



# MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC #

**152-2013**

## LETTER TO COMMISSION

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

FROM: Jimmy L. Morales, City Manager

DATE: April 29, 2013

SUBJECT: **Legislative Update**

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

With only one week remaining in the Legislative Session the Administration will continue working with the City's representatives in support of the City's legislative agenda. In the meantime, if you have any questions please do not hesitate to contact me.

JLM/KGB/kc

Attachment

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2013 APR 31 AM 9:59  
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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 26, 2013

RE: **2013 Legislative Report, Week 8**

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**Critical Legislative Priorities**

**Stadium Funding**

SB 306 by Senator Braynon was temporarily postponed on second reading on the Senate floor this week. The House and Senate do not have an agreement on how to proceed with this legislation. One significant difference remains the Senate's funding of tax credits for stadiums by repealing a tax credit for international banks. The House has not discussed this proposal in any committee. While some Miami-Dade delegation members have been supportive of this proposal, several delegation members have been opposed, including most notably Representatives Bileca, Trujillo, and Oliva. House Speaker Will Weatherford has responded positively to the Senate's

proposal to have all teams compete for one pot of money based on their economic impact, saying that the Senate could be “onto something.” Speaker Weatherford initially stated that the Senate bill would need to be assigned to a committee in the House because the international banking provisions have not been heard in a House committee, and said that there was a “good chance” this could happen. However, he has since backed away from this, saying recently “It’s hard to say what we would be amendable to” and noting that the House has waited three weeks for the Senate bill to be sent over.

## **Budget Issues**

Budget conferences began last Thursday evening, continued throughout the weekend, and are still taking place. Unresolved items have been bumped to the Chairs. Budget items of note that are important to the City of Miami Beach include:

### Beach Restoration Funding

The House came up to approximately \$36 million in its first offer since the bump to the Chairs. The Senate stands at approximately \$43 million. The difference is largely accounted for in projects that the Senate has funded which were impacted by Hurricane Sandy that did not receive federal funds due to the denial of FEMA funds. There were 11 projects impacted by Hurricane Sandy. The first House offer now funds 7 of these projects. The Senate currently proposes to fund all 11 projects. While Miami Beach did not have any impacts from this storm, it is important to see all the projects funded for purposes of precedent.

### Affordable Housing

This year, funding for affordable housing is moving outside the budget in bills related to the National Mortgage Settlement. SB 1852 passed the Senate this week. It funds the State Apartment Incentive Loan (SAIL) Program at \$60 million (including \$25 million for extremely low-income housing, \$25 million for the elderly, and \$10 million for disabled housing) and the State Housing Initiative Program (SHIP) at \$40 million. HB 7111 by the House Appropriations Committee was filed on March 21 but does not have committee references. It funds SAIL at \$50 million and contains no funding for SHIP.

### Film and Entertainment

Last year the Legislature allocated \$42 million in new film and entertainment tax credits. Those were committed within an hour of the “first-come-first-served” allocation process. The Legislature has expressed concern with the allocation process and the fact that there is no Return on Investment criteria. This concern extends to all incentive programs. As a result, there are no

new credits in this year's first budget drafts. A coalition of stakeholders, including City of Miami Beach team members, has been working to secure new credits during the budget conference process. Budget conferences began last Thursday evening and will continue over the next few days.

## **Legislative Priorities**

### Elections

The Senate passed HB 7013 this week after several amendments as well as a lengthy discussion and debate. The bill now goes back to the House for a final vote. The bill still requires eight days of early voting and allows up to 14 days. It also allows for more flexibility in selecting early voting sites and would limit the first proposed ballot summary of a constitutional amendment proposed by the Legislature to 75 words. One issue discussed was whether a poll worker should be limited in the number of voters he or she could assist. This ultimately was not included in HB 7013. House Speaker Will Weatherford indicated that the House is analyzing the bill and that there may be one more "bounce" but that it is a priority of both chambers to pass this bill by the end of session.

### Pension Reform

SB 458 by Senator Ring and HB 1399 by Representative Rooney are an attempt to provide some flexibility in how insurance premium taxes are used to pay for pension benefits; however, the provisions are complicated. Also, the bill now locks in police and fire pensions at 1999 benefit levels. The League of Cities is strongly opposed to this bill. SB 458 has passed the Senate and is in House messages. HB 1399 has still not been heard by the House Appropriations Committee. We provided support to the League of Cities in its efforts to oppose last-minute Senate amendments and worked with a coalition of affected governments to make our opposition to the amendatory language known to key House members. The House is not expected to act on the bill at this time.

