson as the 75th president of the Orange Bowl Committee.

Hertz, son of Arthur Hertz, chairman and CEO of Wometco Enterprises, will oversee the committee's continued mission to promote and serve the South Florida community, while presiding over the 2013-14 Discover Orange Bowl Festival and Game, which will mark the 80th anniversary of the Orange Bowl.

In addition to the annual football game, the 2013-14 Discover Orange Bowl Festival includes the 20th Annual MetroPCS Orange Bowl Basketball Classic and a collection of entertainment, family and youth sports events.

### **Monthly MDCLC BOD Meeting**

What: MDCLC Board of Directors Meeting

Where: Miami Shores Country Club located at 10000 Biscayne Boulevard, Miami Shores

When: Thursday, March 7, 2013 at 6:00 PM

# STATE / LOCAL WEEKLY REPORT

## February 25- March 1, 2013

\*The weekly report comprises a variety of media sources, including news articles, lobbyist reports and information gathered through the OIA.

### **LEGISLATIVE ISSUES**

The following are additional bills that have potential impacts on the County that have been filed for the 2013 session that begins Tuesday, March 5<sup>th</sup> :

#### **1. Wage theft preemption**

SB 1216, filed on Wednesday by Senator Rob Bradley (R – Orange Park), would preempt local wage theft ordinances, and provide for such claims to be heard in county court. Based on BCC action on item 11A10 at the December 18 BCC meeting (<http://www.miamidade.gov/govaction/matter.asp?matter=122398&file=true&yearFolder=Y2012>) we don't intend to take a position on SB 1216 absent further BCC direction. A link to SB 1216 is included below.

#### **2. Water/sewer service outside city limits**

HB 733 by Rep. Debbie Mayfield (R – Vero Beach) would require any municipal utility that sells water outside the city's limits to be regulated by the Florida Public Service Commission and also would provide that a municipal utility cannot extend the utility service into the unincorporated area without the consent of the BCC. This bill arises from the City of Vero Beach providing utility services beyond its city. A link to HB 733 is included below.

#### **3. Value Adjustment Board; agricultural classification**

SB 1200, filed Tuesday, by Senator Wilton Simpson (R – New Port Richey), would delete authorization for a Value Adjustment Board on its own motion to review lands classified as agricultural, historic or high-water recharge. SB 1200 also would remove authorization for the board of county commissioners to reclassify as nonagricultural certain lands contiguous to urban development and delete a presumption that land is not being used primarily for agriculture if its purchased for a certain amount above its agricultural assessment. A link to SB 1200 is included below.

#### **4. Rental of property re: homestead property tax exemption**

SB 342 by Senator John Thrasher (R – St. Augustine) would provide that a homestead property may be rented for up to 30 days per year without affecting homestead status. SB 342 passed out of its first committee last week. There is an identical House companion bill, HB 279 by Rep. Charles Hood (R – Daytona Beach). A link to SB 342 is included below.

**5. Improvements for wind resistance or renewable energy property assessed value re: property assessed value**

SB 1064 by Senator Jack Latvala (R – Clearwater) would provide that improvements to residential property related to renewable energy or wind resistance would not be considered in determining assessed value. There is a similar House companion bill, HB 277 by Rep. Michelle Rehwinkel-Vasilinda (D – Tallahassee). A link to SB 1064 is included below.

**6. Reduction in maximum interest rate on tax certificates**

SB 1062 by Senator Jack Latvala (R – Clearwater) would reduce the maximum interest rate on tax certificates from 18 percent to 12 percent. There is an identical House companion bill, HB 421 by Rep. Larry Ahearn (R – St. Petersburg). A link to SB 1062 is included below.

**7. Public record exemption, financial information in response to solicitation**

SB 1152 by Senator Gwen Margolis (D – Miami) would exempt from public records any financial statement that a governmental entity requires of a prospective bidder. There is a similar House companion bill, HB 403 by Rep. Holly Raschein (R – Key Largo). A link to SB 1152 is included below.

