

# STATE / LOCAL WEEKLY REPORT

February 17 – February 21, 2014

## STATE LEGISLATIVE ISSUES

### Bills this Week / Analysis

Source: Jess McCarty (CAO)

#### Sex Offenses

The Senate Appropriations Committee recommended favorably SB 528 re: sex offenses on Thursday by a 14-0 vote. Prior to voting on SB 528, it was amended with a strike-all amendment that, among other provisions, included language that requires transient sexual predators and offenders to report to the Sheriff's Office (in our case Miami-Dade Police Dept) within 48 hours of establishing a transient residence and then every 30 days thereafter. It's a 3<sup>rd</sup> degree felony for a transient predator or offender to fail to comply with these reporting requirements.

Here's a link to the strike-all amendment:

<http://static.lobbytools.com/bills/2014/pdf/0528C1924540.pdf>.

The transient predator/offender language is located on pages 13 and 14, lines 348 to 384, and also line 93 on page 4 and lines 541-557 on page 20.

SB 528 next goes to the Senate floor, and it has already been scheduled for Senate floor consideration on 2<sup>nd</sup> of 3 readings, on the first day of the 2014 session, March 4. The plan is for the full Senate to pass SB 528 the first week of the session and send it to the House. The House is also expected to pass SB 528 the first week or shortly thereafter.

We pursued the transient predator/offender reporting language amended into SB 528 today in conjunction with the Florida Sheriff's Association based on R-69-14 adopted by the Board last month (included below).

SB 528 is part of a larger package of bills targeted at sexual predators and offenders, which are all scheduled to be heard on the Senate floor the first day of the session. Included below is the Senate press release which includes a brief summary of all the bills in this package.

## **SB 102; HB 183 - Aaron Cohen Act/Leaving the scene of an accident**

On Wednesday, the Senate Transportation, Tourism & Economic Development Appropriations Subcommittee favorably recommended SB 102 by a 9-0 vote. SB 102 by Senator Miguel Diaz de la Portilla (R – Miami) is the Aaron Cohen Life Protection Act and addresses a potential incentive in current law to leave the scene of an accident by:

- Imposing a mandatory minimum term of imprisonment of 4 years for a driver convicted of leaving the scene of a crash resulting in the death of a person;
- Increasing the mandatory minimum term of imprisonment from 2 years to 4 years for a driver convicted of leaving the scene of a crash resulting in the death of a person while driving under the influence (DUI);
- Increasing the penalty for leaving the scene of a crash resulting in serious bodily injury to a person from a third degree felony to a second degree felony;;
- Imposing a minimum driver license revocation period of at least three years and driver education requirements for leaving the scene of a crash;
- Ranking offenses for leaving the scene of a crash one level higher than specified in the Criminal Punishment Code if the victim of the offense was a “vulnerable road user” defined as pedestrians, cyclists, etc.

SB 102 has one committee stop remaining before it reaches the Senate floor. Here’s a link to the current version of SB 102:

<http://static.lobbytools.com/bills/2014/pdf/0102C1.pdf>

The House companion bill, HB 183 by Rep. Bryan Nelson (R – Apopka), was heard in its first House committee Tuesday and was favorably recommended by a 13-0 vote. HB 183 has three more committee stops before it reaches the House floor. HB 183 is now identical to SB 102.

The Board passed Resolution No. 261-13 in April, 2013 urging the passage of legislation making it a second degree felony, with a mandatory minimum terms of imprisonment, for a driver to leave the scene of a crash that resulted in the injury of any person (included below). In addition, passage of this pair of bills was identified as a County priority last month.

## **SB 372 - Preemption of Developments of Regional Impact (DRIs) outside the UDB**

The Senate Transportation, Tourism & Economic Development Appropriations Subcommittee Wednesday favorably recommended SB 372 by a vote of 7-2. SB 372 by Senator Bill Galvano (R – Bradenton) would remove exemptions from the Developments of Regional Impact (DRI) statute for proposed developments within dense urban land areas. In its current form, SB 372 would have the effect in Miami-Dade of removing the DRI requirement for proposed large-scale urban development outside the Urban Development Boundary.

