

STATE / LOCAL WEEKLY REPORT

March 3- March 7, 2014

STATE LEGISLATIVE ISSUES

Bills this Week / Analysis

Source: Jess McCarty (CAO)

Transient Sexual Predators / Offenders

SB 528 - Transient sexual predator/offender reporting every 30 days: Today the full Florida Senate passed SB 528 re: sex offenses by a vote of 40-0.

SB 528 includes language requiring transient sexual predators and offenders to report to the county Sheriff's Office (in our case Miami-Dade Police Dept) within 48 hours of establishing a transient residence in a county and then every 30 days thereafter. It's a 3rd degree felony for a transient predator or offender to fail to comply with these reporting requirements.

Here's a link to the current version of SB 528, which is the committee substitute to the committee substitute (CS/CS/SB 528): <http://static.lobbytools.com/bills/2014/pdf/0528C2.pdf>

The transient reporting language in SB 528 is consistent with Resolution No. R-69-14 passed by the Board of County Commissioners on January 22 (included below).

SB 528 next goes to the House. The House companion bill is HB 7025, which passed its final committee of reference yesterday by a 15-0 vote. HB 7025 next goes to the House floor, where the House will likely take up and pass SB 528 in lieu of HB 7025 and send SB 528 to the Governor.

Florida GI Bill

HB 7015 - Florida GI bill: Today, the full Florida House passed HB 7015 re: military and veteran support by a vote of 115-0.

HB 7015 (commonly referred to as the Florida GI bill) would provide increased education and employment opportunities for veterans by, among other things:

1. Expanding the employment preference for veterans and their families at public employers (including Miami-Dade County); and
2. Waiving out-of-state tuition for veterans to attend Florida colleges and universities (veterans previously had to wait one year to qualify for in-state tuition).

The Board of County Commissioners adopted item 11A23 on today's BCC agenda which urged the Legislature to pass HB 7015 (included below).

Here's a link to the current version of HB 7015, which is the committee substitute to the committee substitute (CS/CS/HB 7015):

<http://static.lobbytools.com/bills/2014/pdf/7015C2.pdf>

HB 7015 next goes to the Senate. There are several Senate bills that contain parts of HB 7015, but there is no direct Senate companion bill. The Senate will likely amend one of these bills to conform to HB 7015 so that the Senate can pass HB 7015 and send it to the Governor.

Environmental Regulation

SB 1464 re: environmental regulation was filed Friday by Senator Wilton Simpson (R – New Port Richey). SB 1464 is the Senate companion bill to HB 703 (see email below). HB 703 is the subject of Item 11A29 on Tuesday's BCC agenda and regarding which County departments had a number of concerns.

Among other provisions, SB 1464 includes language that may preempt the provision of the Miami-Dade County Charter requiring a 2/3rds vote of members of the BCC to amend the Comprehensive Development Master Plan to include additional land outside the UDB (see page 4, line 99), although it's in a different statute section and worded differently than in HB 703.

SB 1464 also includes a provision extending all building permits, Florida Dept of Environmental Protection permits and water management district permits that expire between January 1, 2012 and January 1, 2015 for an additional 2 years (see page, 14, section 16). This provision doesn't appear in HB 703.

Here's a link to SB 1464: <http://static.lobbytools.com/bills/2014/pdf/1464.pdf>. It is important to note that SB 1464 is not identical to HB 703, so County departments should review SB 1464 for possible additional issues even if they've already reviewed HB 703. SB 1464 and HB 703 are also very likely to be amended with additional provisions as they move through committees.

Preemptions

Local preference preemption: Rep. Erik Fresen (R – Miami) filed HB 1281 re: local preference on Sunday. HB 1281 amends chapters 255, 283 and 287 to provide a preference for "local businesses" in the award of competitively bid contracts that applies to counties. The definition of "local business" is a business within the State of Florida, either a principal place of business in Florida or at least 60 percent of employees in Florida.

