

STATE / LOCAL WEEKLY REPORT

March 17 – March 21, 2014

STATE LEGISLATIVE ISSUES

Bills this Week / Analysis

Source: Jess McCarty (CAO)

Florida Retirement System

The House and Senate have both released their budget conforming bills re: Florida Retirement System (FRS) contribution rates. The Senate bill is SB 2056 and the House bill is Proposed Committee Bill (PCB) APC 14-07. The Senate and House bills appear to match up on the employer contribution rates which apply to Miami-Dade County, although the House bill has a slightly lower rate for the retiree health insurance subsidy contribution rate than does the Senate bill. The employer contribution rates also align with the Governor's conforming bill re: FRS rates that was part of his budget proposal.

Based on increases to the rates for the FRS unfunded actuarial liability, SB 2056 and PCB APC 14-07 are estimated to have an additional \$1.4 million fiscal impact on Miami-Dade County for the last quarter of the current county fiscal year (July-September) and an additional \$6.3 million impact for county fiscal year 2014-15.

Here are links to SB 2056 and PCB APC 14-07:

<https://www.flsenate.gov/Session/Bill/2014/2506/BillText/Filed/PDF>

<http://static.lobbytools.com/bills/2014/pdf/APC7.pdf>

SB 528 - Transient predator/offender reporting: The Senate passed SB 528 Thursday by a vote of 39-0, which was in returning messages from the House, having been amended there. SB 528 has now passed both the House and Senate and next goes to the Governor who has 7 days to act on the bill.

SB 528 includes language requiring transient sexual predators and offenders to report to the County Sheriff's Office 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 final enrolled version of SB 528, the transient reporting language is on page 16 starting at line 452: <http://static.lobbytools.com/bills/2014/pdf/0528ER.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.

SJR 1256 – Miami-Dade Home Rule Charter: SJR 1256 by Senator Rene Garcia (R – Hialeah) will be heard in the Senate Community Affairs Committee on Tuesday, March 25. There are no members of the Miami-Dade Delegation on this committee. The House companion joint resolution, HJR 1081 by Rep. Frank Artiles (R – Miami) has not yet been heard in committee.

SJR 1256/HJR 1081 would propose a statewide vote on an amendment to the Florida Constitution to authorize amendments or revisions to the Miami-Dade County Home Rule Charter by a special law approved by the electors of the County. A bill proposing such Charter amendments would have to be approved at a meeting of the Miami-Dade County legislative delegation and filed by a member of the Miami-Dade Delegation.

The Board adopted Resolution No. R-863-13 on October 22 opposing any bill or joint resolution that would adversely affect the Miami-Dade Home Rule Charter, and identified this issue as a County Priority in January.

HB 353 – Miami-Dade Expressway Authority: HB 353 by Rep. Jeanette Nunez (R – Miami) will be heard in the House Transportation & Highway Safety Subcommittee on Monday, March 24. A proposed committee substitute (PCS) has been filed that replaces the entire bill with new language. The PCS removes significant parts of HB 353, but the PCS still includes the following applicable provisions:

1. Requires the Board of County Commissioners to approve any MDX toll increase by a supermajority vote, consisting of one vote greater than a majority;
2. Reduces the size of the MDX governing board from 13 to 9 members, and prohibits lobbyists from being appointed;
3. Reduces from 7 to 4 the appointments to the MDX governing board by the Miami-Dade County Commission, and reduce from 5 to 4 the appointments by the Governor, shifting the balance of appointments away from the County Commission and to the Governor (the remaining member is the FDOT District 6 Secretary); and
4. Prohibits a member of the MDX governing board from serving on the MPO or any other transportation-related board or commission.

Here's a link to the PCS that will likely be adopted on Monday:

<http://static.lobbytools.com/bills/2014/pdf/0353010000.pdf>. The Senate companion bill, SB 772 by Senator Rene Garcia (R – Hialeah) has not yet been heard in committee.

The Board adopted Resolution No. R-285-14 on Tuesday opposing SB 772 and HB 353.

HB 1389 – Chauffeured Limousines: HB 1389 by Rep. James Grant (R – Tampa) will be heard in the House Transportation & Highway Safety Subcommittee on Monday, March 24. HB 1389 preempts counties from licensing or regulating chauffeured limousines, chauffeured

limousine services and drivers of chauffeured limousines, and would impose uniform statewide regulation based on emerging transportation technology, such as Uber.

Here's a link to the committee staff analysis to HB 1389, which was released this afternoon: <http://static.lobbytools.com/bills/2014/pdf/AH13891425.pdf>, and here's a link to HB 1389 (it has not changed since filing, although we anticipate that revisions are coming): <http://static.lobbytools.com/bills/2014/pdf/1389.pdf>.