The Board passed Resolution No. R-73-14 last month expressing concerns related to SB 372 in removing the DRI requirement for proposed large-scale development outside the UDB (included below). Based on R-73-14, we continue to lobby against SB 372, which has 2 committee stops remaining before reaching the Senate floor. The House companion bill, HB 241 by Rep. Matt Gaetz (R – Shalimar), does not contain the language we’re opposing in SB 372 and has not yet been heard in committee.

## Film/Entertainment industry Financial Incentive Program

Rep. Manny Diaz (R – Hialeah) filed HB 983 Tuesday re: film/entertainment industry financial incentive program. HB 983 includes appropriations of \$200 million per year in state film and entertainment industry incentives for the next 6 state fiscal years (there is currently no state funding remaining for film/entertainment remaining in the existing program that is set to expire on July 1, 2016). HB 983 also extends the current film/entertainment incentive program to July 1, 2020 and makes various updates and revisions to the film/entertainment incentive program as requested by the industry and local film offices.

Here's a link to the text of HB 983 as filed:

<http://static.lobbytools.com/bills/2014/pdf/0983.pdf>.

The Senate has not yet released its companion bill, but we anticipate it will be a committee bill by the Senate Commerce and Tourism Committee chaired by Senator Nancy Detert (R – Sarasota).

In July, the Board enacted resolution no. R-602-13 urging the Florida Legislature to make a long-term commitment to fund film, television and entertainment incentives that foster economic development and create jobs (R-602-13 included below). The Board also identified this issue as one of its critical County priorities for the 2014 state legislative session, so we will continue to aggressively support passage of this bill.

### [HB 0983](#) **Relating to Entertainment Industry Financial Incentive Program** [Diaz \(M\)](#) 02/18/14

Entertainment Industry Financial Incentive Program: Revises purpose of program; revises application requirements & approval procedure for tax credits; requires certified productions to notify Office of Film & Entertainment of changes to certain production circumstances; requires office to deem certain tax credit awards denied & applications withdrawn; authorizes office to approve adjusted tax credit awards under certain circumstances; provides that certified production is not entitled to tax credit award unless certified production's actual qualified expenditures have been verified by office & approved by DEO; specifies period in which certified production must submit qualifying expenditure data to office; revises criteria for determining priority for tax credits; revises tax credit eligibility; provides tax credit for certain qualified productions that complete certain promotional activities; authorizes credit allocations for specified fiscal years; revises program repeal provisions. Effective Date: July 1, 2014

## **SB 816; HB 649 - Collective bargaining**

SB 816 by Senator Rob Bradley (R – Orange Park) and HB 649 by Rep. Travis Cummings (R – Orange Park) are companion bills that have been filed related to collective bargaining. This pair of bills provides that, for purposes of resolving all disputed impasse issues other than wages, the elected constitutional officer (sheriff, tax collector, property appraiser, supervisor of elections, clerk of courts) is the “legislative body”.

In counties that have these elected constitutional officers, this pair of bills would have the effect of substituting the constitutional officer for the Board of County Commissioners in deciding disputed impasse issues other than wages. Wage impasse issues would still be decided by the BCC.

There is language in these bills providing that if a county charter expressly abolishes the sheriff, tax collector, property appraiser, supervisor of elections or clerk of courts and transfers the abolished officer's duties to another officer, then such officer shall decide all impasse issues other than wages.

As currently written, this pair of bills would have the effect in Miami-Dade County of authorizing the Mayor to resolve all collective bargaining disputed impasse issues other than wages. The Board of County Commissioners would still decide all wage issues in a disputed impasse. There may also be an issue about how this pair of bills might affect collective bargaining impasse issues related to the Miami-Dade Clerk of Courts as a separately-elected officer.

Here are links to SB 816 and HB 649, the bills are similar but not identical:

<http://static.lobbytools.com/bills/2014/pdf/0816.pdf>

<http://static.lobbytools.com/bills/2014/pdf/0649.pdf>

### **SPB 7046 - FRS cash balance plan**

On Tuesday, the Senate Community Affairs Committee heard Senate Proposed Bill (SPB) 7046, which is the bill that would require all non-special risk employees initially employed after July 1, 2015 to enroll in a "cash balance" retirement plan. New non-special would no longer be eligible for the traditional FRS pension plan. All special risk (police/fire/corrections) employees initially employed after July 1, 2015 would be enrolled in the cash balance plan, and would have the option within 8 months to move to the traditional FRS pension plan. Employees already participating in the FRS system before July 1, 2015 could remain in the traditional FRS pension plan (additional information on SPB 7046 is included in the article and email below).

