



**2013 STATE
LEGISLATIVE FINAL REPORT**

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The Office of Intergovernmental Affairs and Professional Standards (OIAPS) is pleased to present the Broward County 2013 State Legislative Final Report. The report represents the advocacy results of County Commissioners, County staff and the County's Intergovernmental Affairs team who spent time in Tallahassee lobbying critical priorities and other issues important to the county government.

Section I summarizes the Commission Priorities and the associated outcomes during the 2013 Legislative Session. Please note that an issue's designation as successful or unsuccessful is a reflection of its outcome with respect to the Broward County Board of County Commissioners' position, and not simply whether the issue passed or failed.

Section II provides an overview of major funding decisions as enacted in the General Appropriations Act for FY 2013-2014.

Section III summarizes the bills of interest, including local bills, which passed the Legislature during the 2013 Session.

Section IV summarizes the bills of interest, including local bills, which failed to pass during Legislature 2013 Session.

For the online version of the report, a link to each chapter law number designated by the Secretary of State is provided. In addition, a direct link to access is provided to the Governor's veto messages associated with reported appropriations and bills. Finally, a link is also provided to the final reports of the Florida Legislature, Florida League of Cities and the Florida Association of Counties.

Respectfully Submitted,

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Section I – Program Priorities

Ocean Outfall

SB 444 passed while never recording a "NO" vote, in either chamber, and was signed into law by the Governor on April 24, 2013. **SB 444** will allow up to 5% of annual treated flows to continue to be discharged through the ocean outfalls during peak flow events. This prevents the necessity to make significant infrastructure investments to deal with extraordinary water-related events. The capital costs avoided by each outfall utility are \$300 million for Broward County, \$820 million for Miami-Dade County, and over \$150 million for the City of Hollywood. Ninety-five percent of the nutrient reduction goal will still be achieved while deflecting about fifty percent of the capital cost.

[SB 444: Approved by Governor; Chapter No. 2013-031. Effective Date: July 1, 2013](#)

Port Issues

The 2013 Session was a positive year for Port Everglades (PEV). The state budget, as approved by the Governor, included \$34.5 million in the Florida Department of Transportation (DOT) work plan for PEV Southport Turning Notch. The Legislature appropriated over \$243 million for Port Economic Development, \$15 million for Seaport Economic Development, and \$20 million for Seaports Access and Investment Programs.

HB 999, an environmental permitting bill, passed and included an increase to the spending threshold of the Preapproved Advanced Cleanup (PAC) Program. It allows the Department of Environmental Protection's (DEP) annual spending to increase from \$10 million to \$15 million, and the per project allowance increased from \$500,000 to \$5 million. PAC is a cleanup program designed to promote site rehabilitation to be conducted on a limited basis at contaminated sites, in advance of a site's priority ranking, to facilitate property transactions or public works projects. The increased spending thresholds will aid Port Everglades (PEV) in petroleum cleanup efforts. DEP also committed to working with PEV and the Florida Ports Council to make rule and/or policy changes to ensure seaport projects are ranked higher in order to access the program's funds.

Attempts to undermine current port operations were also defeated. While **HB 7127** was considered on the Senate Floor, an amendment was twice filed to the transportation package, which would have consolidated port authorities and transferred port assets to the state. Working in coordination with the Florida Ports Council, the amendment was withdrawn twice. Due to amendments relating to sports franchises included in the waning minutes of the 2013 Session, **HB 7127** was not taken up by the House upon its return from the Senate and failed to pass. Thus no transportation package passed this session.

Student Safety

CS/SB 284 requires the emergency response agencies identified in a school board's emergency response policy, that are responsible for notifying the school district of an occurrence threatening student safety, to notify private schools in the district that have opted into the school district's emergency notification procedure.

[CS/SB 284: Approved by Governor; Chapter No. 2013-063: Effective Date: July 1, 2013.](#)

Shift of Prison Inmates to Jails

Although floated as a cost savings measure by the state's Department of Corrections (DOC), efforts to shift prison inmates or associated costs to county jails were stopped before the legislative session began. The DOC bowed to severe pressure from counties and this issue did not resurface in any meaningful capacity during the 2013 Session.

Medicaid County Cost Share

SB 1520, a conference report bill, changes the way Florida's counties contribute to the state's Medicaid costs. At various points during session, the Senate, House and Governor's Office all had different proposals. Despite some of the differences, it was very clear early on that a transition from billing and utilization to a streamlined process would be included in any proposal that passed.

The Governor's county Medicaid contribution proposal eliminated billing, utilized a base rate of \$278 million and implemented a significant growth rate (75% of the percentage growth in total Medicaid expenditures). The Senate proposal had several formulations but **SB 1884** was perhaps the best possible proposal. It would have locked in a \$269.6 million base rate over a 7 year transition to an enrollment based system. **SB 1884** had two committee hearings and the sponsor worked to address many county concerns.

The House never heard this issue in a committee until a 10:30pm Conference Committee negotiation with the Senate during the last week of Session. The county cost share language in **SB 1520** was the result of that meeting.

SB 1520 passed on the last day of session by a vote of 79-38 and failed to receive a two-thirds majority. **SB 1520** will use a 7 year period to transition from the current billing and utilization based model to a per enrollee basis for county Medicaid contributions. In the first two fiscal years, counties will be required to pay a base rate of \$269.6 million and \$277 million, respectively. From FY 2016 through FY 2020, the base grows at 50% of the state's percentage growth in Medicaid expenditures. Over the five years beginning FY 2016, county contributions will become increasingly tied to enrollment and less dependent on traditional utilization (FY 2016 - 80% utilization/20% enrollment, FY 2017 - 60% utilization/40% enrollment, etc.) with the complete transition occurring in Fiscal Year 2020-2021. After FY 2020, the base rate will be adjusted with a growth rate equal to the percentage growth in all state Medicaid expenditures.

[SB 1520: Approved by Governor; Chapter No. 2013-048. Effective Date: July 1, 2013.](#)

Juvenile Justice

There were no legislative efforts to address the Department of Juvenile Justice (DJJ) county cost share issues. However, the budget passed with a \$2.7 million statewide reduction in the counties' portion of the DJJ cost share.