**8. Preemption of alarm system ordinances, permits**

HB 973 by Rep. Jason Brodeur (R – Sanford) would preempt local ordinances related to low-voltage alarm systems. HB 973 also would require local enforcement agencies to make uniform basic permit labels that are valid for one year available at a cost of no more than \$60. A link to HB 973 is included below.

**9. Florida Fire Prevention Code; exemption of certain businesses and agricultural operations**

HB 971 by Rep. Jake Raburn (R – Valrico) would exempt from the Florida Fire Prevention Code (1) agricultural operations with fewer than 50 full-time employees and that is not used by the public for direct sales; and (2) businesses located in 1-, 2- or 3- story building from any 2-hour or longer fire-rated wall requirements. A link to HB 971 is included below.

**10. Building construction**

SB 1252, filed today by Senator Wilton Simpson (R – New Port Richey), makes changes to the Florida Building Code and product approval statutes. SB 1252 also would revise requirements for online sewage treatment for certain additions to single-family homes, increase the penalty for unlicensed contractors from \$500 to \$2,000 and allow 75 percent of fines to be retained by the local government rather than the current 25 percent. A link to SB 1252 is included below.

**SB 342 - Rental of Homestead Property**

General Bill by Thrasher

Rental of Homestead Property: Revising criteria under which rental of homestead property is allowed for tax exemption purposes and not considered abandoned, etc.



Effective Date: 07/01/2013

Last Event: 02/21/13 S Now in Appropriations Subcommittee on Finance and Tax on Thursday, February 21, 2013 11:27 AM

<http://www.flsenate.gov/Session/Bill/2013/1216>

### **SB 1064 - Assessment of Residential and Nonhomestead Real Property**

General Bill by Latvala

Assessment of Residential and Nonhomestead Real Property: Excluding the value of certain installations, changes, or improvements made after a specified date from the assessed value of residential real property; requiring a nonrefundable filing fee for a petition to the value adjustment board; specifying additional exceptions to the assessment of homestead property at just value; repealing provisions relating to the property tax exemption for renewable energy source devices, etc.

Effective Date: July 1, 2013, and applies to assessments beginning January 1, 2014.

Last Event: 02/25/13 S Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations on Monday, February 25, 2013 10:26 AM

<http://www.flsenate.gov/Session/Bill/2013/1064>

### **SB 1062 - Delinquent Real Property Taxes**

General Bill by Latvala

Delinquent Real Property Taxes: Revising the interest rate applicable to delinquent real property taxes, etc.

Effective Date: 07/01/2013

Last Event: 02/25/13 S Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations on Monday, February 25, 2013 10:26 AM

<http://www.flsenate.gov/Session/Bill/2013/1062>

### **SB 1152 - Public Records/Financial Statement/Road or Public Works Project Proposal**

General Bill by Margolis

Public Records/Financial Statement/Road or Public Works Project Proposal: Revising an exemption from public records requirements for any financial statement that an agency requires a prospective bidder to submit in order to prequalify for bidding or for responding to a proposal for a road or public works project; providing an exemption from public records requirements for any financial statement that a governmental entity or agency requires a prospective bidder to submit when bidding in response to an invitation to bid, submitting a letter of interest, or responding to a request for proposals or an invitation to negotiate pursuant to a public procurement, etc.

Effective Date: 10/01/2013

Last Event: 02/25/13 S Filed on Monday, February 25, 2013 9:33 AM

<http://www.flsenate.gov/Session/Bill/2013/1152>

### **HB 973 - Low-Voltage Alarm System Contracting and Permitting**

General Bill by Brodeur

Low-Voltage Alarm System Contracting and Permitting: Requires local enforcement agencies to offer for sale to contractors uniform basic permit labels; requires contractors to post unused label in specified place before commencing work on low-voltage alarm system project; requires contractors to submit uniform notice of installation of alarm system within specified period after completing work; prescribes form for such notice; provides inspection procedures & requirements for low-voltage alarm system projects; prohibits specified local governments from adopting or maintaining certain ordinances & rules.