SPB 7046 was reportedly favorably out of the Senate Community affairs Committee on a 5-4 vote, with all but one Republican voting for the bill and Senator Jack Latvala (R – Clearwater) joining three Democrats in voting against the bill. There are no Miami-Dade Delegation members of this committee.

Here's a link to the text of SPB 7046 going into today's committee (there were a few amendments, which are not yet codified):

<http://static.lobbytools.com/bills/2014/pdf/7046.pdf>. The House has not yet released its FRS proposal, but the full House passed a bill last year moving all new employees to a 401(k)-style retirement plan.

### **Wage Theft**

Rep. Neil Combee (R – Auburndale) filed HB 957 Monday related to local regulation of wage theft. HB 957 preempts any new local regulation of wage theft enacted on or after July 1, 2014 that exceeds the framework in the bill for a wage theft program through a legal services organization. HB 957 is the House companion bill to SB 926 filed earlier in February. Similar

to SB 926, HB 957 would grandfather Miami-Dade County's existing wage theft program, and as such we'll take a neutral position on this pair of bills absent further direction or changes to the bills.

Here's a link to HB 957: <http://static.lobbytools.com/bills/2014/pdf/0957.pdf>.

**HB 0957 Relating to Local Regulation of Wage Theft** Combee 02/17/14

Local Regulation Of Wage Theft: Provides requirements for county ordinances regulating wage theft; authorizes county funding to assist in addressing claims of wage theft; preempts further regulation of wage theft to state; provides exception. Effective Date: upon becoming a law

**SB 624 Relating to Fair Associations**

SB 624 filed by Senator Wilton Simpson (R – New Port Richey) will be heard in its first committee this week. It prohibits the assessment of fees and taxes for "fair associations", including the following:

- A tax, special assessment, or fee by a county related to stormwater management facilities;
- An impact or mobility fee by a county, municipality, or special district, retroactive to July 9, 2009, further requiring that any such fees collected between the retroactive date and effective date of this bill must be refunded;
- A special assessment by a municipality related to stormwater facilities even if the fair's property is benefitted;
- An ad valorem tax on personal or real property used predominately for fair purposes;
- A special assessment by a water control district of a maintenance tax related to stormwater facilities even if the fair's property is benefitted;
- Any fee or assessment by a local government to maintain a stormwater management facility.

A "fair association" is defined as any not for profit association incorporated for the purpose of conducting and operating public fairs or expositions.

Here's a link to SB 624: <http://static.lobbytools.com/bills/2014/pdf/0624.pdf>. No House companion bill has been filed as of yet.

**SB 624 - Relating to Fair Associations (Simpson)**

Fair Associations; Prohibiting a county from levying a tax, special assessment, or fee for the planning, construction, operation, use, or maintenance of stormwater facilities against land owned by a fair association; prohibiting a county, municipality, or special district from imposing an impact or mobility fee on a fair association; providing for retroactive application; exempting

fair associations from the assessment or imposition of a fee by local or regional governmental entities for the planning, construction, operation, use, or maintenance of stormwater management systems, etc. Effective Date: 7/1/2014

## **Fuel Terminals**

A pair of companion bills have also been filed related to limiting local government land use regulation of “fuel terminals”, SB 1070 was filed on Friday by Senator Simpson, and the identical House companion bill, HB 947 was filed today by Rep. Lake Ray (R – Jacksonville). This pair of bills would prohibit a local government from amending its local comprehensive plan, land use map, zoning districts or land development regulations to make fuel terminals a nonconforming use. These bills would declare fuel terminals a permitted and allowable use under local land use regulations and allow for the expansion of existing fuel terminals in all land use categories. “Fuel terminals” are defined in these bills to mean both storage and distribution facilities for fuel supplied by pipeline or marine vessel (fuel is defined broadly to include motor fuel, oil, natural gas, petroleum, aviation and alternative fuel).

Here’s a link to SB 1070 (HB 924 is identical):

<http://static.lobbytools.com/bills/2014/pdf/1070.pdf>.