CS/CS/HB 617 reforms the current DJJ circuit board and county council system. It eliminates all county councils, renames the circuit boards “juvenile justice circuit advisory boards” and modifies the new board membership. The membership still calls for at least one County Commissioner or their designee. DJJ reported there are 20 circuit boards, 44 active county councils and 23 disbanded county councils. HB 617 was a legislative effort to consolidate the various boards and councils.

[CS/CS/HB 617: Approved by Governor; Chapter No. 2013-118: Effective Date: October 1, 2013.](#)

Medicaid Reform

Reforms to Medicaid that would limit access to services or restrict eligibility were not considered during the 2013 Legislative Session.

Enterprise Zones

HB 965 and **SB 1604** would have lowered the Business Property and Equipment Sales Refund threshold from \$5,000 to \$2,500 and expanded the enterprise zone sales tax credit to new employees hired, not just those hired to fill a full-time position. However, the bills were never heard in Committee due to the projected negative fiscal impact to the state. No similar legislation advanced.

Section II – Budget Overview – SB 1500 Relating to Appropriations

Health & Human Services

Agency for Health Care Administration (AHCA)

Medicaid Services to Individuals

Community Mental Health Services

FY 09-10 Appropriated	\$42,623,055	
FY 10-11 Appropriated	\$60,150,023	
FY 11-12 Appropriated	\$72,674,442	
FY 12-13 Appropriated	\$68,971,259	
FY 13-14 Appropriated	\$107,389,336	\$38,418,077

Home Health Services

FY 09-10 Appropriated	\$187,771,566	
FY 10-11 Appropriated	\$159,932,827	
FY 11-12 Appropriated	\$171,267,718	
FY 12-13 Appropriated	\$187,246,155	
FY 13-14 Appropriated	\$174,925,552	(\$12,320,603)

Medicaid Long Term Care

Home and Community Based Services

FY 09-10 Appropriated	\$1,007,403,452	
FY 10-11 Appropriated	\$1,000,476,643	
FY 11-12 Appropriated	\$1,024,717,619	
FY 12-13 Appropriated	\$1,082,335,883	
FY 13-14 Appropriated	\$1,145,553,628	\$63,217,745

Department of Children and Families (DCF)

Grants to Sheriffs for Protective Investigations

FY 09-10 Appropriated	\$47,491,154	
FY 10-11 Appropriated	\$47,491,154	
FY 11-12 Appropriated	\$45,985,592	
FY 12-13 Appropriated	\$46,985,592	
FY 13-14 Appropriated	\$49,975,592	\$2,990,000

Mental Health Services

Mental Health and Substantive Abuse Local Match

FY 09-10 Appropriated	\$3,000,000	
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FY 10-11 Appropriated	\$3,000,000	
FY 11-12 Appropriated	\$3,000,000	
FY 12-13 Appropriated	\$3,250,000	
FY 13-14 Appropriated	\$3,000,000	(\$250,000)

Children's Mental Health Services

FY 09-10 Appropriated	\$44,698,361	
FY 10-11 Appropriated	\$47,315,346	
FY 11-12 Appropriated	\$47,011,346	
FY 12-13 Appropriated	\$47,011,569	
FY 13-14 Appropriated	\$47,174,813	\$163,244

Community Mental Health Services - Adults

FY 09-10 Appropriated	\$228,626,118	
FY 10-11 Appropriated	\$224,062,552	
FY 11-12 Appropriated	\$218,846,645	
FY 12-13 Appropriated	\$219,726,369	
FY 13-14 Appropriated	\$220,363,939	\$637,570

Substance Abuse Services

Grants and Aids - Community Substance Abuse Services

FY 09-10 Appropriated	\$127,438,989	
FY 10-11 Appropriated	\$129,488,989	
FY 11-12 Appropriated	\$123,518,882	
FY 12-13 Appropriated	\$118,132,564	
FY 13-14 Appropriated	\$127,903,152	\$9,770,588

Economic Self Sufficiency

Homeless Prevention Program Housing

FY 09-10 Appropriated	\$5,000,000	
FY 10-11 Appropriated	\$8,602,844	
vetoed FY 11-12 Appropriated	\$12,000,000	
FY 12-13 Appropriated	\$3,000,000	
FY 13-14 Appropriated	\$3,000,000	Level

Elder Affairs

Community Care for the Elderly

FY 09-10 Appropriated	\$53,144,996	
FY 10-11 Appropriated	\$53,044,996	
FY 11-12 Appropriated	\$53,044,996	
FY 12-13 Appropriated	\$54,044,996	

FY 13-14 Appropriated	\$59,094,996	\$5,050,000
<u>Community Based Service Waiver</u>		
FY 09-10 Appropriated	\$103,844,950	
FY 10-11 Appropriated	\$114,765,311	
FY 11-12 Appropriated	\$120,471,314	
FY 12-13 Appropriated	\$115,392,617	
FY 13-14 Appropriated	\$157,645,867	\$42,253,250

General Government

Housing and Community Development

Housing Finance Corporation - Affordable Housing Programs

FY 09-10 Appropriated	\$0	
FY 10-11 Appropriated	\$37,500,000	
FY 11-12 Appropriated	\$0	
FY 12-13 Appropriated	\$10,000,000	\$10,000,000
FY 13-14 Appropriated	\$0	(Funded in SB 1852)

State Housing Initiative Partnership Program

FY 09-10 Appropriated	\$30,110,000	
FY 10-11 Appropriated	\$0	
FY 11-12 Appropriated	\$0	
FY 12-13 Appropriated	\$0	
FY 13-14 Appropriated	\$0	(Funded in SB 1852)

Department of Environmental Protection

Fixed Capital Outlay - Statewide Beach Projects

FY 09-10 Appropriated	\$15,000,000	
FY 10-11 Appropriated	\$15,536,535	
FY 11-12 Appropriated	\$7,799,701	
FY 12-13 Appropriated	\$10,000,000	
FY 13-14 Appropriated	\$37,456,100	\$27,456,100

