

STATE / LOCAL WEEKLY REPORT

February 3 – February 7, 2014

STATE LEGISLATIVE ISSUES

Miami Dade Delegation

The Miami-Dade Delegation met on Wednesday in Tallahassee to discuss and select its priorities for the 2014 legislative session. Several of Miami-Dade's critical priorities made the list of support, such as: SB 102/ HB 183 –Aaron Cohen Life Protection Act, Film and Entertainment Tax Credit Incentive Program, Florida Enterprise Zone Program, FIU's effort to relocate the Dade County Fair and Exposition, Restoration of the Sadowski Trust Fund for affordable housing and Skyrise Miami.

Please see the attached for the complete list of the Delegation's priorities.

Bills this Week / Analysis

Source: Jess McCarty (CAO)

The Senate companion bill to HB 709 (special needs registry) was filed on Wednesday as SB 872.

<http://static.lobbytools.com/bills/2014/pdf/0872.pdf>

SB 0872

Relating to Alzheimer's Disease Richter

02/05/14

Alzheimer's Disease; Exempting grant programs administered by the Alzheimer's Disease Research Grant Advisory Board from the Administrative Procedure Act; requiring the Division of Emergency Management, in coordination with local emergency management agencies, to maintain a registry of persons with special needs; providing additional staffing requirements for special needs shelters; authorizing the Department of Health, in coordination with the division, to adopt rules relating to standards for the special needs registration program; establishing the Ed and Ethel Moore Alzheimer's Disease Research Program within the department, etc.
Effective Date: 7/1/2014

Updates on two preemption issues (Please see attached):

Wage theft preemption: The wage theft bills in both the House and Senate are now going to be filed with a full grandfather of the Miami-Dade wage theft ordinance (see attached language and email below from the Florida Retail Federation). Rep. Neil Combee (R – Auburndale) who is the House sponsor of the bill confirmed that he and the Senate sponsor, Wilton Simpson (R – New Port Richey) would only file the wage theft bills this session with the full grandfather because they didn't want the fight with Miami-Dade and the other counties that already have wage theft programs. Earlier versions of the wage theft language would have phased out existing wage theft programs after 6 years at which point they would be preempted.

Uber/chauffeured limousine preemption: Language has been drafted to run as an amendment to the FDOT departmental package that would preempt local governments from regulating chauffeured limousine service beyond uniform statewide regulation because of "the emerging field of transportation technology" (a copy of the amendment language is attached). This amendment is being aggressively pursued by Uber, and is targeted at Miami-Dade County. The uniform statewide regulation would:

1. Prohibit chauffeured limousines from accepting or soliciting street hails;
2. Require that trips be arranged only through advance reservation;
3. Require chauffeured limousines initially placed in service to be no older than 5 model years, and no older than 10 model years at the time of reinspection; and
4. Require background screening of drivers.

Issues of Interest

Flood Insurance

Source: Florida Current

Sen. Jeff Brandes' flood insurance bill passed through the Senate Appropriations Subcommittee on General Government, though objections from Sen. Jack Latvala, R-Clearwater, over a strike-all amendment caused the bill to be referred back to the Senate Banking and Insurance Committee.

Sen. Arthenia Joyner, D-Tampa, also voiced concern over an amendment to SB 542 that would remove a provision alerting policyholders about "consent to rate" policies, which allow companies to charge above regulator-approved rates so long as the homeowner agrees.

Also, Florida Justice Association lobbyist Reggie Garcia said the bill's definition of a flood should be expanded to include "liquefaction of soil," where flood waters inundate the soil under a home and cause it to move. Currently, National Flood Insurance Program policies do not cover damage resulting from "earth movement."

flood insurance cont...

This week Gov. Rick Scott asked U.S. House Speaker John Boehner, R-Ohio, to take up legislation to delay the National Flood Insurance Program premium increases.

The U.S. Senate passed a bill on Jan. 30 that would delay increases for four years, but Boehner has said that his chamber would not vote on the Senate bill as written. Instead, the House is looking into alternatives, though none have been announced.