[SB  
1070](#)

**Relating to Fuel Terminals**

[Simpson](#)

02/14/14

Fuel Terminals; Declaring certain fuel terminals a permitted and allowable use under any local government comprehensive plan, land use map, zoning district, or land development regulation; authorizing limited local government regulation of expanded fuel terminals; prohibiting a local government from amending its local comprehensive plan, land use map, zoning districts, or land development regulations to make such fuel terminals a nonconforming use under the provisions thereof, etc. Effective Date: 7/1/2014

[HB 0947](#) **Relating to Fuel Terminals**

[Ray](#)

02/17/14

Fuel Terminals: Declares certain fuel terminals a permitted & allowable use under any local government comprehensive plan, land use map, zoning district, or land development regulation; authorizes expansion of such fuel terminals; provides exception to expansion of such fuel terminals; authorizes limited local government regulation of expanded fuel terminals; prohibits local government from amending its local comprehensive plan, land use map, zoning districts, or land development regulations to make such fuel terminals nonconforming use under provisions thereof; provides that future fuel terminals are permitted & allowable use in certain land use categories & zoning districts; authorizes local government to prohibit future fuel terminals in certain land use categories & zoning districts. Effective Date: July 1, 2014

## **NEWS /POLICY NOTES**

### Florida Retirement System

Source: Florida Current

Gaetz said vote will be close

Senate President Don Gaetz, R-Niceville, said changing the Florida Retirement System will be a close vote.

“The Senate is divided on the issue,” Gaetz said. “There are those who don’t want to make any changes at all, and there are those who believe that we have to create a more secure future for the retirement system that’s not dependent on draining \$500 million out of the budget to fund the unfunded liabilities of the pension system.”

Gaetz said there are 18 senators who are against making any changes to FRS, and though a 22-18 vote would pass the bill if all 40 senators were present, a loss of just two would defeat the bill.

### Assisted Living Facilities / Sexual Predators

Source: Florida Current

Senate President Don Gaetz, R-Niceville, and Speaker of the House Will Weatherford, R-Wesley Chapel, will again use the first day of session to pass priority legislation.

“We’ll take the sexual predator bills up and the ALF bill up on the first day,” Gaetz said on Feb. 20, 2014.

The reform package, SB 248, has one committee of reference left. The Senate Appropriations Committee was added on Feb. 18, 2014.

### Florida GI Bill

Source: LobbyTools

Senate President Don Gaetz, R-Niceville, said that the two chambers will again “break with tradition and not just have a ceremonial first day but start the session by doing real business right away.”

The House is scheduled to pass the Florida GI Bill. The measure waives out-of-state tuition for military veterans, funds scholarships for members of the Florida National Guard and waives professional licensing fees for vets.

HB 7015 passed its final committee of reference, Economic Affairs, on Feb. 20, 2014

## Springs Legislation

Source: Florida Current

Sen. David Simmons told a Senate workshop on Thursday that he has a new draft springs bill that will take out a section that has raised concerns for cities, counties and business groups.

The Senate Committee on Environmental Preservation and Conservation held a two-hour workshop on a draft springs bill that would require septic tanks to be upgraded or hooked to sewers near springs with elevated nitrogen levels.

The bill, which would provide an estimated \$378 million from documentary stamp tax revenue, has support from environmental groups. But the Florida League of Cities and other groups have raised concerns that municipal utilities could get stuck with the cost if state funding is reduced in the future.

Simmons, R-Altamonte Springs and one of five Senate committee chairmen supporting the draft legislation, told the workshop audience that he has "Plan B" legislation ready to file that will take out a section that requires compliance with advanced treatment standards if cities and counties can't get funding.

The goal "is to ensure that local governments are not forced to do something where they don't have funding," Simmons said. "So that question has been answered by our Plan B."

Representatives of Associated Industries of Florida, the Florida Chamber of Commerce and the Florida League of Cities said it sounded like their concerns were being addressed.

## Electronic Cigarettes

Source: LobbyTools

The House Business & Professional Regulation Subcommittee passed a proposal on Feb. 18, 2014, preventing minors from getting their hands on electronic cigarettes. HB 169, sponsored by Reps. Frank Artiles, R-Miami, and Doc Renuart, R-Ponte Vedra Beach, has two more committees of reference.

A comparable Senate plan, SB 224, passed the Appropriations Committee on Feb. 20, and is headed to the floor.

After the meeting, the bill's sponsor, Majority Leader Lizbeth Benacquisto, R-Fort Myers, issued a news release.

"Age restrictions are a vital tool in preventing Florida's children from developing harmful nicotine addictions," she said.