Fixed Capital Outlay - Wastewater Treatment Construction

FY 09-10 Appropriated	\$163,386,374	
FY 10-11 Appropriated	\$171,580,534	
FY 11-12 Appropriated	\$164,346,724	
FY 12-13 Appropriated	\$131,820,672	
FY 13-14 Appropriated	\$142,713,270	\$10,892,598

Transportation & Economic Development

Department of Transportation

Aviation Development Grants

FY 09-10 Appropriated	\$40,732,567	
FY 10-11 Appropriated	\$129,921,080	
FY 11-12 Appropriated	\$187,442,157	
FY 12-13 Appropriated	\$176,928,822	
FY 13-14 Appropriated	\$160,344,697	\$16,584,125

Public Transit Development Grants

FY 09-10 Appropriated	\$432,462,409	
FY 10-11 Appropriated	\$200,923,034	
FY 11-12 Appropriated	\$343,572,957	
FY 12-13 Appropriated	\$206,688,731	
FY 13-14 Appropriated	\$251,706,738	\$45,018,007

Seaport - Economic Development

FY 09-10 Appropriated	\$15,000,000	
FY 10-11 Appropriated	\$15,000,000	
FY 11-12 Appropriated	\$15,000,000	
FY 12-13 Appropriated	\$15,000,000	
FY 13-14 Appropriated	\$15,000,000	Level

Seaport - Access Program

FY 09-10 Appropriated	\$10,000,000	
FY 10-11 Appropriated	\$10,000,000	
FY 11-12 Appropriated	\$10,000,000	
FY 12-13 Appropriated	\$10,000,000	
FY 13-14 Appropriated	\$10,000,000	Level

Seaport - Grants

FY 09-10 Appropriated	\$21,916,910	
FY 10-11 Appropriated	\$25,640,022	
FY 11-12 Appropriated	\$117,751,305	
FY 12-13 Appropriated	\$115,446,664	
FY 13-14 Appropriated	\$243,069,966	\$127,623,302

Strategic Port Investment Initiative (new program)

FY 12-13 Appropriated	\$35,000,000	
FY 13-14 Appropriated	\$10,000,000	(\$25,000,000)

Strengthening Domestic Security

FY 09-10 Appropriated	\$127,578,415	
FY 10-11 Appropriated	\$48,486,622	
FY 11-12 Appropriated	\$94,303,313	
FY 12-13 Appropriated	\$40,688,745	
FY 13-14 Appropriated	\$28,146,674	(\$12,542,071)

Governor - Office of and Economic Development

Economic Development Tools

FY 09-10 Appropriated	\$21,637,500	
FY 10-11 Appropriated	\$21,637,500	
FY 11-12 Appropriated	\$21,750,000	
FY 12-13 Appropriated	\$71,226,719	
FY 13-14 Appropriated	\$45,500,000	(\$25,726,719)

Economic Development Projects

FY 09-10 Appropriated	\$650,000	
FY 10-11 Appropriated	\$1,625,000	
FY 11-12 Appropriated	\$13,650,000	
FY 12-13 Appropriated	\$13,250,000	
FY 13-14 Appropriated	\$9,450,000	(\$3,800,000)

Secretary of State

Historical Resources Preservation

Grants and Aids - Historic Preservation Grants

FY 08-09 Appropriated	\$500,000	
FY 09-10 Appropriated	\$0	
FY 11-12 Appropriated	\$1,218,250	
FY 12-13 Appropriated	\$4,261,850	
FY 13-14 Appropriated	\$9,212,773	\$4,950,923

Library, Archives and Information Services

Grants In Aid - Library Grants

FY 09-10 Appropriated	\$24,396,017	
FY 10-11 Appropriated	\$24,046,017	
FY 11-12 Appropriated	\$24,092,039	
FY 12-13 Appropriated	\$23,700,606	
FY 13-14 Appropriated	\$24,699,440	\$998,834

Grants in Aids - Library Resources

FY 09-10 Appropriated	\$3,575,559	
FY 10-11 Appropriated	\$3,782,333	
FY 11-12 Appropriated	\$3,652,333	
FY 12-13 Appropriated	\$3,652,333	
FY 13-14 Appropriated	\$3,652,333	Level

Cultural Support and Development Grants

Aid to Local Government - Arts Grants

FY 09-10 Appropriated	\$0	
FY 10-11 Appropriated	\$297,200	
FY 11-12 Appropriated	\$297,200	
FY 12-13 Appropriated	\$297,200	
FY 13-14 Appropriated	\$232,231	(\$64,969)

Section III – Bills of Interest that Passed

Employment Benefits/Living Wage Preemption

CS/HB 655 establishes a statewide preemption of local family and medical leave ordinances applied to private business within a political subdivisions jurisdiction. It preempts a local government’s ability to require that private businesses to provide employees with disability benefits, death benefits, group accidental death and dismemberment benefits, paid or unpaid days off for holidays, sick leave, vacation, personal necessity retirement benefits, and profit-sharing benefits.

CS/HB 655 does not preempt a local government from implementing ordinances that require private businesses that contract to provide services to the political subdivision to pay their employees a living wage and benefits. Additionally, local governments may specify wage and benefit requirements for employees of private business who receive a direct subsidy or tax abatement from the local government. Moreover, the bill does not apply to local domestic violence or sexual abuse ordinances. It also creates the “Employer-Sponsored Benefits Task Force”. The purpose of the task force is to analyze employment benefits and the impact of state preemption of the regulation of those benefits. The task force will develop a report that includes its findings and recommendations for legislative action regarding the regulation of employment benefits.

[CS/HB 655: Approved by Governor; Chapter No. 2013-200: Effective Date: July 1, 2013.](#)

Use of Wireless Communications Devices While Driving

CS/CS/CS/HB 52 prohibits texting while driving as a secondary offense. The first violation of this provision is a nonmoving violation with a \$30 fine; the second violation committed within 5 years of the first is punishable as a moving violation with a \$60 fine, plus court costs. If a crash occurs because of unlawful texting and driving, 6 points can be assessed on a driver's license, while 2 points are added for violations occurring within a school safety zone.