HB 1281 provides that when a business that is not a Florida business is the lowest responsive bidder, and a Florida business is no more than 10 percent above the lowest bid, then the Florida business and the low bidder must be given an opportunity to submit a best and final bid equal to or lower than the amount of the lowest bid.

While there is no language expressly preempting local preference programs in HB 1281, the bill nonetheless may negate our Miami-Dade County local preference program by establishing a local preference at the state level.

Here's a link to HB 1281: <http://static.lobbytools.com/bills/2014/pdf/1281.pdf>; no Senate companion bill has been filed as of yet.

Chauffeured limousine preemption: Rep. James Grant (R – Tampa) filed HB 1389 re: chauffeured limousines today. HB 1389 is the House companion bill to SB 1618 filed on Friday, and is substantially similar to SB 1618, please see the overview in the email below.

Here's a link to HB 1389: <http://static.lobbytools.com/bills/2014/pdf/1389.pdf>

Please let me know if you have any questions,
Jess

HB 1281 - Relating to Preference in Award of Governmental Contracts - 2014

by [Fresen](#)

General Preference in Award of Governmental Contracts: Provides preference for local businesses in awarding competitively bid contracts for construction, printing, & goods & contractual services. Effective Date: July 1, 2014

HB 1389 Relating to Chauffeured Limousines

Chauffeured Limousines: Provides rules of operation for chauffeured limousine service, standards for chauffeured limousine vehicles, & requirements for chauffeured limousine drivers; authorizes DHSMV to adopt rules. Effective Date: October 1, 2014

NEWS /POLICY NOTES

Tax Cuts

Source: Florida Current

Legislative leaders say they are committed to hitting Gov. Rick Scott's goal of \$500 million in tax and fee cuts this year, but that doesn't mean they'll do it in the way he proposed in his budget recommendations.

Scott wants lawmakers to fully roll back the increases in vehicle registration and driver's license fees. That would mean a \$25 reduction for most registrations and a \$400 million hit to state coffers. He also wants to reduce the sales tax on commercial leases by 1 percent, about a \$100 million reduction in state revenues.

But lawmakers have other tax cut plans. Proposals abound to cut the communication services tax on cable, phone and satellite bills, provide tax cuts to favored industries and slash corporate filing fees.

Rep. Ritch Workman, R-Melbourne, chairman of the House Finance and Tax Subcommittee and the main writer of the tax cut package in the House, said he wants to include a variety of tax cut ideas in the eventual bill.

"There's like probably 75 items on our list of ideas that have come forward that are tax breaks or tax credits or some tax incentives," Workman said. "My goal is to touch every single citizen one way or the other. Doesn't mean everyone is going to get a huge tax break, but everyone's going to get a tax break. So I'm trying to make – in my \$500 million bubble – a tax break for everybody."

Senate leaders have indicated they want to have more tax cuts that directly reach citizens instead of tax breaks for businesses. That would mean a larger vehicle and license fee cut, but Scott's plan is far from a slam dunk in the Senate.

Sen. Joe Negron, R-Stuart, is the Senate's top budget writer and sponsor of SB 156, which would cut the vehicle fees by \$236 million. He said he's still having talks with Scott over the level of the fee cut, but added that new revenue estimates from state economists later this month are unlikely to be dramatically different than the current projection of a \$1.2 billion surplus.

The projected surplus is the main reason Scott and lawmakers have enough room to slash taxes this year. But in his budget proposal, Scott used "efficiencies" and contract renegotiations to reduce spending by more than \$200 million, something some legislative leaders are skeptical about achieving this year.

"I think there are real savings there. The thing is that you can't appropriate money until you have it. I think we - over the near term and the long term - saving money over doing better contracting is a great way to redeploy resources. But you can't spend it 'til you save it," Senate President Don Gaetz, R-Niceville..

That means lawmakers will have to make up those cuts either with additional revenues or actual spending cuts that provide less resources to agencies.