Aaron Cohen Act

Source: Miami Herald

Attorney General Pam Bondi, legislators and law enforcement leaders are joining the widow of a Miami cyclist killed in a 2012 hit-and-run crash on the Rickenbacker Causeway in her campaign to crack down on hit-and-run drivers.

At a press conference Tuesday, Patty Cohen said she has been pursuing a change in the law, which now gives drunk drivers an incentive to leave the scene of a hit-and-run, since her husband, Aaron, was struck by a motorist on the causeway's William Powell Bridge on Feb. 15, 2012.

The proposal, known as the "Aaron Cohen Life Protection Act," aims to eliminate that incentive. Under current Florida law, drunk drivers who kill someone receive a minimum mandatory sentence of four years in prison. But those who leave the scene to avoid being caught drinking face less stringent penalties, said Sen. Miguel Diaz de la Portilla, R-Coral Gables, sponsor of SB 102.

Florida motorists were involved in 69,994 hit-and-run crashes in 2012, according to the Florida Highway Patrol. Of that total, 168 were fatal — roughly three people a week. And most were pedestrians.

Since the accident, Cohen, who lives in the Roads neighborhood and works as a bond trader for an investment bank, has been working with Walsh and triathlete Mickey Witt on toughening punishment of drivers who flee.

Rep. Bryan Nelson, R-Apopka, who is sponsoring the House counterpart (HB 183), said that getting help right away "can mean the difference between life and death for these victims." The proposed legislation will:

Create a minimum mandatory sentence of four years for leaving the scene of an accident which results in death (with an allowance for downward departure by the court when mitigating factors exist).

Increase existing minimum mandatory sentence from two to four years for leaving the scene of an accident resulting in death with DUI.

Increase the penalty for leaving the scene of an accident resulting in serious bodily injury from a third-degree felony to a second-degree felony.

Define “Vulnerable Road User” (VRU) — someone who isn’t protected by a car — and raise the level in the criminal punishment code when a cyclist, motorcyclist or pedestrian is injured or killed.

Require a three-year revocation of the offender’s driver’s license and, prior to reinstatement, a driver’s education course on the rights of vulnerable road users.

Senate Bill 102 unanimously passed its first two committee stops, with two more to go. The first committee hearing for HB 183 will be in the House Transportation and Highway Safety Subcommittee — it has four stops in the House.

While more is needed to improve roads for cyclists, Cohen said, the law, and more public awareness, is a start.

Read more here: <http://www.miamiherald.com/2014/02/04/v-print/3913086/attorney-general-pam-bondi-legislators.html#storylink=cpy>

Gambling / Political contributions

Source: LobbyTools/ Palm Beach Post

Sen. Gwen Margolis, D-Miami, filed a bill Wednesday that would restrict political contributions from the pari-mutuel industry and prevent regulators from quickly going to work for the gambling industry. The bill (SB 848) would bar people who hold pari-mutuel permits or permit applicants from contributing money to the political campaigns of candidates for governor, state Cabinet offices and the Legislature. Also, it would place a new employment restriction on officials from the Department of Business and Professional Regulation, which regulates the gambling industry. If officials leave the department, they would have to wait four years before taking jobs with the industry. In addition, the bill would prevent department officials from receiving compensation for attending or speaking at gambling-industry events. The bill points, in part, to the public having “greater confidence with the assurance of increased controls restricting the ability of the gaming industry to directly influence the political process.”

Sports tax breaks

Source: First Coast News

Florida sports teams are lining up at the state Capitol seeking millions of dollars in tax breaks, even though they are already getting tens of millions of tax dollars from previous deals with the state.

The Jacksonville Jaguars are asking the Florida Legislature for a new tax break worth \$60 million. A proposed bill would provide \$2 million a year for the next 30 years to help pay for stadium improvements to EverBank Field.

The Jags already get a tax rebate of \$2 million a year from a deal dating back to 1994. That annual cash will continue through 2024.

Plus, the Miami Dolphins want \$3 million a year in tax breaks for the next 30 years for renovations at Sun Life Stadium. The team also gets that \$2 million annual tax rebate.