[CS/CS/CS/HB52: Approved by Governor; Chapter No. 2013-058: Effective Date: October 1, 2013.](#)

Environmental Permitting

CS/CS/CS/HB 999 passed after being watered down significantly during the course of session. In the end, the Senate stripped the bill of the 3-year fertilizer ordinance moratorium, fertilizer ordinance study requirement and broad exemptions for water control districts from county wetlands' regulations. The bill also allows the Department of Environmental Protection (DEP) to authorize the department to require or incentivize electronic submission of forms, documents, fees, or reports. The bill also provides that when there are competing consumptive use permit applications, and the water management district (WMD) or DEP has deemed both applications complete, the WMD or DEP has the right to approve or modify the application that best serves the public interest. The bill also allows DEP to establish permits for special events relating to boat shows.

The bill prohibits local governments from making more than 3 requests for additional information when a professional engineer, landscape architect, geologist, or mapper apply for development permits. The bill also provides general permits for local governments to construct mooring fields and specifies that a permit is not required for the restoration of seawalls when they are constructed within 18 inches seaward of the original location.

[CS/CS/CS/HB 999: Approved by Governor; Chapter No. 2013-092: Effective Date: July 1, 2013.](#)

National Mortgage Foreclosure Settlement

SB 1852 is the agreement between the Legislature and Attorney General Pam Bondi on how to appropriate \$200,080,474 from the National Mortgage Settlement. The bill appropriates: \$70 million for the State Housing Initiatives Partnership (SHIP) program; \$65 million for the State Apartment Incentive Loan Program (SAIL); \$10 million for housing for homeless persons; \$40 million for the State Courts System for the foreclosure cases backlog; \$10 million for legal aid services for low and moderate-income homeowners facing foreclosure; \$2 million for a consumer awareness promotional campaign; and \$3 million for administrative costs.

[SB 1852: Approved by Governor; Chapter No. 2013-106: Effective Date: Upon the deposit of \\$200,080,474 into the General Revenue Fund.](#)

Trauma Care System Reform

CS/CS/HB 1159 allows two new trauma centers in two specific rural areas with limited trauma care access. This was the diminished result of a concerted effort to revamp the trauma care system in Florida. However, a larger attempt to negatively impact the current trauma care delivery system in Broward County was defeated. The effort was driven largely by private hospitals wanting to enter the trauma care business. Multiple amendments were filed on different bills to streamline the process of adding trauma centers around the state. Because these amendments would undermine the current trauma care delivery system in many counties, the amendments were defeated.

[CS/CS/HB 1159: Approved by Governor; Chapter No. 2013-153: Effective Date: June 7, 2013.](#)

Campaign Finance

CS/CS/CS/HB 569 makes several changes to campaign finance law. The bill makes significant changes to the limits on campaign contributions. It increases the contribution limit from \$500 to \$1,000 to candidates for district court of appeals judge, legislative office, multicounty office, countywide office, county court judge, or circuit judge, and for candidates in any election conducted on less than a countywide basis. The bill also increases contribution limits from \$500 to \$3,000 for candidates for statewide office or retention as a Supreme Court justice. **CS/CS/CS/HB 569** also prohibits acceptance of contributions by Committees of Continuous Existence (CCE), revokes all CCE certifications, and deletes all CCE statutes by the end of 2013.

The bill creates new reporting and disclosure requirements for candidates. With respect to non-statewide candidates, monthly contribution and expenditure reports are required until the 60th day before the primary (7 days after qualifying ends), biweekly contribution and expenditure reports on the 60th–32nd day before the primary election, and the 74th –32nd day before the general election, and weekly contribution and expenditure reports are required beginning on the 32nd day before the primary and general elections, with the last weekly report due on the 4th day before the primary and general election.

CS/CS/CS/HB 569 requires the Division of Elections to submit a proposal to the Florida Senate and House of Representatives for a mandatory statewide electronic filing system for all state and local campaign finance reports.

[CS/CS/CS/HB 569: Approved by Governor; Chapter No. 2013-037: Effective Date: November 1, 2013.](#)

Ethics

CS/SB 2 is a comprehensive ethics reform bill. The bill prohibits a public officer from accepting public employment with the state or any of its political subdivisions if the public officer knows, or with the exercise of reasonable care should know, that the position is being offered by the employer for the purpose of gaining influence or other advantage based on the public officer's office or candidacy.

CS/SB 2 requires all public employment accepted by a public officer to meet several conditions: the position was already in existence or was created by the employer without the knowledge or anticipation of the public officer's interest; the position was publicly advertised; the public officer was subject to the same application and hiring process as other candidates for the position; and the public officer meets or exceeds the required qualifications for the position. The bill further prohibits a public officer from accepting promotion, advancement, additional compensation, or anything of value that he or she knows, or with the exercise of reasonable care should know, is provided as a result of his or her election or position, or that is otherwise inconsistent with what would be provided to an employee who is similarly situated.

The bill includes additional ethics training requirements. All constitutional officers must complete 4 hours of ethics training annually that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of Florida. **CS/SB 2** also loosens the financial disclosure rules to provide that if a complaint filed against a candidate or public officer alleges an immaterial, inconsequential, or de minimis error or omission, the Commission on Ethics may not take any action on the complaint, other than notifying the filer of the complaint. The filer is granted 30 days to file a corrected full and public disclosure of financial interests. The bill also calls for the creation of a public and searchable database for recording and reporting public disclosures of financial interest. It also clarifies that anyone required to file a financial disclosure or an immediate family member may not solicit or knowingly accept, any gift from a political committee.

[CS/SB 2: Approved by Governor; Chapter No. 2013-036: Effective Date: May 1, 2013.](#)

Elections

CS/HB 7013 will expand eligibility of early voting locations to include government owned community centers and creates flexibility for Supervisors of Elections (SOE) to identify one alternative early voting site per election. The additional site must be in an area of the county that does not have any of the eligible early voting locations and be geographically located so as to provide all voters in that area with an equal opportunity to cast a ballot. **CS/HB 7013** requires that each county, at a minimum, operate the same total number of early voting sites for a general election which the county operated for the 2012 general election. **CS/HB7013** further grants SOE's the ability to offer early voting for a total of 14 days, an increase from the maximum of eight.