Other Scott tax cut ideas could be significantly tweaked. He's touted a \$20 million cut in sales taxes during a proposed 15-day sales tax holiday for hurricane preparedness items, but lawmakers are backing a 12-day holiday that includes less expensive items. State economists have pegged the savings for consumers at \$3.6 million. The House version of the hurricane preparedness sales tax holiday (HB 567) sailed through Workman's committee Thursday.

But as Workman and his counterparts in the Senate piece together this year's tax cut package, some of Scott's proposals could fall by the wayside. The reduction of the sales tax on commercial leases and rents, for instance, may be too large to fit into Workman's plan of a potpourri of tax cut ideas.

"That's a humongous tax," Workman said. "No matter how I slice that it's big, big, big, big."

Voting Reform

Source: LoobyTools

A proposed committee bill from the Senate Ethics and Elections Committee would require the Division of Elections to set up an Web site for voter registration and would get rid of absentee ballot drop-off locations.

SB 7068, filed on March 5, 2014, would require supervisors of elections to only accept absentee ballots at a supervisor's office or at a U.S. Post Office, codifying a directive released by Secretary of State Ken Detzner in November.

The bill has caught the attention U.S. Sen. Bill Nelson who wrote a letter to Sen. Jack Latvala, R-Clearwater and chair of the committee, bashing the proposal.

"After enduring numerous fiascos in the recent election cycle, including lines that stretched for hours at early voting sites and at the polls on election day, the last thing Floridians need are laws that make it harder for them to exercise their right to vote," Nelson wrote.

Private Schools

Source: Florida Current

Florida's Republican-led Legislature believes in offering school choices outside of traditional public schools. They argue for giving more families a chance to choose where to send their children. Among other educational options – such as charter and virtual schools –the state offers tax credits to businesses that pay for vouchers for students to attend private school.

There are two sponsored scholarship programs. The McKay Scholarship Program provides for more than 26,000 students with disabilities. The Florida Tax Credit Scholarship currently serves about 60,000 students from families with limited resources.

Despite the programs, private schools are not accredited by the state. The Department of Education does not officially recognize any of the various agencies that accredit private schools.

[The Associated Press](#) reported on March 6, 2014, that the low-income program helping children attend private schools, more than 80 percent of them religious, could undergo a substantial expansion. The House Finance & Tax Subcommittee passed a proposed committee bill, with a vote split along party lines.

The plan, which is a priority for Speaker of the House Will Weatherford, R-Wesley Chapel, would dramatically expand the school voucher program in several ways, including removing some eligibility restrictions based on household income. Weatherford would like to use general revenue funds to support the program.

Democrats questioned the scope of the expansion and whether it would come at the expense of public schools. "It's too much, too fast," said Rep. David Richardson, D-Miami Beach. "It's a huge increase."

Although the plan fulfills an ideal for Republicans, a divide exists on whether schools that accept vouchers should meet state requirements imposed on public schools. Senate President Don Gaetz, R-Niceville, has said he would support the proposal if it required standardized testing for students who receive the vouchers.

John Kirtley, chairman of Step Up for Students, the main organization handing out vouchers in the state, would not say whether a testing requirement would prompt his organization to drop its support of the bill.

K-12 Education

Source: Florida Current

A House plan to prohibit schools from collecting personal information, including biometric data, was passed by the Education Committee on March 6, 2014.

"This bill is about keeping our kids and their data safe," said the sponsor, Rep. Jake Raburn, R-Lithia.

Pinellas County Schools have invested \$200,000 to use palm scanners in an effort to speed up lunch lines. The bill would prohibit their use.

Rep. Elizabeth Porter, R-Lake City, said that saving money or time “will never trump our right to privacy.”

HB 195 now heads to the chamber floor.

Water Quality

Source: Florida Current

Environmental groups on Thursday filed a notice in federal court that they are appealing a federal judge's order in January siding with Florida and the U. S. Environmental Protection Agency on their agreement in 2013 allowing the state to set pollution standards in waterways.

