

# TALLAHASSEE WEEKLY REPORT

## November 7-11, 2011

### Gaming Update

This week, OIA attended a forum hosted by the Greater Miami Chamber of Commerce on the topic of destination resorts. The forum, which took place at Jungle Island, gave proponents and opponents of the proposed legislation a chance to interact with members of the local business community. The panel included the legislation's sponsors, Senator Ellyn Bogdanoff and Representative Erik Fresen, as well as: Nick Iarossi (representing Las Vegas Sands), Jessica Hoppe (representing Genting), Izzy Havenick (representing Magic City Casino), economist Tony Villamil, and Richard Turner (representing the Florida Restaurant and Lodging Association).

Sen. Bogdanoff stated that it "blew her mind" that business groups such as the Florida Chamber of Commerce and Florida Restaurant and Lodging Association would oppose competition. Mr. Turner elaborated that this group's opposition stems from a fear that a proliferation of destination resorts would harm existing businesses, namely in the hospitality industry, because "there are only so many discretionary dollars to be spent".

In representing Magic City Casino, and speaking for other pari-mutuels, Mr. Havenick took issue with the bill allowing new casinos to pay just 10 percent of gambling revenue to the state, while racetracks currently pay 35 percent. Sen. Bogdanoff says the Senate will likely provide parity for racetracks and jai-alai sites before approving the legislation.

Aside from the two groups mentioned above, the proposed legislation has also been opposed by the Florida Retail Federation and the Seminole Tribe of Florida. The Greater Miami Chamber has yet to take a position, but is expected to do so by the time the legislature convenes for session in January.

The Senate Regulated Industries Committee will hold a workshop (no vote will be taken) on the legislation on Wednesday of the upcoming committee week. Senator Dennis Jones, chair of the committee, extended his committee's usual allotted meeting time to accommodate testimony from both sides of the issue. Sen. Jones will take 20 minutes of testimony each from anyone wishing to speak on the issue. He also stated that the bill, as currently drafted, is unconstitutional because of the monopoly it would create in South Florida even though impacts will be felt in all 67 counties.

In other gaming news this week, a decision by the Florida Division of Pari-Mutual Wagering to issue a jai-alai permit to Magic City Casino and a barrel-racing permit in Gretna based on a loophole in the state gambling statute dating back to 1980 has led to pushback from several other pari-mutuels. An attorney for Magic City says the permit

issued last week can be used by the dog track and casino to operate a poker room, with the potential for another slots permit anywhere in Miami-Dade.

Gary Rutledge, whose firm is one of Miami-Dade County's contract lobbyists in Tallahassee, also represents Mardi Gras Casino in Broward and says there is "no legal authority for the state to issue that permit". Rutledge was the state's director of the Division of Pari-Mutuel Wagering in 1980 when legislators passed the loophole. The original intention of the law was to allow the horse and dog track in a county with the lowest amount wagered to apply for a summer jai-alai permit. Rutledge says the statute applies only to counties where five or more pari-mutual holders operate, in this case, Miami-Dade and Broward, and allowed the summer permits only "so long as there is no increase in the number of permittees authorized to operate within any specified county". He believes state regulators violated the law by expanding the number of permits in Miami-Dade and the law may be unconstitutional because legislators used a general statute to apply to a specific class of counties.

The desination resort legislation includes language which sets up a statewide gaming commission, and Rep. Fresen says the aforementioned dispute is proof that major reforms are needed in terms of gambling regulations.

## Bills of Interest

Below, please find a list of bills filed this week of relevance to Miami-Dade County:

- **HB 581, Tax Deeds, Rep. Mayfield** - Authorizes tax collector to charge for reimbursement of costs for providing online tax deed application services.  
<http://www.flsenate.gov/Session/Bill/2012/0581>
- **HB 587, New or Retained Professional Sports Franchises, Rep. Grant** - Prohibits new or retained professional sport franchise that uses facility that receives certain distributions of public funds or franchise's league from preventing television or radio broadcasts of games in facility due to insufficient ticket sales; provides that sports franchise is subject to fine by county in which facility is located if broadcasts of game are prohibited; requires that proceeds of fine be used to purchase tickets to games of sports franchise at publicly financed facility for specified individuals & their families.  
<http://www.flsenate.gov/Session/Bill/2012/0587>
- **HB 595, Revitazlizing Municipalities, Rep. Nunez** - Provides for transfer of sales tax revenues from General Revenue Fund to Revenue Sharing Trust Fund for Municipalities; provides for distribution from Revenue Sharing Trust Fund for Municipalities relating to increase in sales tax collections over preceding year to eligible designated redevelopment agency where sales tax increment redevelopment district is located; provides legislative intent & purpose; authorizes specified governing bodies to create sales tax increment redevelopment district within municipality having specified population; provides that designated redevelopment agency for sales tax increment redevelopment district is eligible for specified percentage distributions of increased state sales

tax collections; requires DOR to determine amount of increased sales tax collections to be distributed to each eligible designated redevelopment agency & to transfer aggregate amount due all such agencies to Revenue Sharing Trust Fund for Municipalities for distribution; grants specified powers to designated redevelopment agency for sales tax increment redevelopment district for purpose of providing financing & fostering certain public & private improvements, including issuing revenue bonds; requires that agreement between designated redevelopment agency & private sponsor of project include requirement that specified number of jobs be created.