[CS/HB 7013: Approved by Governor; Chapter No. 2013-57: Effective Date: January 1, 2014.](#)

Community Development

CS/CS/HB 437 eliminates a loophole allowing an affordable housing property tax exemption to apply to affordable housing owned by a Florida-based limited partnership whose sole general partner is a not-for-profit corporation. The bill was a reaction to a provision that was erroneously broadened in 2009 and resulted in some unintended effects. The expanded provision allowed an affordable housing development with a nonprofit general partner to claim a tax exemption even though the limited partnership that owns the property is a for-profit corporation. **CS/CS/HB 437** eliminates that opportunity.

[CS/CS/HB 437: Approved by Governor; Chapter No. 2013-083: Effective Date: July 1, 2013.](#)

State-Owned or State-Leased Space

CS/CS/CS/HB 1145 addresses several inventory, sales, lease, and reporting requirements applicable to state-owned and state-leased property. While the final version of the bill concerns only state owned property, it is important to report on the broader and more invasive version that advanced in the Florida Senate.

The Senate companion, **SB 1074**, was amended in committee to add extremely broad inventory, reporting, and property disposition requirements for all publicly-owned underused property, facilities, and space. The provision called for a full accounting of any facility owned, leased, rented, occupied or maintained by a governmental entity, which is not being used to its fullest potential as currently designed or configured, including underused square footage within a facility. Each county would be required to input information about the underused property into a state operated database that includes information pertaining to the location, occupying entity, ownership, size, condition assessment, valuations, operating costs, maintenance record, age, parking, employee facilities, building uses, full-time equivalent occupancy, known restrictions or historic designations, leases or subleases, and any associated revenues. Additionally, **SB 1074** would have required all political subdivisions to consult the database before seeking to procure leased or owned facilities.

The amendment was successfully removed on the Senate floor and **CS/CS/HB 1145** only involves state held properties.

[CS/CS/HB 1145: Approved by Governor; Chapter No. 2013-152: Effective Date: July 1, 2013.](#)

Homelessness

CS/HB 93 requires motor vehicle registration, registration renewal, driver license application, and driver license renewal application forms to include an option to make a voluntary contribution of \$1 per applicant to aid the homeless. Contributions will be deposited into the Grants and Donations Trust Fund of the Department of Children and Families and used by the State Office on Homelessness to supplement Challenge Grants and housing assistance grants, provide information to the public about homelessness in the state, and provide literature for homeless persons seeking assistance.

The bill also establishes a new grant program to provide emergency financial assistance to families facing the loss of their current home due to financial crisis. The State Office on Homelessness, with the concurrence of the Council on Homelessness, may accept and administer moneys appropriated to the Department of Children and Families to provide homelessness prevention grants annually to lead agencies for local homeless assistance continuums of care. All lead agency grant applicants are ranked competitively and preference is awarded to applicants who leverage additional private and public funds, who demonstrate the effectiveness of their homelessness prevention programs in keeping families housed, and who demonstrate the commitment of other assistance and services to address family health, employment, and education needs.

[CS/HB 93: Approved by Governor; Chapter No. 2013-074: Effective Date: July 1, 2013.](#)

Florida Retirement System (FRS) Employer Contribution Rates

SB 1810 revises the required employer retirement contribution rates for members of each membership class and subclass of the FRS and adjusts the rate increases passed during the 2012 Session to pay for the system's unfunded liability. It also revises the employer contribution rates for the retiree health insurance subsidy. These rates are intended to fund the full normal cost and the amortization of the unfunded actuarial liability of the FRS. With these increased contributions, the FRS will receive roughly \$885 million of additional revenues on an annual basis beginning July 1, 2013. The bill appropriates funds to cover the increased contributions to the FRS and the Retiree Health Insurance Subsidy Trust Fund that state agencies, state universities, Florida College institutions and district school boards will incur as a result of this bill.

The increased contribution costs passed onto counties is not accounted for in the bill. **SB 1810** will cost all counties a total over \$264 million.

[SB 1810: Approved by Governor; Chapter No. 2013-053: Effective Date: July 1, 2013.](#)

Purchase of Firearms by Mentally Ill Persons

CS/CS/HB 1355 provides conditions under which a person who has been voluntarily admitted to mental institution for treatment and has undergone involuntary examination under the Baker Act may be prohibited from purchasing firearms.

[CS/CS/HB 1355: Approved by Governor; Chapter No. 2013-249: Effective Date: July 1, 2013.](#)

Manufacturing Tax Credit

CS/CS/HB 7007 is a comprehensive economic development package. The bill implements several economic development accountability measures by directing the Office of Economic and Demographic Research (EDR) and Office of Program Policy Analysis and Government Accountability (OPPAGA) to evaluate economic development programs; determine the economic benefits of each economic development program on a 3-year schedule; directing DEO to maintain a website for publishing information pertaining to economic development incentives awarded to Florida businesses on a project-by-project basis; and consolidating reporting details for Enterprise Florida, Inc., the Office of Film and Entertainment and Space Florida.

The bill also creates a sales tax exemption for machinery and equipment used in Florida to manufacture, process, compound, or produce tangible goods for sale. The sales tax exemption is available for 3 years, from April 30, 2014 until April 30, 2017.

CS/CS/HB 7007 revises provisions related to benefit eligibility, interest assessments, confidentiality, and fraudulent claims to enhance program integrity and implement certain federal requirements. The bill modifies the size and make-up of the Small Business Development Center Network (Network) statewide advisory board, codifies support services the Network must provide to small businesses, provides for performance incentives, and requires annual reports to the Legislature. Finally, the bill creates Triumph Gulf Coast, Inc., a nonprofit corporation administratively housed within the DEO, to administer and invest 75 percent of all funds recovered by the Attorney General for economic damages to the state resulting from the Deepwater Horizon oil spill.

