



MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #

082-2013

LETTER TO COMMISSION

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Kathie G. Brooks, Interim City Manager

DATE: March 15, 2013

SUBJECT: **Legislative Update**

The purpose of this LTC is to provide the Mayor and City Commission with the attached update on week one of the Florida Legislative Session.

The Administration will continue working with the City's representatives in support of the legislative agenda, and will provide weekly updates via LTC during the Session. In the meantime, if you have any questions please do not hesitate to contact me.

KGB/MAS/c

Attachments:

1. Week one Legislative Report
2. 2013 Legislative Agenda

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MEMORANDUM

To: Kevin Crowder
Via electronic mail

From: Gary Rutledge
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Date: March 8, 2013

RE: **2013 Legislative Report, Week 1**

Critical Legislative Priorities

Beach Renourishment

The House Agriculture and Natural Resources Appropriations Subcommittee heard a presentation from DEP regarding the beach program. Department staff gave a broad overview and included the history and development of the program since the 1960s. They explained how the typical funding process works and also explained that due to last season's storms, there are several impacted beaches that will require funding outside the normal ranking process and project list. The Florida Shore and Beach Preservation has worked actively to educate legislators

and support supplemental funding for damaged beaches. There appears to be a significant level of interest in both the House and Senate to address this issue in the appropriations process.

Business Tax Receipts

The House Finance and Tax Subcommittee has not released its proposed committee bill, which was detailed in the February 2013 Pre-Session Report. However, this is expected to occur during the second or third week of session. There is no Senate legislation at this time.

Stadium Funding

HB 165 by Representative Gonzalez and SB 306 by Senator Braynon create the new category of “professional sports franchise renovation facility” under s. 288.1162, F.S. A facility that meets certain requirements and is certified by the Department of Economic Opportunity is eligible for a sales tax distribution payment of \$3 million per year. The bills also allow a county that levies the charter county convention development tax under s. 212.0305(4)(b), F.S., to levy the additional professional sports franchise facility tourist development tax under s. 125.0104(3)(n), F.S. The bills also expand the allowable uses of the additional professional sports franchise facility tourist development tax. The bills require private contributions by the professional sports facility as a condition for the use of tourist development taxes. An existing franchise must also execute a 20 year commitment in writing. SB 306 passed its second committee unanimously this week. It has two more committees. HB 165 passed its first committee today with two no votes. It has two more committees as well. This legislation does not allow for the use of funding for which the convention center project is eligible.

Legislative Priorities

Election Reform

The House passed HB 7013 by a wide 118-1 margin this week. Representative Tobia was the lone no vote. This bill would allow Supervisors of Elections to hold up to 14 days of early voting. It would also increase the sites eligible to serve as early voting locations. The bill would also limit the first version of ballot summaries on constitutional amendments proposed by the Legislature to 75 words, the same cap that is currently placed on citizen initiatives.

The Senate Ethics and Elections Committee held a two-hour meeting this week on SB 600 by Committee Chair Jack Latvala. Senate Democrats have released a seven-point plan that they say represents the minimum of what they could support. The list includes undoing the controversial reduction in early voting days passed two years ago, continuing to allow in-person absentee voting across the state, expanding the number of early voting sites and limiting the number of words for ballot summaries on constitutional amendments passed by the Legislature. A range of

ideas were floated during the meeting that drew opposition from both sides. Chair Latvala has proposed limiting the number of local questions that can appear on a general election ballot. Local governments often use general elections ballots for local questions to avoid the expense of holding a separate election. He indicated that if the Committee were to consider limiting the number of constitutional amendments the Legislature can put on the ballot, it should also consider the number of local questions that can be placed on the ballot.

Parking Revenue

SB 1132 by Senator Brandes was amended by Senator Margolis during its first committee hearing this week to provide that all parking meters currently installed will be grandfathered so that there will be no sharing of revenues with the state. All parking meters installed after the effective date of the bill would be subject to the revenue sharing language in the bill. The House Transportation and Highway Safety Subcommittee is likely to release a similar Proposed Committee Bill (PCB) next week that contains the Department of Transportation's legislative package. If the PCB does not contain the grandfather clause we will work to amend the bill.