## **2014 Legislative Session Dates**

March 4, 2014	Legislative Session Convenes Bill Filing Deadline – 12:00 pm
May 2, 2014	Legislative Session Scheduled to Conclude

## **Fly-In Dates**

### *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**

### **Greater Miami Chamber of Commerce**

Source: Miami Herald

The Greater Miami Chamber of Commerce selected University of Miami President Donna E. Shalala as the recipient for this year's Sand in My Shoes Award.

"My first reaction was to turn it down," Shalala said. "First, I haven't finished yet. And second, I think those awards are for people who have made extraordinary contributions to the community, and I never thought of myself in that vein."

The chamber presented Shalala, 73, with the honor at a gala Tuesday night at the downtown Miami Hilton.

Since joining the University in 2001 as president and political science professor, Shalala has expanded the university's national profile far beyond sports. Its annual budget has grown to \$2.7 billion this year, and its endowment to nearly \$780 million. Research programs have become a top priority, with research-related expenses hitting \$356 million in fiscal year 2013.

Since 1981, the Greater Miami Chamber of Commerce has annually given the Sand in My Shoes honor to "outstanding community leaders who have made significant contributions to the South Florida region." Recent past winners include Miami Dade College President Eduardo Padrón (2012) and entertainment power couple Gloria and Emilio Estefan (2013).

For Shalala, the award adds to a long list of accolades, including several dozen honorary academic degrees as well as the Presidential Medal of Freedom, the Nelson Mandela Award for Health and Human Rights, and a 2011 induction into the National Women's Hall of Fame.

Read more here: <http://www.miamiherald.com/2014/02/18/v-print/3943988/ums-donna-shalala-is-latest-sand.html#storylink=cpy>

## **Doral**

Source: Miami Herald

A longtime Doral activist has filed an ethics complaint against Councilwoman Sandra Ruiz accusing her of having a conflict of interest in a lawsuit in which a political supporter is suing the city.

Felipe Madrigal, head of Doral's Rotary Club and an active figure in the city's founding a decade ago, filed a complaint Tuesday afternoon with the Miami-Dade County Commission on Ethics and Public Trust. In it he accuses Ruiz of using her position to pressure the city attorney to settle a lawsuit with Tony Rodriguez, a former Doral police officer and one of her political supporters.

Although the city attorney is the council's legal advisor, settlement agreements normally require the council's approval.

In the suit he filed against the city in February 2012, Rodriguez claims he was fired for his political association with Ruiz.

The ethics complaint alleges Ruiz gave a "deposition in support" of Rodriguez and has used her position to pressure the city attorney to settle with Rodriguez during "in-the-shade" meetings, which are closed-door council meetings to discuss litigation.

Bob Jarvis, a law professor at the Law Center at Nova Southeastern University, said the concept of Ruiz giving statements under oath that support Rodriguez's case doesn't carry much weight. But he said the basis of Rodriguez's case — his firing due to his political support for

Ruiz — may be enough to give Ruiz a conflict of interest when it comes to discussing the litigation in a closed meeting.

Madrigal also accuses Ruiz of moving to fire Doral's city attorney, John Herin, after she could not force him to settle the case.

Read more here: <http://www.miamiherald.com/2014/02/20/v-print/3949000/activist-files-ethics-complaint.html#storylink=cpy>

## **Hialeah**

Source: Miami Herald

Hialeah has completed a \$2 million renovation of the Department of Public Works building on the western side of the city.

Department director Armando Vidal said about 50 employees will work in the building. A second stage will conclude the renovation of an adjoining building for the department's Water and Sewer Division.

Hialeah Mayor Carlos Hernandez said the renovated building demonstrates his administration's efforts to optimize services in the city.

The renovation of the building, 3700 W. Fourth Ave., was carried out by the Link Construction Group, said the director of the Building Department, Vincent Rodriguez.

Read more here: <http://www.miamiherald.com/2014/02/17/v-print/3941423/hialeah-opens-new-headquarters.html#storylink=cpy>

## **Announcements**

Miami Dade league of Cites

What: MDCLC Board of Directors Meeting

When: Thursday, March 6 2014

Time: Reception: 6:00 P.M. Board Meeting: 7:00 P.M.

Where: 94<sup>th</sup> Aero Squadron Restaurant 1395 NW 57<sup>th</sup> Avenue, Miami