Critics say too many Floridians are struggling financially to justify giving wealthy professional sports teams more big tax breaks.

But the state senator leading the way to create a new tax break for the Jaguars says EverBank Field is dated and needs improvements.

Sen. Rob Bradley argues the tax rebate would put an end to rumors that the Jags might leave Jacksonville.

Bradley argues EverBank Field is no longer a world-class facility because it was built nearly 20 years ago.

Eight pro sports teams in Florida currently qualify for the state's \$2 million a year tax break over 30 years, including the Tampa Bay Rays, Lightning and Buccaneers.

The cash comes from sales taxes generated by the teams. Under the deal, those taxes go to the teams as rebates, instead of going to the state for other needs.

Another bill seeks that same tax rebate for the city of Orlando. It's trying to attract a Major League Soccer team by building a new stadium.

Here are the eight teams that get the \$2 million annual tax rebate from the state:

Facility name	Certified entity	Franchise	First Payment	Final Payment	Total payments to date
Sun Life Stadium	Dolphins Stadium/ South Florida Stadium	Florida (Miami) Marlins3	06/94	06/2023	\$39,166,745
Everbank Field	City of Jacksonville	Jacksonville Jaguars	06/94	05/2024	\$37,333,408
Tropicana Field	City of St. Petersburg	Tampa Bay Rays	06/95	06/2025	\$35,166,737

Tampa Bay Times Forum	Tampa Sports Authority	Tampa Bay Lightning	09/95	08/2025	\$34,833,403
BB&T Center	Broward County	Florida Panthers	08/96	07/2026	\$33,000,066
Raymond James Stadium	Hillsborough County	Tampa Bay Buccaneers	01/97	12/2026	\$32,166,731
American Airlines Arena	BPL, LTD	Miami Heat	03/98	03/2028	\$29,666,726
Amway Center	City of Orlando	Orlando Magic	02/08	01/2038	\$10,000,02

School Districts

Source: LoobyTools/ Palm Beach Post

Contending that school districts have a “constitutional duty to decide what materials best suit their classrooms,” a Senate Republican filed a bill (HB 864) Wednesday that would revamp the way textbooks and other materials are approved in Florida. Bill sponsor Alan Hays, R-Umatilla, said the proposal would eliminate the statewide adoption of textbooks and other materials and give the responsibility to school districts. Also, the proposal would set up a process for local committees to review and recommend materials to school boards and also would create an appeals process for the public. “Local school districts, not the state or federal government, are the most qualified to determine what textbooks are appropriate for Florida’s classrooms,” Hays said in a prepared statement.

Obama to nominate Florida judges

Source: The Palm Beach Post

President Barack Obama will nominate four attorneys, including three sitting state judges, to the federal bench in Florida, the White House announced Wednesday. Two of the nominations will be to the U.S. District Court for the Southern District of Florida, while two will be to the U.S. District Court for the Middle District of Florida. The nominees in the Southern District are Beth Bloom and Darrin P. Gayles, who are circuit judges in the state's 11th Judicial Circuit in Miami-Dade County. The nominees in the Middle District are Paul G. Byron, a partner at the firm Overchuck & Byron, P.A., and Carlos Eduardo Mendoza, a circuit judge in the state's 7th Judicial Circuit, which includes St. Johns, Putnam, Flagler and Volusia counties.

Press Releases

Readiness drill to be held at turkey point nuclear power plant

http://static-lobbytools.s3.amazonaws.com/press/65773_readiness_drill_to_be_held_at_turkey_point_nuclear_power_plant.pdf

Bill Banning Electronic Cigarette Sales to Minors Passes Third Senate Committee

http://static-lobbytools.s3.amazonaws.com/press/65768_electronic_cigarette_sales_to_minors_passes_third_senate_committee.pdf

2014 Legislative Session Dates

February 3, 2014	Interim Committee Week
February 10, 2014	Interim Committee Week
February 17, 2014	Interim Committee Week
March 4, 2014	Legislative Session Convenes Bill Filing Deadline – 12:00 pm
May 2, 2014	Legislative Session Scheduled to Conclude

Fly-In Dates

Greater Miami Chamber of Commerce (Road to Tallahassee)

February 10- February 12, 2014

Florida Association of Counties (2014 Legislative Day)

March 27, 2014

Film Florida (Rally in Tally 2014)

March 26, Capitol Building, Tallahassee, Florida.