The appeal prevents the Florida Department of Environmental Protection from moving forward with state rules approved by the federal court and the federal EPA, DEP spokesman Patrick Gillespie told [*The Florida Current*](#) on March 6, 2014.

The Legislature in 2013 passed SB 1808 ratifying an agreement between DEP and the federal EPA calling for the state to move forward in implementing rules once federal water quality standards were withdrawn.

The appeal on Thursday was filed in the 11th U. S. Circuit Court of Appeals in Atlanta on behalf of the Florida Wildlife Federation, the Conservancy of Southwest Florida, the Environmental Confederation of Southwest Florida, St. John's Riverkeeper and the Sierra Club.

Earthjustice attorney David Guest said the groups are challenging Florida's "polluter-friendly" rules.

“The (federal) Clean Water Act is supposed to mean clean water,” Guest said. “That’s not happening here in Florida, and that’s why we’re going to court.”

DEP Secretary Herschel T. Vinyard Jr. said that he was "deeply disappointed" by the appeal, which will prevent the department from implementing the most comprehensive water quality standards in the nation.

2014 Legislative Session Dates

March 4, 2014	Legislative Session Convenes Bill Filing Deadline – 12:00 pm
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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

MDCLC

On Thursday, the Miami Dade League of Cities held its monthly Board of Directors meeting at the 94th Aero Squadron located at 1395 NW 57th Ave., Miami, FL.

Guest speaker Board of County Commissioners Chairwoman Rebeca Sosa addressed members of the League regarding the issue of annexation and incorporation, which is an ongoing and complex topic within Miami-Dade County and its cities. In an effort to further engage the cities in dialog, Chairwoman Sosa proposed creating a League task force on annexation and incorporation. The taskforce would serve to enhance the discussion and create a consensus building opportunity on policy to be considered by Board of County Commissioners. Chairwoman Sosa pledged her commitment to working with the cities and was encouraged by the League's receptiveness to this effort.

Doral

Source: Miami Herald

The election of Doral's City Council, known recently for its marathon meetings and frequent bickering, could get a complete overhaul under a proposal from the city's Charter Review Commission.

Christian Mazzola, a business executive and one of the five commission members tasked with reviewing the city's charter and proposing amendments, presented a concept Tuesday that calls for six-year terms with the council choosing a mayor and vice mayor every two years.

A council member would have to serve at least one year before being eligible to be vice mayor, and at least one year as vice mayor before he or she could be mayor.

Council members would be limited to one term, and they would be transitioned in during the next three election cycles so that voters would never elect more than two council members at a time. Candidates would all run in one pool.

The Charter Review Commission has begun meeting weekly at City Hall so it can finalize its recommendations before its April 1 deadline, when it has to submit its proposed amendments to the City Council. The council would then select a date for a special election later this year where Doral voters would ultimately decide whether or not they want to amend the city's charter.

The review commission, made up of local business and community leaders appointed by the mayor and council, also recently proposed to [spread the mayor's power](#) to nominate the city manager and city attorney to the other council members.

Some of the commission members' have expressed displeasure with the current council.

Jones, who also serves as president of a local nonprofit activist group called the Doral Community Coalition, sent a letter on behalf of that organization to Gov. Rick Scott in October to voice concerns about the atmosphere in City Hall. Mazzola is secretary of the coalition.

In the letter, Jones asked Scott to appoint a special prosecutor to investigate claims of wrongdoing that were hurled across the dais during a series of heated and well-publicized meetings in the fall. On Wednesday, Jones said Scott's office told the coalition it could not do anything unless there was concrete evidence and instructed it to contact local the FBI office.

The Charter Review Commission will meet again at 9 a.m. March 13 at City Hall, 8401 NW 53rd Terr.

Read more here:

<http://www.miamiherald.com/2014/03/06/v-print/3977970/big-changes-proposed-for-for-doral.html#storylink=cpy>

Miami Beach

Source: Miami Herald

Miami Beach Police Chief Ray Martinez will leave his post in early April, saying the time is right with new leadership in the city.