Pension Reform

SB 458 by Senator Ring passed its second committee this week with no further amendments. HB 1399 by Representative Rooney was filed this week. It has incorporated the amendments that were made to Senator Ring's bill during its first committee stop, which include:

- The bill no longer requires plan sponsors to continue funding the plans at the 2013 levels until the plans are fully funded.
- The bill generally requires plan sponsors to fund the plans at least at the level of benefits in existence on March 1, 1999.
- Plans less than 80% funded must use 50% of their post-2012 increase in premium tax revenues, and accumulated premium tax revenues, towards the actuarial deficiency; 25% must be used to fund defined contribution benefits; and 25% must be used to fund base benefits.
- Plans funded at greater than 80% must use 50% of the post-2012 increase in premium tax revenues for defined contribution benefits, and 50% to fund base benefits.
- Plan benefits may be reduced to base benefit levels; 25% of the plan sponsor's mandatory contribution freed up by reducing benefits must be used to fund actuarial deficiencies.

SB 534 by Senator Brandes and HB 599 by Representative Caldwell provide that the state is not liable for shortfalls in local government retirement pensions and plans. They require defined benefit systems or plans to report certain information to the Department of Management Services and specifies the assumptions and methods that are to be used to determine the information submitted. The bill is designed to eliminate discrepancies between the assumed rates of return for earnings and the actual return on investments, and to mandate conservative projections on future liabilities. SB 534 passed its first committee this week and has two committees remaining. HB 599 has passed its first committee as well and has two committees remaining.

Windstorm Insurance

HB 835 by Representative Wood passed the House Insurance and Banking Subcommittee this week. The bill would cap Citizens policies at \$500,000 and bar new policies seaward of the narrow coastal construction control line as of July 1, 2014. It also provides for an inspector general for Citizens and caps policies on reconstruction costs starting at \$1 million next year, decreasing down to \$500,000 by 2018 for new policies and 2019 for renewals. The committee also passed a proposed committee bill that would allow private insurers to use a clearinghouse to cherry pick the company's least risky policies.

Red Light Cameras

Several bills have been filed on this issue and each takes a slightly different approach but all restrict the ability to utilize red light cameras in some fashion. However, because any major changes to this law would significantly impact the state budget, it is not likely that these proposals will advance.

Synthetic Drugs

SB 294 by Senator Bradley and HB 619 by Representative Ingram would codify the Schedule I scheduling of the substances listed in the Attorney General's emergency rule. Persons who engage in certain unlawful acts involving these substances would be subject to arrest and prosecution. HB 619 passed its second committee this week and has one committee remaining. SB 294 will get its third committee hearing next week and if passed will have one committee hearing remaining.

Texting While Driving

There are several pieces of legislation filed on this but only two companion bills are moving. They are HB 13 by Representative Holder and SB 52 by Senator Detert. HB 13 passed its first

committee this week and has two committees remaining. HB 52 passed its second committee this week and has one committee remaining.

Other Legislation

Mandatory Sick Leave

HB 655 by Representative Precourt and SB 726 by Senator Simmons relate to mandatory sick leave ordinances and other local requirements for employers to provide certain benefits to employees. These bills prohibit local governments from mandating that employers provide certain benefits to their employees. SB 726 goes further to provide for certain rights of employees in state law. HB 655 passed its last committee this week and goes next to the House calendar. SB 726 was temporarily postponed in the Community Affairs Committee this week.

Regulation of Smoking by Local Governments

HB 439 by Representative Hagar and SB 258 by Senator Bradley authorize local governments to regulate smoking on outdoor municipal or county property. SB 258 was amended in its first committee last week to provide for authority to regulate on beaches, but was clarified so that rights-of-way are not included unless they are located on public property that is otherwise subject to regulation. SB 258 has passed two committees and has one committee remaining. HB 439 has three committees and has not been heard.

Community Transportation Projects/Transportation Development

HB 319 by Representative Ray; *Compare* SB 972 Senator Hukill

Among other provisions, HB 319 provides that certain development projects may not be delayed or denied if an applicant has provided payment for transportation impacts. It also provides that local governments must calculate proportionate share contributions based only on certain capital improvements and provides that projects to relieve mass transportation deficiencies may include projects outside the designated deficiency area. It also revises requirements for replacement by election of community development district board members for certain transit-oriented developments. This bill received three committee references and has not been heard.

SB 972 provides that local governments that implement transportation concurrency must allow an applicant for a development agreement to satisfy transportation concurrency requirements if certain criteria are met. It also provides that a local government that repeals transportation concurrency may not deny a development based on the adoption of an alternative transportation system if the developer agrees to enter into an agreement to pay for identified impacts of the proposed development. This bill received three committee references and has not been heard.