[CS/CS/HB 7007: Approved by Governor; Chapter No. 2013-039: Effective Date: May 17, 2013.](#)

Clerks of Court

SB 1512 makes substantial changes to the clerks of court funding process by removing the clerk from the state budget process while restoring some budgetary functions. The bill will require each clerk to submit an annual budget request to the Florida Clerks of Court Operations Corporation. The Corporation will collect all the budget requests and present them to the Legislative Budget Commission (LBC). The LBC is authorized to review, approve, disapprove or amend the clerks of courts' budget requests. Once the budgets are set, the clerks of court will receive funds from the Department of Revenue but any excess funds must be returned. **SB 1512** passed with the intention to end budget shortfalls which require clerks to seek emergency funding on an annual basis.

[SB 1512: Approved by Governor; Chapter No. 2013-044: Effective Date: July 1, 2013.](#)

Animal Shelters and Animal Control Agencies

CS/CS/SB 674 requires all public or private animal shelters and animal control agencies to compile and maintain records concerning the dogs and cats the facility takes in and the disposition of those animals.

Shelters and agencies must keep records on the total number of dogs and cats accepted by a facility, categorized by how the animal came to be admitted to the facility as well as by species, the condition under which the animals left the facility or were euthanized, and a written statement of a facility's policy on euthanizing dogs due to breed or size, if applicable. The bill requires the number of dogs and cats euthanized due to breed, temperament, or size to be recorded and included in the facility's calculations for determining its percentage of animals euthanized. **CS/CS/SB 674** also authorizes a facility to charge a fee for keeping the records and requires the records be available to the public.

[CS/CS/SB 674: Approved by Governor; Chapter No. 2013-032: Effective Date: July 1, 2013.](#)

Public Meetings

CS/CS/SB 50 requires that members of the public be given a reasonable opportunity to be heard on a proposition before a board or commission of a state agency or local government. The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action if the opportunity occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the official action. The bill grants commissions the flexibility to establish reasonable policies and procedures to govern public testimony but deems action rendered in violation of the bill's provisions as invalid.

[CS/CS/SB 50: Approved by Governor; Chapter No. 2013-227: Effective Date: October 1, 2013.](#)

Tourist Development Taxes

CS/CS/SB 336 permits counties to use tax revenues from the tourist development tax for purposes of acquisition, construction, maintenance, or promotion of aquariums that are owned and operated by not-for-profit organizations.

[CS/CS/SB 336: Approved by Governor; Chapter No. 2013-168: Effective Date: July 1, 2013.](#)

Paper Reduction

CS/CS/HB 247 makes several changes in law to encourage paper reduction and promote electronic mediums as a means to collect and disseminate information. Specifically, the bill: requires the statewide voter registration application to elicit voter registration applicants' e-mail address and an indication whether the applicant wishes to receive sample ballots by e-mail; authorizes the supervisors of elections to provide electronic sample ballots; requires the clerk of a board of county commissioners to electronically transmit to the Department of State enacted ordinances, amendments, and emergency

ordinances, and requires the department to confirm by e-mail the receipt of such filings; permits the clerk of a value adjustment board to electronically notify the taxpayer and property appraiser of the board's decision in certain hearings if an electronic means is selected by the taxpayer; provides that certain ad valorem communications may be sent by e-mail if the recipient consents, is notified that the e-mail address will become a public record, and the e-mail address is verified; authorizes an affidavit filed with a bail bond to be submitted electronically; permits the clerk of court to electronically provide notice of a required appearance and of bond forfeiture; and allows the clerk of court to electronically furnish a certificate of cancellation of a bond to a surety.

[CS/CS/HB 247: Approved by Governor; Chapter No. 2013-192: Effective Date: October 1, 2013.](#)

Development Permits

CS/HB 7019 authorizes county governments to lease commercial developments ancillary to a professional sports franchise if such ancillary commercial development is located on property that is part of or contiguous to the professional sports franchise facility. A county government's authority to lease the ancillary commercial development in conjunction with a professional sports franchise facility applies only if the professional sports franchise facility lease has been in effect for at least 10 years and has at least 10 years remaining in the lease term.

[CS/HB 7019: Approved by Governor; Chapter No. 2013-213: Effective Date: July 1, 2013.](#)

Public-Private Partnerships

CS/CS/HB 85 creates a new framework for the optional procurement of public purpose projects through public-private partnerships.

The bill allows a public entity to enter into a comprehensive agreement with a private entity to build, upgrade, operate, own, or finance traditional infrastructure projects. These projects may be solicited or unsolicited. If a local government receives an unsolicited project and would like to enter into an agreement with a private entity, then the project must be advertised for two weeks in the Florida Administrative Register and a general circulation newspaper stating the local government will consider other proposals for the same project. The bill sets forth project justification and process criteria agreement requirements including notice. Other affected jurisdictions must be notified about any comprehensive agreement. The failure of a noticed jurisdiction to provide input deems the qualifying project as compatible with certain specified local plans, including the non responding jurisdiction's local comprehensive plan.

While the provisions of this bill are permissive, this change is a new tool for governments across Florida to procure infrastructure project development through the use of public-private partnerships.

[CS/CS/HB 85: Approved by Governor; Chapter No. 2013-223: Effective Date: July 1, 2013.](#)

General Appropriations Implementing Bill (Article V Expenditures)

SB 1502 provides that counties are exempt from the statutory requirement to increase expenditures by 1.5 percent for court-related functions during the 2013-2014 fiscal year.

[SB 1502: Approved by Governor; Chapter No. 2013-041: Effective Date: July 1, 2013.](#)

Broward County Education, Research and Training Authority (Local Bill)

HB 1027 abolishes the Broward County Education, Research and Training Authority (BERTA), which was created during the 1994 Legislative Session. BERTA was established for the purpose of promoting economic development and employment opportunities through public-private partnerships but now is a defunct entity. The bill abolishes the district, and transfers its \$37,527.10 in assets to the Broward County Board of County Commissioners.

[HB 1027: Approved by Governor; Chapter No. 2013-260: Effective Date: upon becoming a law.](#)

Broward County/Fishing (Local Bill)

HB 4039 repeals 8636, L.O.F., which regulates fishing gear, prohibits use of explosives or harmful materials as a fishing method, and sets black bass landing sizes and daily bag limits in Broward County. This law is obsolete and duplicative as the Florida Fish and Wildlife Conservation Commission now regulates these areas state-wide.