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 specify the assumptions and methods that are to be used to determine the information submitted. The bills are 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. The League of Cities still opposes this bill, but the sponsors have given the League several amendments to resolve some of their concerns. SB 534 has passed the Senate and is in House messages. HB 599 is on the House calendar on second reading.

## Parking Meters

HB 7127 by the House Transportation and Highway Safety Subcommittee and Representative Artiles and SB 1132 by Senator Brandes now both contain a study relating to parking meters. The study will be used as the basis for legislation next year. It will detail how much money is collected through parking meters in Florida, where they are located, and for what purposes the money is currently used. Both bills also provide for a moratorium on the installation of new parking meters. HB 7127 also provides that if a city does not provide data for purposes of the study, the Department of Transportation can remove the city's parking meters. SB 1132 does not contain this provision. HB 7127 passed the House this week and is in Senate messages. SB 1132 passed the Senate Appropriations Committee earlier this week and is on the Senate Special Order calendar for next Monday.

## Windstorm Insurance

SB 1770 passed the Senate this week after several amendments and a lengthy and protracted debate. HB 835 is a very different piece of legislation and it remains to be seen whether the House will accept the Senate package.

HB 433 by Representative Richardson creates an Inspector General for Citizens. It was read a second time on the House floor this week and awaits a vote of the full House. The companion, SB 386 by Senator Abruzzo has not received a hearing

## **Other Legislative Issues**

### Living Wage/Domestic Partnerships

HB 655 preempts local governments from requiring employers to provide certain benefits. It provides specifically that living wage ordinances will sunset in 2016. It also likely preempts domestic partnership protections that have been put into place by the City. This bill is in Senate messages.

Upon coming to the floor this week, SB 726 contained a preemption relating to leave benefits but did not preempt living wage or domestic partnership 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.

Senator Simmons and Representative Precourt were in negotiations this week attempting to reach a deal on this legislation. We worked with a coalition of stakeholders and several legislators, including Senator Margolis and Representative Richardson, to urge Senator Simmons to keep the provisions of HB 655 off SB 726. Senator Simmons filed an amendment yesterday which generally preempts the provision of leave and wage benefits to the state; however, it allows local governments to provide additional benefits for their employees and to require additional benefits in their contracts, so this version of the bill still protects the City of Miami Beach's living wage and domestic partnership ordinances. Upon being amended, SB 726 passed the Senate this week. It now goes to the House for a final vote. However, it is not clear whether the House will accept this bill, as Senator Simmons stated on the Senate floor that it does not represent a "deal" with Representative Precourt.

### Development Permits

HB 7019 by the House Economic Development and Tourism Subcommittee and Representative Trujillo and SB 1840 by the Senate Military and Veterans Affairs, Space, and Domestic Security Committee initially required local governments to ensure that developers received all other permits prior to granting a development permit in a mapped flood hazard area. However, in response to concerns from Miami Beach staff, we secured amendments to these bills so that they no longer put the burden on local government. HB 7019 passed the House this week after several amendments and is in Senate messages. The bill now contains several other growth management provisions, none of which appear to be problematic. SB 1840 is on the Senate calendar on second reading.

### Neighborhood Improvement Districts/Growth Management

SB 770 by Senator Ring is currently on third reading in the Senate. This bill authorizes local government Neighborhood Improvement Districts (NIDs) to borrow money, incur debt, and pledge special assessments to meet debt obligations. The House companion, HB 741 by Chevrin Jones, has not received a hearing. There was an attempt to amend SB 770 on second reading this week with growth management provisions that are the substance of SB 1716 by Senator Garcia, which is still in the Senate Education Committee. SB 1716 exempts certain new development from having to comply with impact fee, transportation concurrency or proportionate share requirements for three years. The exemption lasts from July 1, 2013, through June 30, 2016. The exemption window will not apply to a new development if it is revoked by a majority vote of the local government's governing authority, alters a local government's financing contracts or bonds, or the developer elects to not have the exemption applied. Because SB 1716 is still in a committee, there was a point of order that kept the growth management language off the NID bill. Senate bills must clear all of their committees of reference to be available as an amendment. The House companion to the growth management bill, HB 321 by Representative La Rosa, has

passed the House and is in Senate messages. This was an attempt to combine the bills, as neither bill is likely to pass on its own. The League of Cities opposes the substance of SB 1716/HB 321 and has worked to keep the growth management language off the NID bill. SB 770 was temporarily postponed on third reading today.