Show the Florida legislation that the Film, Entertainment, and Digital Media Industry is in need of their support.

Florida League of Cities (Legislative Action Days)

April 1 –April 2, 2014

Miami Dade County Days

April 2-April 3, 2014

LOCAL NEWS

Miami

Source: Miami Herald

Miami City Manager Johnny Martinez, who suffered a stroke last summer, and quietly returned to his post a few months ago, will resign the first week in March, Miami Mayor Tomas Regalado said Thursday.

Regalado said Martinez told him he needed to slow down, and planned to join the private sector.

Martinez's illness last July was said to be minor, but he remained in the hospital for an extended stay as more complications were discovered. He returned late last year, and has been quiet in public since.

Martinez, a former Miami-Dade County and Florida Department of Transportation executive, was hired by Regalado in 2011 while the mayor was mired in a public battle to remove his police chief.

Martinez finally suspended former Chief Miguel Exposito for insubordination in September 2011 after a lengthy hearing that lasted several days and played out like a television courtroom drama.

A successor has not yet been named.

This report will be updated as more information becomes available.

Read more here: <http://www.miamiherald.com/2014/02/06/v-print/3916668/miami-city-manager-to-resign-in.html#storylink=cpy>

Miami Gardens

Source: Miami Herald / Palm Beach Post

Florida Memorial University has named a woman as president.

Faculty members, students and alumni gave Roslyn Clark Artis a rousing welcome Tuesday as she became the 13th president of the historically black university in Miami Gardens.

The Miami Herald reports Artis is an attorney and former provost at Mountain State University in West Virginia. She became interim president in June, a move that is typically reserved for temporary presidents who are already on staff. But Artis was an outside hire specifically brought in as interim president.

She said she believes the university's board of trustees was reluctant to give a long-term commitment to a new leader. That's because the school has experienced turnover at the top. Former president Henry Lewis III lasted less than a year and his predecessor, Karl S. Wright, left abruptly in 2009 after two years.

The Herald reports that her tenure at Mountain State was not without controversy. The university closed in 2012 after a series of setbacks, including the loss of accreditation for the nursing department and then the entire college.

Florida Memorial trustee Marc Henderson said he doesn't remember Mountain State being "a major issue" during the selection of Artis.

The school had an enrollment of 1,579 in 2012, a 20 percent drop from 2000.

Major League Soccer

Source: Miami Herald

David Beckham heads an effort for an iconic stadium on the shore of Biscayne Bay.

On Wednesday, Beckham took a significant step toward his goal: MLS Commissioner Don Garber announced that Beckham, a retired English player, will get an expansion franchise, and its home will be Miami — if Beckham and his investors score a new stadium.

Nothing will be made final until that takes place — probably not for months, if at all. The team wouldn't start playing until 2017, most likely.

He was welcomed by Miami-Dade County Mayor Carlos Gimenez, who was supported by five county commissioners who were in attendance, including: Commissioners Dennis Moss, Lynda Bell, Esteban Bovo, Jose "Pepe" Diaz and Sally Heyman.

Several hundred people, including British reporters and staunch MLS fans, gathered on the patio of the new Pérez Art Museum Miami with an unobstructed view of Beckham and his investors' preferred site for a 25,000-seat stadium: the southwest corner of PortMiami.

"We don't want public funding. We will fund the stadium ourselves," Beckham said to applause.

Fund the construction, perhaps, but the tract of land at the seaport is owned by the county. The Miami Beckham United investment group is seeking a deal with Gimenez's administration to build on the property.