Growth Management

HB 321 by Representative La Rosa; SB 1716 by Senator Garcia

These bills prohibit local governments from applying transportation or school concurrency or requiring proportionate-share contributions for a specified period. They prohibit certain counties, municipalities, and special districts from imposing certain new or existing impact fees for a certain period. Both bills received three committee references. Neither bill has been heard.

Hometown Democracy

HB 537 by Representative Moraitis; SB 528 by Senator Simpson

These bills provide that an initiative or referendum process for any development order, local comprehensive plan amendments, or map amendments is prohibited. Initiative or referendum processes specifically authorized by a local government charter provision in effect as of June 1, 2011 are grandfathered. These bills are intended to prevent local Hometown Democracy initiatives. HB 537 passed its first committee this week and has two more committees. SB 528 also passed its first committee this week and has three more committees.

Development Exactions

HB 673 by Representative Perry; SB 772 by Senator Brandes

These bills prohibit local governments from imposing or requiring certain exactions on or against private property. HB 673 received four committee references and SB 772 received two committee references but neither bill has been heard.

Building Construction

HB 1345 by Representative Davis; SB 1252 by Senator Simpson

This is the annual "building bill." These bills contain several provisions relating to building regulations and construction and should be reviewed for impacts as well as amendatory provisions. SB 1252 received three committee references and has not been heard. HB 1245 was filed this week and has not received committee references.

Developments of Regional Impact

HB 4035 by Representative Spano; No Senate companion to date

This bill deletes provisions authorizing the state land planning agency, regional planning agencies, or local governments to petition the Administration Commission to increase or decrease numerical thresholds of statewide guidelines and standards used in determining whether developments are subject to development-of-regional-impact review.

Department of Economic Opportunity

HB 121 by Representative Combee; SB 670 by Senator Brandes

These bills require the Department of Economic Opportunity (DEO) to create a web page accessible through DEP's internet website that provides comprehensive data and information

relevant to the creation of new businesses, or expansion of existing businesses, within the state. They require local governments to collect and submit specified data and information and require notice of changes to the data collected by DEO. HB 121 received four committee references and passed its first committee in February. SB 670 received three committee references and has not been heard.

Public Works Projects

HB 181 by Representative Van Zant; SB 1118 by Senator Hays

These bills prohibit state and political subdivisions that contract for construction, maintenance, repair, or improvement of public works from imposing certain conditions on certain contractors, subcontractors, material suppliers, or carriers. They also prohibit the state and political subdivisions from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on public works projects. They also revise filing requirements for written protests to contract solicitations or awards. HB 181 received four committee references and SB 1118 received three committee references but neither bill has been heard.

Local Bids and Contracts for Public Construction Works

HB 687 by Representative McBurney; SB 602 by Senator Hukill

These bills eliminate specified conditions under which a local government is exempt from the requirement to competitively bid contracts. Both bills received three committee references and neither bill has been heard.

Wage Theft

HB 1125 by Representative Goodson; SB 1216 by Senator Bradley

These bills preempt local wage theft ordinances and provide for a claim under state law for wage theft under certain circumstances. HB 1125 received three committee references and has not been heard. SB 1216 received four committee references and will be heard in the Senate Criminal Justice Committee next week.

2013 Session Dates

April 3-4, 2013	Miami-Dade County Days
May 3, 2013	60 th day – last day of Regular Session



MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

2013 FLORIDA LEGISLATIVE AGENDA

CRITICAL LEGISLATIVE PRIORITIES

Beach Renourishment

The City urges the Legislature to fully fund the State's share of beach renourishment funding at \$30 million. Additionally, the City supports efforts by the Florida Department of Environmental Protection to work with the US Army Corps of Engineers to address the critical issue of identifying long-term sand sources for the renourishment of Florida's beaches.

Sea Level Rise

The City of Miami Beach urges the state to prioritize funding and programs to address sea level rise.

Business Tax Receipts

The City of Miami Beach opposes the elimination of the Business Tax Receipt.

Stadium Funding

The City of Miami Beach opposes the use of any public funding for renovations to Dolphin Stadium, including but not limited to authorization for local bed taxes as well as a rebate of state sales taxes.

LEGISLATIVE PRIORITIES

Miami Beach Convention Center & Conference Facility Expansion

Identify opportunities to create funding options (e.g. legislation, grants, budget authorizations, etc.) to provide for future state support of significant convention center projects. Fully support legislative changes and funding opportunities to fund enhancements, expansion, and renovation of the Miami Beach Convention Center, including proposed economic development incentives that include sales tax increment districts and sales tax rebates.

Firearms

The City supports legislation that requires a background check on all firearm transactions.