Effective Date: upon becoming a law

Last Event: Filed on Thursday, February 21, 2013 4:25 PM

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50235>

### **HB 971 - Florida Fire Prevention Code**

General Bill by Raburn

Florida Fire Prevention Code: Exempts certain local governments from specified minimum fire-flow requirements in code; exempts certain businesses from 2-hour or longer fire-rated wall requirement in code; exempts certain agricultural operations from code.

Effective Date: July 1, 2013

Last Event: Filed on Thursday, February 21, 2013 3:30 PM

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50230>

### **SB 1252 - Building Construction**

General Bill by Simpson

Building Construction: Specifying that certain actions relating to onsite sewage treatment and removal are not required if a bedroom is not added during a remodeling addition or modification to a single-family home; authorizing a local building department to retain 75 percent of certain fines collected if it transmits 25 percent to the Department of Business and Professional Regulation; prohibiting any provision of the International Residential Code relating to mandated fire sprinklers from incorporation into the Florida Building Code, etc.

Effective Date: 07/01/2013

Last Event: 02/27/13 S Filed on Wednesday, February 27, 2013 12:03 PM

<http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50374>

## **LEGISLATIVE NEWS**

### **Session Outlook:**

Provided by the Florida Current

## **HEALTH CARE**

Although Florida's 2013 legislative session will commence next week, the bill expected to generate much debate has yet to be filed.

The Legislature convenes Tuesday tasked to decide how Florida will implement the federal Patient Protection and Affordable Care Act. Select committees in the House and Senate are expected to make recommendations, which will generate bills, early in the session, if not in the few days remaining before it starts.

The decision whether to expand Medicaid to nearly a million more Floridians could thrust a grand experiment in managed care by the state into the national spotlight. The ACA calls for extending Medicaid coverage to people living on up to 138 percent of the federal poverty level, about \$15,000 for an individual, \$29,000 for a family of four.

The federal-state program currently provides health care to more than 3 million Floridians.

To persuade states to expand the program, the federal government will pick up the full cost for the first three years, beginning in 2014, and then tapering to 90 percent of the additional cost of the newly eligible by 2020.

Although Gov. Rick Scott said he believes in a different approach, he dropped his opposition to the ACA last week and called on lawmakers to lower Medicaid income requirements and to include childless adults.

The governor announced his support for expansion the same afternoon that Washington approved his request to move nearly all Medicaid recipients into managed-care programs. Expansion and managed care would place about 4 million people into a managed-care program that supporters contend can use digital technology to reduce costs and improve quality of care and access.

Rep. Matt Hudson, R-Naples and chairman of the House Health Appropriations Subcommittee, said that last year lawmakers divided the state into 11 managed-care regions in order to provide the same resources to the rural interior that are found along the urbanized coast. The idea is to provide a patient in Pinetta, near the Georgia border in sparsely populated Madison County, with the same quality of care as one 66 miles away in Tallahassee, a city with a regional health center and university medical school.

Other states have experimented with managed care in their Medicaid program, but not on the scale that Florida is and may do.

The Senate appears more receptive to expansion but some members clearly have reservations, as Scott does, and question the costs and whether the federal government is a reliable partner.

The U.S. Supreme Court ruling upholding the ACA provides states the option to opt out of expansion and puts a very contentious decision in the Legislature's lap.

Republicans in the House appear skeptical about the benefits proponents contend the ACA will deliver. When hospital executives explained to the House select committee that the ACA would cover some of the nearly \$3 billion a year in uncompensated care they provide, panel members seemed unimpressed and later commented the executives lacked data.

House Speaker Will Weatherford said he believes in a social safety net and lawmakers will decide who gets covered by it.

