



# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # 121-2013

## LETTER TO COMMISSION

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

FROM: Jimmy L. Morales, City Manager

DATE: April 9, 2013

SUBJECT: **Legislative Update**

The purpose of this LTC is to provide the Mayor and City Commission with the attached update on week five 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.

JLM/MAS/kc

Attachment:

RECEIVED  
2013 APR 12 AM 10:05  
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**MEMORANDUM**

To: Kevin Crowder  
*Via electronic mail*

From: Gary Rutledge  
Diana Ferguson  
Jon Costello

Copy: Fausto Gomez  
Bob Levy  
Manny Reyes  
Evan Power  
Jose Diaz  
Erica Chanti

Date: April 5, 2013

RE: **2013 Legislative Report, Week 5**

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**Critical Legislative Priorities**

Stadium Funding

HB 165 by Representative Gonzalez passed the House Economic Affairs Committee 10-7 this week. The Chair, Representative Jimmy Patronis, voted no, as did two members of the Miami-Dade delegation, Representatives Oliva and Trujillo. This bill has one committee remaining. SB 306 is also in its last committee. The bills contain differing provisions as this point. HB 165 now contains a "pay back" provision which states that sales tax rebates will be repaid, with interest on the bonds, at the end of the thirty-year period during which they are received. SB 306 would provide one \$15 million pot of money and all professional sports facilities would have to

compete to receive a portion of the funds. The Department of Economic Opportunity would rank the economic impact of the teams seeking government assistance and the economic impact of the stadium work.

## **Legislative Priorities**

### Pension Reform

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. However, both the League of Cities and the unions oppose this bill because they believe the reporting requirements would make the pension plans appear to be weaker than they are. SB 534 is on the Senate Special Order calendar for April 10 if received. HB 599 has passed its first committee and has two committees remaining.

SB 458 by Senator Ring and HB 1399 by Representative Rooney provide some flexibility in how insurance premium taxes are used to pay for pension benefits. However, the League of Cities stated that the bill is still too restrictive in nature. The unions have also expressed concern that the bill does not provide enough protection for benefits currently being offered. SB 458 passed its last committee this week. HB 1399 has passed one committee and has two committees remaining.

### Parking Meters

Department of Transportation (DOT) Secretary Ananth Prasad has indicated the DOT will seek a study in lieu of other substantive provisions in the Transportation bill, SB 1132 by Senator Brandes and HB 1157 by the House Transportation and Highway Safety Subcommittee and Representative Artiles. The study would detail how much money is collected through parking meters in Florida, where they are located, and for what purposes the money is currently used. The study would be used as the basis for legislation next year. The House bill currently has no language relating to parking meters and the Senate bill contains a 50/50 split of the revenue between the state and local governments.

## Windstorm Insurance

SB 1770 passed the Senate Banking and Insurance Committee this week. This bill is designed to return Citizens to its role as an insurer of last resort for homeowners who cannot get coverage on the private market. The bill would ensure that Citizens' rates are actuarially sound and not competitive with private insurers. Simmons said that all Florida citizens, even those who are not Citizens customers, could end up paying a "hurricane tax" if Citizens runs deficits while paying claims after a major hurricane. This bill does not have a clear companion and there are several pieces of legislation relating to Citizens. While some legislators want to take the approach that Senator Simmons is suggesting, other legislators, particularly those from Miami-Dade County, are concerned that changes to Citizens should not impact its residents negatively and rates should not be raised dramatically.

## 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 as well as further additional substances, which are commonly used in making "bath salts." Persons who engage in certain unlawful acts involving these substances would be subject to arrest and prosecution. SB 294 passed the Senate this week. HB 619 is on the House calendar on second reading.

## **Other Legislative Issues**

### Living Wage

HB 655 by Representative Precourt; SB 726 by Senator Simmons

HB 655 preempts local governments from requiring employers to provide certain benefits. It provides specifically that living wage ordinances will sunset in 2016. This bill passed the House this week and is in Senate messages.

SB 726 contains a preemption relating to leave benefits but does not preempt living wage ordinances. The Senate bill initially contained additional provisions in state law that would provide certain leave benefits to employees statewide. However, it has been amended to replace those additional benefits with a study group that would examine the issue and make recommendations to the Legislature. This was done at Senator Latvala's request. The bill will be heard in its final committee next week. The Senate does appear inclined to address the living wage issue and we are working to ensure that the Senate keeps the issue out of its bill.

### Development Permits

HB 7019 by the House Economic Development and Tourism Subcommittee and Representative Trujillo; SB 1840 by the Senate Military and Veterans Affairs, Space, and Domestic Security

These bills require local governments to require developers to receive all other permits prior to granting a development permit in a mapped flood hazard area. DEM has asserted that the bills are necessary to correct a glitch that was created by last year's environmental regulatory reform bill, HB 503 by Representative Jimmy Patronis. However, City staff commented that this year's bills put the burden on the local government as drafted, when the burden should be on the permit applicant. We have made this concern known to House and Senate staff and the Department of Emergency Management (DEM). House staff drafted a fix for this issue and DEM is reviewing. SB 1840 will be heard in Community Affairs next week and we are working to get the fix included at this committee hearing.