<http://www.flsenate.gov/Session/Bill/2012/0595>

- **HB 603, Growth Management, Rep. Weinstein** - Prohibits local government from applying transportation or school concurrency or requiring proportionate-share contribution or construction for new developments for specified period; provides exception; provides for extension of prohibition under certain conditions; provides application; provides for future expiration; prohibits certain counties, municipalities, & special districts from imposing certain new or existing impact fees for specified period; provides for extension of prohibition under certain conditions; provides application; provides for future expiration.  
<http://www.flsenate.gov/Session/Bill/2012/0603>
- **HB 609, Wage Protection for Employees, Rep. Goodson** - Prohibits county, municipality, or political subdivision from adopting or maintaining in effect law, ordinance, or rule that creates requirements, regulations, or processes for purpose of addressing wage theft; preempts such activities to state; defines term "wage theft." <http://www.flsenate.gov/Session/Bill/2012/0609> (The Senate companion, SB 862 by Sen. Simmons, was also filed: <http://www.flsenate.gov/Session/Bill/2012/862>.)

## Interim Committee Meetings

Aside from the aforementioned workshop in Senate Regulated Industries on the issue of destination gaming, below find other items of interest to Miami-Dade County that will be taken up next week in Tallahassee:

- On Monday, Senate Communications, Energy and Public Utilities Committee will take up SB 156 by Sen. Latvala, related to Residential and Nonhomestead Real Property. The bill implements the constitutional amendment passed in 2008 which prohibits the consideration of any change or improvement made for the purpose of improving the property's resistance to wind damage and the installation of a renewable energy source device in the determination of the assessed value of real property. The measure was put on the ballot by the Taxation and Budget Reform Commission.  
<http://www.flsenate.gov/Session/Bill/2012/0156>
- Also on Monday, the Senate Community Affairs will hear two bills related to property taxes. The first, SB 312 by Sen. Simmons, rescinds HJR 381, which passed last session and was to be placed on the 2012 ballot.

<http://www.flsenate.gov/Session/Bill/2012/0312>, The second, SB 314, also by Sen. Simmons, seeks to replace HJR 381 on the 2012 ballot with a measure that prohibits increases in the assessed value of homestead and specified nonhomestead property if the just value decreases, reduces the limitation on annual assessment increases applicable to nonhomestead real property, and provides an additional homestead exemption. The language to appear on the 2012 ballot can be found at the end of the bill text. <http://www.flsenate.gov/Session/Bill/2012/0314>.

- On Tuesday, the Senate Budget Subcommittee on General Government Appropriations will take up SB 182 by Sen. Garcia, related to the Miami-Dade County Lake Belt Mitigation Plan. The bill shifts existing revenue of the Lake Belt water treatment upgrade fee to the South Florida Water Management District to fund a seepage control project. The bill can be found at <http://www.flsenate.gov/Session/Bill/2012/0182>. The House companion, by Rep. Nunez, will also be heard on Tuesday, in the House Agriculture and Natural Resources Subcommittee. It can be found at <http://www.flsenate.gov/Session/Bill/2012/0182>.
- HJR 349, by Rep. Lopez-Cantera, related to the Miami-Dade County Home Rule Charter, will be taken up in the House Economic Affairs Committee on Tuesday. The joint resolution would place on the 2012 ballot a measure creating the constitutional authority for Miami-Dade County's Home Rule Charter to be amended by a special law of the Legislature, provided that such law be approved by the voters of Miami-Dade County. <http://www.flsenate.gov/Session/Bill/2012/0349>
- HB 4025, by Rep. O'Toole, related to Local Business Taxes, will be taken up on Wednesday in the House Finance and Tax Committee. The bill proposes to eliminate chapter 205 of the Florida Statutes, the "Local Business Tax Act". <http://www.flsenate.gov/Session/Bill/2012/4025>

## Health Care

The National Federation of Independent Business (NFIB) claims that Florida will lose 4,700 jobs over the next ten years due to an increase in taxes associated with federal health care reform. The NFIB says the cost of employer sponsored health insurance will increase by 2-3 percent, with such increases borne by consumers, not the companies selling the coverage.

NFIB has been involved in Florida's legal challenge to the constitutionality to the health care overhaul from the outset. The group has picked up much of the initial cost associated with the lawsuit.