The Senate companion bill, SB 1618, by the Senator Jeff Brandes (R – St. Petersburg) has not yet been heard in committee. The Board adopted Resolution No. R-863-13 on October 22 opposing any bill or joint resolution that preempted local Home Rule.

Livery transit service: An amendment was run in committee Tuesday to SB 1630, which is a Dept of Agriculture & Consumer Services bill. The amendment makes it a prohibited unfair or deceptive regulatory act for a special district to:

1. Restrict the public from freely bargaining for lawful livery transit services, excluding metered taxi services that accept street hails, by establishing a minimum or maximum fare or by imposing a minimum wait time between the reservation and delivery of the transit services; or
2. Create classifications within each type of livery service, and to fix or approve zones, rates, or fares for such classifications, which apply differently to individuals and businesses that compete or attempt to compete with each other to provide similar services.

Attached please find a copy of the amendment.

Local preference preemption: The House Government Operations Subcommittee heard and passed HB 801 by Rep. Heather Fitzenhagen (R – Fort Myers) re: local preference preemption this morning. HB 801 is the House companion to SB 612 by Senator Alan Hays (R – Umatilla)(see email below). As initially filed, SB 612 and HB 801 would have preempted local preference programs if any state funds were involved (even 1%). HB 801 was amended in committee to limit the bill only to construction contracts that involve more than 20 percent state funding. Here's a link to the amendment run today, which is now the substance of HB 801: <http://static.lobbytools.com/bills/2014/pdf/0801697957.pdf>

HB 801 has 3 remaining committee stops before the House floor. SB 612 will be heard tomorrow in the Senate Community Affairs Committee, and also has 3 remaining committees (including tomorrow) before it reaches the Senate floor.

SB 1532; PCB JUAS 14-02 - Juvenile Detention County cost share proposals

The House has released its bill on juvenile detention costs, which is a proposed committee bill of the House Justice Appropriations Subcommittee, PCB JUAS 14-02 (attached). PCB JUAS 14-02 was heard and passed by the Subcommittee on Wednesday.

Like Senate Bill 1532, PCB JUAS 14-02 establishes a methodology for determining county and state responsibilities for juvenile detention based on a 50-50 percent sharing of total juvenile detention costs. The costs will be based on actual expenditures for providing this service during the prior calendar year, there would be no reconciliation process.

Unlike the Senate bill, PCB JUAS 14-02 also addresses disputed billings from fiscal year 2008-09 through fiscal year 2012-13 by providing an annual payment to counties, with Miami-Dade's share estimated to be \$507,285 per year. The Senate bill includes the 50-50 state-county cost share prospectively, but does not include any amount for prior overpayments.

In addition to PCB JUAS 14-02, also attached is the comparison of the fiscal impacts to Miami-Dade of the proposals by the Senate, House and Governor.

It would appear that the House proposal is the best option for Miami-Dade County based on attached fiscal impact estimates. If so, we would support the House position in conferencing between the Senate and House on this pair of bills as a budget conforming issue.

NEWS /POLICY NOTES

Vehicle and driver's license fees

Source: Florida Current

The House unanimously passed a \$395 million-per year cut in vehicle and driver's license fees Thursday, giving Gov. Rick Scott his top legislative priority.

Scott said he would sign SB 156 as soon as possible, and used the occasion to bash his predecessor and likely general election opponent, former governor and newfound Democrat Charlie Crist, by name for the first time.

"This is a tax increase that Charlie Crist passed in 2009. A 54 percent increase in motor vehicle fees impacting everyone who had a car," Scott said. "I look forward to getting this on my desk and signing it to reduce the tax that Charlie Crist passed in 2009."

Crist was governor and still a Republican when the fees were hiked in 2009 when lawmakers were facing a multi-billion budget shortfall as state revenues absorbed the brunt of the housing bust and the onset of the Great Recession. All but one Republican lawmaker voted for the fee hikes. Every Senate Democrat voted for the increases but House Democrats voted against them.

House Democrats, though voting for the vehicle fee cuts unanimously, called the cuts an election year gimmick and some of the funds could have been used to expand on other tax cut ideas. Rep. Jose Javier Rodriguez, D-Miami, applauded the fee cuts but noted the election year tint to the cuts.

Among the Republican lawmakers who voted for the fee increases in 2009 was Carlos Lopez-Cantera, a House member five years ago who Scott recently picked as his lieutenant governor. He wouldn't say whether or not he regretted voting for the vehicle fee hikes, but bashed Crist's lack of leadership on the issue.