Both select committees are expected to make their recommendations in the first week of the session.

These are the main health care issues before the Legislature:

## AFFORDABLE CARE ACT

Description: Lawmakers face three decisions on implementing the ACA: whether to set up a state exchange, to expand Medicaid to people under the age of 65 and earning up to 138 percent of the federal poverty level, and how to reconcile state regulations on health insurance with ACA requirements.

### Outlook:

Exchanges -- For at least the first year of the ACA the state has defaulted to a federally run online site where people shop for insurance and see if they qualify for federal subsidies. Sen. Joe Negron, R-Stuart, chair of the select committee, has said a libertarian streak in him leans towards state-run exchanges but others on the committee say let the feds do it.

Expansion -- The Florida Hospital Association is pressuring lawmakers to expand Medicaid. It says the state would reap an additional \$26 billion over 10 years and the money would support an additional 56,000 jobs. The governor is for it, the House appears reluctant, the Senate noncommittal. The key may very well be Negron, who has spent much of his career in Tallahassee wrestling with reducing the cost of Medicaid.

Reconciliation -- In some instances Florida has stronger consumer protection for insurance than is in the ACA. State regulators are far behind the curve, though, only recently beginning work on bringing regulations into compliance with the federal law.

## DIAGNOSIS RELATED GROUPS

Description: A DRG is either a common-sense, data-driven, cost-saving reimbursement plan or a poorly designed scheme that will wreck Florida's safety-net hospitals. Starting July 1, if the Legislature does not intervene, the state will pay hospitals based on the illness being treated instead of receiving a flat fee for each day a Medicaid patient is at the hospital.

Outlook: Last year lawmakers approved a plan to switch to a DRG reimbursement plan. It replaces a set of complex formulas calculating per-diem rates with a model based on illness and

treatments. Nonprofit hospitals say they were denied effective input in developing the model. The Agency for Health Care Administration defends the process, pointing to six public meetings, and says it is set to implement a DRG model in July. Sen. John Thrasher, R-St. Augustine, urged AHCA and the hospitals to resolve their differences or else the Legislature will step in, and Thrasher warned, then nobody will be happy. During committee hearings AHCA basically ignored complaints from the Florida Hospital Association and Safety Net Hospital Alliance, and its spokesmen focused on the process used to develop the model. Tony Carvalho, of the Safety Net Hospital Alliance, urged lawmakers to step in and delay the transition. He noted that at stake is a \$3-billion re-appropriation by an executive agency. Carvalho's group includes 12 children's hospitals providing almost two-thirds of all children's care in the state and which stand to lose \$90 million under the recommendation. "We don't believe that is good policy," Carvalho said. But it's a policy put in place by lawmakers last year.

## OPTOMETRISTS V.S. OPHTHALMOLOGISTS

Description: The battle between optometrists and ophthalmologists to expand optometrists' prescription authority is in its third decade. Proposals to allow optometrists to prescribe oral medicine in addition to drops and creams are moving through both chambers. Ophthalmologists argue optometrists don't have adequate training to prescribe drugs.

Outlook: The optometrists have hired at least 11 lobbyists to work the issue during the session. The ophthalmologists counter with seven, and the Florida Medical Association is on their side. Senate President Pro Tempore Garrett Richter, R-Naples, is sponsoring the bill for optometrists. Optometrists are allowed to prescribe oral medication in 47 other states, but Florida lawmakers have been debating this issue, in the words of the 31-year-old House sponsor Rep. Matt Caldwell, R-Lehigh Acres, "... longer than I've been alive."

### Key Players:

Gov. Rick Scott has angered some in the Republican Party with his call for Medicaid expansion and alienated the tea party wing. One observer tweeted that he hopes Obamacare covers the knife wound in the back Scott delivered with his announcement. However, Scott, a former hospital executive who says he wants to keep taxes low, says the choice is between Florida's tax dollars paying for healthcare in other states or here at home.