The investors have also hired Tallahassee lobbyist Brian Ballard to ask for a state subsidy. Beckham told the Miami Herald that the team wants a Florida sales-tax rebate "to be treated exactly like every other sports franchise."

He also told the newspaper that he is open to the possibility that the University of Miami Hurricanes football team, who have had trouble filling the Miami Dolphins' Sun Life Stadium in Miami Gardens, could someday play at an MLS stadium.

Beckham exercised an option in his MLS contract — he played six years and won two titles with the LA Galaxy — to purchase a franchise for a below-market \$25 million. His investors include his business partner, Simon Fuller, who created American Idol, and Marcelo Claure, the Miami-based billionaire chief executive of the global wireless distribution firm Brightstar Corp.

"They have to contribute a site; we have to contribute a stadium," Claure said. "Other cities are contributing sites and stadiums. There are very few private sites left. This is one of the most cosmopolitan cities in the world that doesn't have a team."

The Miami Fusion folded in 2001, in part due to poor attendance. And even with Beckham's star power, a new team remains risky. Fans here are notoriously of the fair-weather variety. Before LeBron James arrived in 2010, not even the National Basketball Association champion Miami Heat sold out all its games.

Beckham said he thinks soccer can succeed because a stronger MLS has grown steadily since the Fusion's demise. So has Miami, which has become younger and more international.

As part of his plan, Beckham would also open a local youth soccer academy to train the next generation of home-grown talent — benefiting not only the Miami franchise but also the U.S. men's national team. Beckham was mobbed by children, parents and reporters Wednesday afternoon when he visited Kendall Soccer Park.

Earlier in the day, Beckham courted the business community by showing up as a surprise guest toward the end of the Greater Miami Chamber of Commerce's monthly luncheon.

Beckham also courted the grass roots, joining an online video chat with the Southern Legion, a group of dedicated MLS fans that planned a party Wednesday night on Brickell to celebrate the day's announcement.

Read more here: <http://www.miamiherald.com/2014/02/05/v-print/3914127/soccer-star-david-beckham-to-bring.html#storylink=cpy>

North Miami

Source: Miami Herald

North Miami Police Chief Marc Elias, who was criticized for charging the city thousands of dollars for seven trips he took to Haiti, has resigned from his position, a city spokeswoman said Tuesday.

Elias and City Manager Stephen Johnson agreed to an "amicable conclusion to his service," city spokeswoman Pam Solomon said in a press release.

Vice Mayor Scott Galvin said Johnson told him Monday that the chief had chosen to resign and that his resignation letter was on the way.

Elias made \$129,750 annual salary as police chief, and according to Solomon, a severance package has not been determined as severance is not guaranteed for department directors, who serve at will.

"Those are worked out on a case-by-case basis with the city manager," Solomon said.

The city has named Assistant Chief Lenny Burgess acting chief, according to Galvin.

Elias traveled to Haiti seven times since April 2012 charging the city each time for a total of \$14,000. The city used funds from the Law Enforcement Trust Fund, money seized from criminals, to pay for the trips. Police agencies typically use these funds for training, equipment or crime prevention.

Of the seven trips, only the one Elias took in August did not have the necessary documentation to warrant reimbursement by the city, Johnson determined. He said the other trips were valid.

In November, the city ordered Elias to repay it \$3,000 for the August trip. Elias told Johnson he was there to provide security for Mayor Lucie Tondreau, who was on a private vacation, and to teach Haitian police about community policing over a two-week period.

The U.S. State Department, however, said North Miami was not involved in its efforts to train police officers in Haiti. Tondreau did not return several calls from the Herald on Tuesday.

Elias, who is Haitian-American, joined the North Miami police department in 2010 as assistant police chief. In 2011 he was promoted to police chief.

Read more here: <http://www.miamiherald.com/2014/02/04/v-print/3912451/north-miami-police-chief-resigns.html#storylink=cpy>

ANNOUNCEMENTS:

SAVE THE DATE:

MIAMI-DADE LEAGUE OF CITIES

What: MDCLC 60th Annual Installation Gala

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

When: Saturday, February 8, 2014