"If Rick Scott had been governor in 2009 we wouldn't be here today doing this because we wouldn't have had to," Lopez-Cantera said.

Crist has stated the fee increase was never meant to be permanent and Scott and lawmakers should have reduced them by now, but there was no phase-out or sunset provision placed on the fees five years ago.

Senator Hays admits errors on conservation lands

Source: LobbyTools

Sen. Alan Hays on Thursday said there were math errors with figures he compiled on the amount of government conservation lands in Florida.

"When I added it up I screwed up," he said.

Hays, R-Umatilla and chairman of the Senate Appropriations Subcommittee on General Government, said Wednesday that 16.4 million acres, or 47.5 percent of Florida, is owned by federal state and local governments.

That differed from the 9.4 million acres, or 27 percent, reported by the Florida Natural Areas Inventory, a nonprofit organization at Florida State University that receives state funding to provide an annual update on conservation lands.

On Wednesday, Hays' Senate subcommittee recommended no new revenue for the Florida Forever conservation land-buying program in fiscal year 2014-15 -- only \$40 million from the sale of state nonconservation lands.

"Forty-seven and a half percent of Florida is owned in government conservation lands," Hays said on Wednesday. "How much do you think we need?"

When asked Thursday whether the subcommittee recommendation was based on the incorrect figures, Hays declined to comment and said he would make a statement next week.

"I'm not going to make up a number," Hays said. "I want to know the facts, that's what I want to know -- how much land total is owned by government?"

There were other differences between the numbers used by Hays and Blalock and those cited by the Florida Natural Areas Inventory but they could not be fully investigated on Thursday.

Earlier this week, Rep. Ben Albritton, R-Wauchula and chairman of the House Agriculture & Natural Resources Appropriations Subcommittee, recommended \$30 million in new revenue for Florida Forever, the same amount requested by Gov. Rick Scott.

Both the House and Scott recommended \$40 million from the sale of nonconservation lands as requested by the Department of Environmental Protection.

Hays said last year he thinks the state owns too much land. He is sponsor of SB 1398 which would restrict state and local purchases of lands outside of designated "areas of critical state concern."

House budget would sweep affordable housing funds

Source: LobbyTools

Despite pressure from low-income housing advocates, the construction industry and business lobbies like the Florida Chamber of Commerce, the House transportation and economic development budget proposal released Tuesday would sweep \$136.8 million in affordable housing trust fund money into general revenue funds.

The total amount of revenues projected for the trust fund is projected to be \$226.1 million for the 2014-2015 fiscal year. The House Transportation and Economic Development Appropriations Subcommittee proposal would provide \$44.65 million for the State Housing Initiatives Partnership, which provides grants to local governments for affordable housing projects, and \$44.65 million for the State Apartment Incentive Loan program, a similar program providing low-interest loans for such projects.

Rep. Ed Hooper, R-Clearwater, chairman of the committee, said the proposal follows Gov. Rick Scott's budget recommendation and added that though about \$200 million was swept from the trust fund last year, a similar amount from a foreclosure fraud settlement with large banks was put toward the affordable housing programs.

"Last year, whatever we swept was backfilled with one-time money," Hooper said. "This is step one in a three, four, five-step process. I know the senate has a number plugged into those two lines and between now and what's sent to the Governor we will come up with a number."

Although proposals from the House and Senate are nearly identical on large portions of the transportation and economic development portions of the budget – both fully fund the transportation work program with at least \$8.8 billion – the discrepancy in the two chambers' affordable housing funding is a major sticking point.

The Senate plan keeps all of the projected affordable housing trust fund revenues for affordable housing projects – about \$158.5 million for SHIP and \$67.7 million for SAIL and other programs.

Jaimie Ross, director of the Florida Housing Coalition, a collection of affordable housing advocate groups, said she was “ecstatic” with the Senate plan but also pleased with the House proposal.

“Absolutely, we’re delighted that there’s money on both sides now,” Ross said.

The affordable housing trust fund was implemented in 1992 when the construction and real estate industries asked for document stamps used in real estate transactions to be taxed and for the revenues to go into low-income housing programs.

All went according to plan until 2002, when lawmakers began sweeping part or all of the funds into general revenue, the funds used to help pay for all budget sectors. In all but two years since then, however, the Legislature has swept at least a portion of the funds, totaling \$1.3 billion.

Ross is hopeful that with a \$1.2 billion surplus and an improving state economy, lawmakers will revert back to the “norm” of placing affordable housing funds in affordable housing programs instead of the “new normal” of raiding the trust fund to make up shortfalls during the Great Recession.

“I think we’ve already seen that shift, that mindset shift in the Senate,” Ross said.

2014 Legislative Session Dates

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