Sen. Joe Negron, is chairman of the Senate Select Committee on Patient Protection and Affordable Care Act and the Appropriations Committee. As a past chair of the House Appropriations Committee (2005-2006) he has a firmer grip on the state's finances and the cost of healthcare for the poor than most lawmakers. He said he intends for the select committee to make a recommendation on the ACA early in the session. An effective debater, Negron is an influential voice who's often a good indicator of where lawmakers are headed.

Sen. Eleanor Sobel, D-Hollywood, is chair of the Children, Families and Elder Affairs Committee and vice chair of the Health Policy Committee. Sobel said she is committed to passing legislation to strengthen protection of people living in assisted living facilities. Sobel praised Scott's decision on Medicaid expansion.

Rep. Richard Corcoran, R-Lakeland, is chairman of the House Select Committee on Patient Protection and Affordable Care Act and also leads the Health and Human Services Committee. Corcoran is in line to be House Speaker for the 2017 session.

Rep. Matt Hudson, R-Naples, is chair of the Health Care Appropriations Subcommittee and vice chair of the select committee. Hudson sees digital technology as a tool to improve access, identify waste and control costs. Like Corcoran and Weatherford, he questions whether expanding Medicaid is in the best interest of the state.

#### Key Committees:

Senate Select Committee on Patient Protection and Affordable Care Act

Senate Appropriation Subcommittee on Health and Human Services

Senate Children, Families and Elder Affairs Committee

House Select Committee on Patient Protection and Affordable Care Act

House Health & Human Services Committee

House Health Care Appropriations Subcommittee

House Health Innovation Subcommittee

#### PPACA /Part-time Workers

The House Select Committee on the Patient Protection and Affordable Care Act will recommend the state extend insurance coverage to its part-time workers. Florida would face a penalty of more than \$300 million if it failed to offer health coverage to state workers who work more than 30 hours a week, those classified as "Other Professional Services."

A Revenue Estimating Conference projected the cost at \$35.6 million for the first year. Gov. Rick Scott supports extending the coverage but did not include an allocation in his budget recommendation to the Legislature. As part of its recommendation to the House, the committee will write a bill extending the state health insurance program to nearly 9,000 workers in state agencies and universities.

None of the committee members indicated opposition to extending coverage to the part-time and temporary employees, so Chairman Richard Corcoran, R-Land O' Lakes, directed staff to start drafting a bill for the committee to discuss "in a week or two."

Lawmakers also are wrestling with bringing state regulations into compliance with the federal health care plan. In some circumstances, Florida offers stronger consumer protection than found in the ACA and in others are more industry-friendly than the federal government. Wences Troncoso, deputy commissioner of the Office of Insurance Regulation, included a draft of a letter of collaboration between OIR and the U.S. Department of Health and Human Services that detailed how the two would ensure insurance companies comply with the new regulations. That got the attention of Republicans.

Essentially, the draft -- an official letter may arrive in Tallahassee as early as Friday -- stated OIR would continue to check rates and filings for compliance with state laws and would notify the feds if it sees anything at odds with the ACA.

Corcoran said the committee will have two meetings Monday, one a joint informational meeting with the Senate PPACA committee and the second in the House to continue the discussion.

Corcoran said he expects four bills to emerge: one each on Medicaid expansion, the health exchanges, OPS employees and regulations. Corcoran expects committee debate on the proposals could begin as early as the second week of the session.

## **Environmental Permits**

For the third straight year, Rep. Jimmy Patronis has filed a comprehensive environmental permitting bill that is backed by business groups and raising concerns with others.

HB 999, filed Monday, would restrict cities and counties in requesting additional information for permit applications, extend the duration for state permits for boat shows and includes language from other bills about agricultural water supply planning.

Here's a link: <http://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=50269>

Groups supporting the bill include Associated Industries of Florida, the Florida Chamber of Commerce, the Marine Industries Association of Florida, the Florida Pulp and Paper Association and Florida Farm Bureau.