Election Reform

The City supports legislation returns to two full weeks of early voting, including the Sunday before Election Day.

Parking Revenue

The City opposes efforts to transfer parking meter revenue on state roads from cities to the state.

Pension Reform

The City supports legislation that reforms local government pensions, in order to ensure the long-term viability of retirement benefits.

Windstorm Insurance

The City supports legislation that reforms Citizens Insurance, to help ensure not only that rate increases are minimal, to ensure policyholders receive credits they are entitled to, and that policies that are taken out of Citizens are securely underwritten. Additionally, the City urges the Legislature to take action to ensure that homeowner credits are not discounted.

Red Light Cameras

The City opposes legislation that repeals the authority of local governments to implement traffic control devices (red light cameras).

Destination Resorts / Gaming Bills

The City opposes efforts that would lead to the expansion of gambling, and to require any legislation to permit gambling to include a referendum requirement and limit the amount of convention center space that may be included.

Synthetic Drugs

The City supports legislation that bans the marketing, possession, sale or manufacture of bath salts containing dangerous synthetic drugs..

Texting and Driving

The City supports legislation that either bans texting and driving, or that authorizes municipalities to regulate and/or prohibit texting and driving within their jurisdiction.

Online Hotel Tax and Sales Tax Collections

The City supports amendments to Florida law to ensure a level playing field for Florida's retailers and hotels by expressly providing that internet firms be required to pay sales taxes on their goods and services, as is required of brick-and-mortar businesses. This will also strengthen Florida's economy by helping retain tourist dollars in Florida rather than being removed from the State by the online companies.

AGENCY ISSUES

Florida Department of Environmental Protection

- Beach Renourishment - the City supports efforts by the Florida Department of Environmental Protection to work with the US Army Corps of Engineers to address the critical issue of identifying long-term sand sources for the renourishment of Florida's beaches.
- The City seeks support from DEP to maintain the existing wooden boardwalk, and for approval in elevating any future beachwalk projects to maintain ocean views over the dunes.

Florida Department of Transportation

- Provide funding to the Florida Department of Transportation for the Interstate-395 expansion project in order to ensure the efficient movement of people and goods to and from South Beach and the Port of Miami.
- Explore funding opportunities for an East-West transit connector between Miami Beach and the mainland.
- Enhance student safety by extending the school zone and expanding crosswalks on 41st Street.

Florida Department of Economic Opportunity

- EB-5 Visas - the City urges the Department of Economic Opportunity (DEO) to explore creation of a statewide regional center to encourage EB-5 investors for economic development projects.
- Windstorm Insurance – the City urges the DEO to advocate for the creation of a

Federal Windstorm program.

Florida Building Commission

- **Double Permit Fee** - the City urges the Florida Building Commission to adopt an amendment to the Florida Building Code giving municipalities authority to waive the mandated double permit fee for work performed without a permit, subject to the Building Official's discretion where equitable circumstances are presented.

EDUCATION ISSUES

The City urges the Legislature to provide additional resources to enhance health care and wellness in schools, and to improve school safety.

The City supports the legislative priorities adopted by Miami Dade County Public Schools.

BUDGET ISSUES

The City will advocate for full funding for Miami Beach-based organizations during the budget process.

Identify and evaluate any potential sources of funding for water-related projects, including stormwater, wastewater, sea-level rise and water delivery, including desalinization activities.

The City supports full funding of the State Film Incentive, workforce development, recreation, cultural arts, historic preservation programs and housing programs.

The City encourages the state to issue bids for hybrid vehicles when procuring vehicles, thereby leveraging buying power and creating a mechanism for local governments to also purchase vehicles from the state contract.

LEGISLATIVE POLICY STATEMENTS

LGBT Issues

The City supports pro-LGBT legislation and opposes legislation that is bad for the LGBT community, including, but not limited to, issues such as gay marriage, adoption, bullying and discrimination.

Local Revenue Restrictions

The City opposes legislation that usurps the home rule powers of municipal residents to self-determine their form of government and the services provided.

Bottle and Can Deposit, Plastic Bags, Styrofoam

The City supports creation of a return deposit for bottles and cans, a statewide ban of Styrofoam on the beaches, and local authority to regulate the distribution & use of plastic bags by retailers.

Local Authority and Unfunded Mandates

Monitor legislative efforts to erode local control and authority, as well as efforts to pass additional costs from the State down to local governments, and work with the League of Cities to identify and reduce the number of unfunded mandates imposed on local government by the State.