[HB 4039: Approved by Governor; Chapter No. 2013-271: Effective Date: upon becoming a law.](#)

Broward County/ Saltwater Fishing (Local Bill)

HB 4037 repeals 12554, L.O.F., establishing a minimum landing size for mullet caught in Broward County, as the Florida Fish and Wildlife Conservation Commission now regulates landing size state-wide.

[HB 4037: Approved by Governor; Chapter No. 2013-270: Effective Date: upon becoming a law.](#)

Section IV – Bills of Interest that Failed

Wage Recovery

CS/CS/CS/HB 1125 and CS/SB 1216, attempted to preempt, to the State, the ability of a local government to implement wage recovery ordinances and limit their power to address wage recovery to only allowing non-judicial administrative processes that may not adjudicate the compensation dispute nor award damages. The house version, **CS/CS/CS/HB 1125**, passed the House of Representatives with language exempting Broward and Miami-Dade County from preemption. The Senate bill was very similar but it did not include an exemption for Broward County. In both bills, wage recovery jurisdiction in non-exempted counties, would be placed in the county courts and provided the employee may file an action for wage theft in the county where the work was performed. The bill required the claimant to prove wage theft by a preponderance of the evidence. The bill further limited damages to the actual compensation owed to the employee, and mandated that only the court could award economic damages. If an employee prevailed in a claim for wage theft under the bill, he or she would not be able to recover costs or attorney fees.

CS/SB 1216, never included language exemption Broward County, but reached the Senate calendar after being withdrawn from its last committee of reference two days prior to the end of Session. The bill was not taken up by the Senate, however. An amendment to **SB 1828** filed on the last day of session designed to preempt Broward County's wage recovery was also defeated. Ultimately, all wage recovery preemption efforts failed.

Medicaid Expansion

Early in Session, both chambers voted to officially reject expanding the current Medicaid program in Florida. **CS/SB 1816** passed the Florida Senate as an alternative to traditional Medicaid expansion.

In the Senate, a caveat to explore alternatives to traditional Medicaid expansion accompanied the negative vote. As the alternative, **CS/SB 1816** would revise the Florida KidCare program and extend the responsibilities of the Florida Healthy Kids Corporation to include administration of the proposed “Healthy Florida Program”. The framework for healthcare delivery under KidCare would be implemented under the new Healthy Florida Program. The bill would use money available under the federal Affordable Care Act to provide premium assistance to people earning up to 138 percent of the federal poverty level. It would also provide a health reimbursement or health savings account for each enrollee, in which rewards can be placed for healthy behaviors and adhering to wellness or disease management programs. Enrollees could use the funds from the account for co-pays or drug-store purchases. **CS/SB 1816** also mandated a Medical Loss Ratio of 85 percent, ensuring more resources were directed to patient care. It also had several patient protection mechanisms such as requiring enrollees have access to competing plan choices and a 90 day window to change plans without cause. The proposed plan also called on enrollees to contribute to the cost of their own health care through cost sharing, such as premiums and copayments. The last version of the bill contained a program

expiration clause, which activates if the federal government rescinds or modifies the current matching rates.

The bill passed the Senate 38 to 1 but was never formally heard in the House of Representatives. The substance of **CS/SB 1816** was introduced on the House floor in the form of an amendment but that effort was defeated.

Department of Transportation

CS/CS/HB 7127 was the 2013 transportation package bill. It died as session expired and with it several provisions that the County opposed. One such provision would reduce a local government's ability to use Public Transit Block Grants funds if that local government spent money to support a revenue raising referenda, even if unrelated to transit. The bill also included controversial language that would implement a study to analyze the impacts of FDOT assuming a portion of revenues from parking meters on state roads. Bus bench and transit shelter liability and permitting language also died.

On the last day of session, **CS/CS/HB 7127** was converted to an economic development bill to accommodate language relating to sports franchises and got tangled in the "Dolphins bill" controversy. Both proposals failed.

Communications Services Tax (CST)

Last year, a working group examined the current status of the CST in Florida and other states. Critics of the current system have often argued that inequitable application of taxes on different types of services causes tremendous competition advantages and disadvantages. While holding local governments harmless, the working group came up with suggestions to streamline and consolidate the taxation of all modes of communication services. Essentially, the proposal would have deleted local CST in favor of a higher state rate and levied the same rate for each mode of communication.

While communications service providers, local governments, and consumer groups all supported the concepts proposed, Governor Rick Scott opposed the bill as a tax increase and threatened to veto any legislation containing any CST changes. Accordingly, all CST legislation failed.

Local Business Tax (LBT)

HB 7109 would have made major changes to the LBT classification and rate structure under existing law.

Currently, the local governing body that enacts a local business tax may create its own reasonable classification system. The bill would standardize the classification of a business based upon square footage: less than 2,500 square feet, between 2,500 and 10,000 square feet, and more than 10,000 square feet.

Under the proposed system, the rate of the tax on each classification was "revenue neutral" where a local government could only collect 105% of revenue based on the prior year. Any excess would have to

be returned to the business owners. However, the bill would have also deleted “overlap” of city and county taxes. Counties would only be able to levy the tax on unincorporated areas.

Local governments that have outstanding bond obligations or an extraordinary reliance on the revenue from the tax were grandfathered in. The bill was not heard in its first committee of reference, Local and Federal Affairs.

Controlled Substance Prescription

CS/CS/HB 831 and CS/CS/CS/SB 1192, both attempted to bring uniformity, by way of preemption, to the state’s issues with pain-management clinic regulation. As originally filed, the bills preempted to the state all regulation of the licensure, standards of practice, and operation of pain-management clinics. However, all efforts to directly preempt Broward County Ordinance 2011-09 Pertaining to Pain Management Clinics were defeated. Through the process, both bills were successfully amended to narrow the preemption to avoid an impact on Broward County’s ordinance and the bill ultimately failed to pass.

Aside from preemption, the bills required physicians to consult the Prescription Drug Monitoring Program (PDMP) database before prescribing certain controlled substances to new patients, and removed language prohibiting the Department of Health from using state funds and any money received from prescription drug manufacturers to implement the PDMP. Early drafts of the bill inadvertently included broad preemption language with respect to pharmacies. This language was also addressed through the amendatory process.