But environmental groups, the Florida League of Cities and the Florida Association of Counties say they have concerns, though they have not yet taken formal stances on the bill.

During the past two years, those groups have worked with Patronis and business groups on reaching compromises as he pushed the bills through committees.

The bill restricts cities and counties from issuing more than three requests for information on a permit application before making a decision.

Ryan Matthews, son of Frank Matthews and legislative advocate for the Florida League of Cities, said his group is concerned about the bill and likely will meet with Patronis, R-Panama City.

Frank Matthews said doesn't see the bill as an infringement upon the authority of cities and counties.

## **Citizens**

Florida Association for Insurance Reform, a consumer advocacy group, announced Thursday it is filing a class-action lawsuit against Citizens Property Insurance Corp. over the state-run insurer's wind mitigation inspection program. The group alleges the program has resulted in millions of dollars of "back door" rate increases on homeowners.

The suit is filed in Broward County by a handful of plaintiffs, but FAIR executive director Jay Neal said that based on complaints about the program he and legislators in South Florida have received, many more plaintiffs will follow.

The wind mitigation inspection program began in July 2010 and wound down in December. Citizens inspected 360,000 structures during that period, checking for storm-proofing such as roof-to-wall attachments and wind-resistant shutters for doorways and windows. Changes to the form used by inspectors to certify credits for mitigation improvements increased the standards to qualify for the credits, and most homes inspected lost credits, increasing their premium. Customers often complained of losing credits for minor deficiencies such as missing a nail.

Overall, Citizens' increased premium through the program was \$191 million, but the \$70 million cost to run the program meant Citizens gained \$120 million in surplus.

This summer, after an outcry from consumers hit by the increase in premiums through lost credits, Citizens announced a plan to wind down the program and offer free reinspections to homes that lost credits.

Citizens counters that its inspections were conducted using forms approved by state regulators in 2007 and revised in 2010 and 2012, and all inspections were in keeping with the law and designed to validate credits, not increase premiums.

## **Courts**

TALLAHASSEE, Fla. (AP) — A divided three-judge panel sided with online travel companies such as Expedia Inc. and Travelocity on Thursday in a dispute over how much tax they must pay on hotel rooms booked in Florida.

An appeal to the Florida Supreme Court, though, is likely.

The 1st District Court of Appeal panel voted 2-1 that tourist development taxes are due only on what the firms pay to the hotels, not the full amount they charge their customers.

The majority affirmed a prior decision by Tallahassee-based Circuit Judge James Shelfer in a lawsuit filed by 17 of Florida's 67 counties.

To read more, click the link: <http://www.businessweek.com/ap/2013-02-28/court-sides-with-online-firms-in-fla-dot-tax-dispute>



## **2013 Session Dates**

March 5, 2013	Regular Session convenes
May 3, 2013	Last day of Regular Session

### **Announcements:**

Miami-Dade County Days will celebrate its 25<sup>th</sup> Anniversary as it holds its Fly-In on Wednesday, April 3 – Thursday, April 4, 2013.

For more information, please click the link: <http://dadedays.com/>

## **LOCAL NEWS**

### **Miami**

On Thursday, Miami city administrators agreed to take whatever measures necessary to avoid losing out on \$5.8 million in federal community development funds.

The decision comes after of the U.S. Department of Housing and Urban Development threatened to penalize Miami for failing to spend \$13.3 million in Community Development Block Grants over the past three years. Cities that do not adhere to a strict spending schedule can see their funding reduced.

Commissioners blamed the city administration for not spending the money fast enough. CDBG dollars can go toward affordable housing, economic development and anti-poverty programs. In Miami, they fund daycares like the Centro Mater in Little Havana and community centers such as the Allapattah Community Action Center.