"I understand that the mayor and commission want to move in a new direction, and I respect that," Martinez said.

Martinez, a 35-year cop who began his career in Miami, and joined the beach in 2001, shortly after the Elian Gonzalez saga, has no immediate plans and said he may take a teaching post at Florida International University.

He recently applied for chief of police job in South Miami, but was beat out by that city's assistant chief, Rene Landa.

In a brief, three-paragraph statement, Miami Beach Mayor Phillip Levine said he was "grateful" for Martinez's 2 1/2 year tenure as chief and that City Manager Jimmy Morales would work with an executive search team to find a new chief.

Still, at least one commissioner said it was likely Martinez decided to resign because of a lack of political backing.

"I certainly understand that he's concerned that he doesn't have political support," said Commissioner Deede Weithorn.

Last year, after a series of embarrassments in various departments—including the police—voters chose a new mayor and replaced most of the commission.

Martinez's resignation comes as an audit of the department is being wrapped up, after a series of police mishaps tarnished the department's image.

"We want stability in our department, and I think in recent times we have accomplished that under Martinez's leadership," said Alex Bello, president of the Beach's Fraternal Order of Police.

Read more here: <http://www.miamiherald.com/2014/03/06/v-print/3977800/miami-beach-police-chief-stepping.html#storylink=cpy>

Palmetto Bay

Source: Miami Herald

Palmetto Bay Village Council members this week named Dexter W. Lehtinen, a former U.S. Attorney for South Florida and the husband of Republican Congresswoman Ileana Ros-Lehtinen, as the new village attorney.

"I'm excited because Dexter Lehtinen has a very broad, a very deep breadth of experience to share with us. And he's a very dedicated individual with a long history of working in municipal law," Palmetto Bay Mayor Shelley Stanczyk said after the unanimous vote Monday night.

In a Feb. 19 presentation to the council, Lehtinen highlighted his and his partners' decades of experience in land use litigation from zoning, environment laws, comprehensive development, to municipal bonds.

He also cited his experience as an adjunct law professor at Florida International University and the University of Miami, teaching Florida Constitutional Law, "significant components of which [regard] the municipal versus state versus county authority conflicts of statutes and ordinances."

Lehtinen served as both a state senator and representative in the 1980s. Then in 1988, as U.S. attorney for the Southern District of Florida, he sued the state for allegedly violating its own water-quality standards. The following year, his office charged Panamanian strongman Manuel Noriega with drug trafficking.

He quit the U.S. Attorney's office in 1992, and went on to represent the Miccosukee Tribe of Florida.

He severed his ties to the Miccosukees in May 2010 amid an Internal Revenue Service investigation of the tribe for allegedly distributing millions of dollars in unreported gambling revenue to its members.

Lehtinen beat out five other candidates for the job, including the village's interim attorney John Herin Jr. of Gray Robinson.

Other candidates included Quentin E. Morgan of Brinkley Morgan; Jeff Cazeau of Lydecker Diaz, the current city attorney for Florida City; Hugo Alvarez of Alvarez & Barbara; and John C. Dellagloria, a village resident, who has served as city attorney in North Miami, Miami Beach, South Miami, and North Miami Beach. Herin, Alvarez, and Morgan were eliminated in the first round of voting, when none of the council's five members cast a vote in their favor. Lehtinen won the second round with all five votes.

The village's search for a permanent attorney dates back to April, when the council directed staff to solicit applications for the position following months of pressure from Vice Mayor John DuBois to replace the then-village attorney, Eve Boutsis of Figueredo & Boutsis, who had served as Palmetto Bay's attorney since its incorporation in 2002.

Lehtinen and the village will negotiate a contract for consideration at the next general council meeting on April 7.

Read more here: <http://www.miamiherald.com/2014/03/04/v-print/3973685/palmetto-bay-hires-dexter-lehtinen.html#storylink=cpy>