Taxes/Streamlined Sales Tax

HB 7097 and CS/SB 316 were filed to address the state’s difficulty collecting tax due on sales made by out-of-state or online vendors. Under Florida law, most sales of tangible personal property are subject to the sales and use tax while states must rely on either out-of-state vendors to voluntarily collect the sales tax or purchasers to voluntarily remit the tax. In an effort to exert a constitutional taxing authority over out-of-state or internet dealers, the bill adds in-state representatives of a dealer, in addition to current law inclusion of in-state agents, to cause a dealer to have nexus with the State. Creating a sufficient nexus with the state would enhance the state’s ability to compel an out-of-state seller to collect and remit sales tax.

The bills also provided that the “mail order sale” definition includes the sale of tangible personal property over the internet and establishes a rebuttable presumption that an out-of-state dealer who makes mail order sales to Florida customers is required to collect taxes if the dealer enters into an agreement with one or more persons within Florida under which the Florida affiliate refers potential customers to the dealer.

Each bill filed to impose a sales tax on goods purchased online failed. The Governor threatened to veto any bill passed that could be perceived as creating or imposing a new tax.

Commercial Para-Sailing

HB 245 and **CS/SB 64** defined commercial parasailing, in statute, for the purposes of state regulation. The bills established minimum requirements for liability insurance, maintenance of a weather log, and safety briefings for parasailing participants. The bills required that parasailing providers evaluate weather conditions, including wind speeds, and prohibits commercial parasailing during weather conditions deemed unsafe. The bills also required that the vessel operator conducting commercial parasailing have a license from the United States Coast Guard appropriate for the number of passengers and the displacement of the vessel.

This bill was heard and passed in one Senate committee but failed to pass the Legislature.

Domestic Partnerships

HB 295 and **SB 196** would create a statewide system for registering and affording recognition to domestic partnerships. Recognition of the domestic partnership includes giving statewide application of all rights and responsibilities conferred on the partners and their children. The bill amended various provisions of Florida Statutes to add parallel references to “domestic partnership” or “domestic partner” where references to “marriage” or “spouse” currently appear. The effect was to extend the rights or responsibilities of those statutes to domestic partnerships. The bills also required the Department of Health (DOH) to prepare forms and to maintain records related to domestic partnerships as part of the vital statistics records and require clerks of the court to maintain a registry of all domestic partnerships and to transmit all declarations of domestic partnership or records of dissolution to DOH.

SB 196 was heard and passed in one Senate committee but both bills failed to pass the Legislature.

Purchase of Land by Governmental Entity

HB 901 and **SB 584** would require the state, counties and municipalities to create an inventory of government-owned property, ensure there is enough funding for current and future maintenance needs, and sell an equal amount of nonconservation property before acquiring land for conservation purposes.

Freight Logistics Zones

CS/CS/CS/HB 879 and **SB 1058** allowed one or more counties to create "freight logistic zones" as defined in the bill, and gives projects within those zones, that are consistent with FDOT's Freight Logistics and Trade Plan, priority in funding for those programs. HB 879 unanimously passed the House, but died in the Senate.

Value Adjustment Boards (VAB)

CS/HB 1381 and **SB 1754** attempted to reform VAB membership and functions. Of primary concern, was the attempt to change the composition of value adjustment board membership by replacing one of the two board members from the county governing board with a “professional member”. The county

commissioner board seat would be replaced with a professional member who must be a resident of the county. The professional member must be a member of The Florida Bar, a Florida certified public accountant, or a Florida certified general appraiser and appointed by the board clerk.

Florida Retirement System (FRS) Reforms

CS/CS/HB 7011 and **CS/CS/SB 1392** would have made sweeping reforms to FRS by changing whether participants may choose to join the defined benefit plan or the defined contribution plan. A “defined benefit” pension plan allows an employee to receive guaranteed monthly payments based upon the employee’s wages and length of service. Under a “defined contribution” plan, an employer does not guarantee payments, but rather contributes a certain amount to a 401(k) type plan.

FRS reforms were made a major priority in the House of Representatives. **HB 7011** would have closed the defined benefit plan for new participants and steered new enrollees to the defined contribution plan. A reform of this magnitude never mustered enough Senate support. **SB 1932** would not have shifted new public employees from the defined benefit plan to the defined contribution plan. Instead, the Senate plan attempted to urge new participants into the contribution plan and make the defined benefit plan less attractive. The bill would have increased the defined benefit vesting period from 8 years to 10 years and maintained the 3 percent contribution requirement for employees. Employees would only be required to contribute 2 percent under the contribution plan. The bill also would have made the defined contribution the default retirement plan election if a new employee failed to make an election. Ultimately, no comprehensive FRS reforms passed during Session.

Sovereign Immunity

HB 7123, a committee bill offered by a newly appointed House Select Committee on Claim Bills, would have raised sovereign immunity caps in tort action from the current \$200,000 per person/\$300,000 per incident to \$1,000,000 per person/\$1,500,000 per incident for local governments only. The bill kept current caps for any actions against the State. The bill allowed local governments to settle above immunity caps, and also provided an insurance option allowing a local government to escape liability for judgments in excess of the insurance policy limits if certain conditions were met. This proposal passed the House Select Committee on Claims Bills but was never considered in any other House Committee or in the Senate.

Eminent Domain

HB 273 would have exempted property obtained by eminent domain from the 10 year hold limitations in current law, if the property was condemned pursuant to noise mitigation or noise compatibility program standards of a Federal Aviation Administration governed airport.

Broward County/Municipal Special Assessments for Law Enforcement Services (Local Bill)

HB 1101 would permit municipalities in Broward County to fund the costs of law enforcement services through the levy of a law enforcement services special assessment. The assessment is permitted if the governing body of the municipality follows specific criteria. The first requirement is the special

assessment must be levied by resolution on an annual basis. The municipality must also reduce its total ad valorem tax revenue by an amount equal to the services assessment in the initial year of implementation. After the first year, the municipality would be allowed to raise ad valorem taxes pursuant to current state law.