Under HUD guidelines, grant recipients can keep up to 1.5 times the amount of their annual allocation on reserve, in a HUD line of credit. Miami received about \$5 million in 2012, meaning its fund balance could be as high as \$7.5 million. But as of last month, the CDBG balance topped \$13.2 million.

Miami Community Development Director George Mensah said the city was having problems, in part, because the feds have reduced the amount Miami could keep on reserve.

Regalado indicated that city administrators were working to schedule a meeting with HUD officials in Washington, D.C.

The mayor noted that some CDBG-funded projects were moving forward, including a new community center in Little Havana and road repairs in District 4.

## **Miami Beach**

On Wednesday, developers presented Miami Beach residents with competing ideas for what the city's Convention Center could look like after an overhaul.

It was the public's first preview of what could become of the 52-acre site. Portman-CMC and South Beach ACE are competing for the project, which could cost up to \$1 billion.

It was stressed that the concepts presented Wednesday were only preliminary ideas.

Both teams' proposals focus on creating lush greenscapes and ways to connect the enormous convention center with abutting neighborhoods – things that residents at a prior public meeting asked of the developers.

South Beach ACE's proposal also preserves the current Jackie Gleason Theater. Residents have debated whether the theater, which is not deemed historic, deserves to be preserved. The proposal would essentially remove a back wall of the theater to create a two-stage amphitheater.

Portman-CMC has not made a decision about whether the theater itself would stay, but spoke to preserving the legacy of Gleason himself. The team launched a website to get more resident feedback about its proposal: [www.portmancmcmiamibeach.com](http://www.portmancmcmiamibeach.com).

Read more here: <http://www.miamiherald.com/2013/02/27/v-print/3257895/would-be-convention-center-developers.html#storylink=cpy>

Monica Cepero has dropped out of Miami Beach's search for a city manager.

Currently an assistant to the Broward County administrator, Cepero was one of three finalists being considered for the job.

In a letter emailed to city commissioners on Tuesday, Cepero wrote: "The nature of this process has made it clear to me that this position is not the right one for me, at this time."

Miami Beach has been without a city manager since July 2012, when former City Manager Jorge Gonzalez was forced to resign amid corruption scandals, though he was never implicated in any, and actually reported some of the problems himself to law enforcement.

The other two finalists remaining are former Miami-Dade County commissioner and current Doral City Attorney Jimmy Morales, and longtime City of Miami administrator Frank Rollason.

**State of the County Address:**

On Thursday, Miami-Dade County Mayor Carlos Gimenez delivered the State of the County Address in the Caleb Auditorium in Liberty City. Miami-Dade County Commissioner Audrey Edmonson, who represents the district, introduced the mayor.

The event was very well attended by elected officials, community leaders and residents, who make up the various communities within Miami-Dade County. Among the influential leaders in attendance were Miami-Dade Board of County Commissioners Chairwoman Rebeca Sosa, Vice Chairwoman Lynda Bell, Commissioners Barbara Jordan and Juan Carlos Zapata, as well as State of Florida Senator Oscar Braynon II, Florida Representative Jose Javier Rodriguez, and Miami Gardens Mayor Oliver Gilbert.

Mayor Gimenez's speech focused on transit and business goals. He highlighted 2012 as a record year at the county's airport and seaport. Gimenez also affirmed his committed to growing arts and culture, improving the county's park system, and bringing modern technology to a local transportation system that is outmoded and limited.

Additionally, Gimenez wants to partner with Miami Beach in redeveloping the city's convention center, and will push to connect the Beach to the mainland, and western suburbs like Kendall to downtown, with a more state-of-the-art transportation plan.

The mayor also announced the creation of a task force that will lobby Tallahassee to reform Citizen's Property Insurance Corp.

**Announcements****Monthly MDCLC BOD Meeting**

What: MDCLC Board of Directors Meeting

Where: Miami Shores Country Club located at 10000 Biscayne Boulevard, Miami Shores

When: Thursday, March 7, 2013 at 6:00 PM