

Broward SLI

State Legislative Information

March 7, 2014

Week 1 - 2014 Session

Week 1

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2014 Legislative Session Begins

On Tuesday, March 4, 2014, the 2014 Florida Legislative Session began with Governor Scott's State of the State address. During his address, the Governor addressed the drop in the unemployment rate, increase in private sector job creation, and the positive effect conservative state fiscal policies have had on the state.

Wage Theft Preemption Legislation Moves through First Senate Committee

On March 5, 2014, [SB 926](#) – Local Regulation of Wage Theft passed the Community Affairs Committee by a vote of 6-3. The bill preempts the regulation of wage theft to the state. Local wage theft ordinances adopted prior to January 1, 2014 (e.g., ordinances in Alachua, Broward and Miami-Dade Counties) are considered "grandfathered."

Cities and counties desiring to regulate wage theft may adopt a model ordinance pursuant to the uniform requirements in the bill. This "model ordinance" approach requires that a county partner with a local legal service organization (LSO) for the purpose of establishing a local process to address wage theft claims. The LSO, which must be a group that provides free or low-cost legal services, must work informally with an employer and employee to resolve a wage theft claim expeditiously. If a claim is unresolved, the LSO must file a court action and refer the matter to local pro bono or other attorney for resolution. The ordinance must also include a reporting mechanism for the county to receive reports concerning the LSO's work on wage theft cases. The county may require reports at different intervals (e.g., monthly, quarterly, annually, etc.). The draft bill also authorizes, but does not mandate, counties to dedicate funds to the LSO for work on wage theft claims.

Gaming Legislation Unveiled

After the 2012 elections, Senate President Don Gaetz and House Speaker Will Weatherford commissioned a study on the economic and social impacts of gaming. This week the Senate Gaming Committee examined [SB 7052](#) – Gaming

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while [HB 1383](#) – Relating to Gaming was filed in the House. Although the bills are similar, the main difference is that the Senate bill allows for one destination resort style casino in both Miami-Dade and Broward counties while the House bill does not. Both bills create a new Gaming Control Board which will be the chief enforcement agency of all types of gaming across the state.

House Speaker Will Weatherford stated that passage of any gaming bill in the House is slim. In addition, Senate President Don Gaetz stated that gaming is in the hands of Governor Rick Scott as he renegotiates the compact with the Seminole Tribe of Florida. The compact has allowed the Tribe exclusive ability to offer certain banked card games, such as blackjack, at their facilities; the compact provision is set to expire in 2015. Therefore, it is unlikely that legislation expanding gaming will be heard, until the Governor and Tribe fully renegotiate the existing contract.

Juvenile Justice Cost Share Legislation Filed in Senate

[SB 1532](#) – Relating to Juvenile Detention Costs by Sen. Bradley, completely changes the calculation of how counties are expected to cost share for juvenile justice detention. The bill does away with pre-/post- disposition detention cost distinction and requires participating counties to pay their share of the total actual cost of providing detention care as determined by the Department of Juvenile Justice (“department”). Additionally, the bill provides that the state shall pay 50% of the total actual costs providing detention care. Under the bill's provisions, the department will determine the actual cost of detention care; inform participating counties of its percentage of detention care use; and calculate the amount of each participating counties' share of the actual cost of detention care for the prior state fiscal year. Counties are obligated to pay 1/12th of the cost share amount to the department each month. Presently, no companion bill has been filed in the House. The bill the does not address the significant overpayments made by counties, including Broward County, to the department from FY 2009 through FY 2013.

Juvenile Justice Reform Passes Second Committee

A major rewrite of Florida’s juvenile justice statutes unanimously passed through the Judiciary Committee and is now scheduled to be heard in the Appropriations Subcommittee on Criminal and Civil Justice. [SB 700](#) – Department of Juvenile Justice enhances the state’s focus on reducing juvenile delinquency through prevention, intervention and treatment services, care for children in the least restrictive settings, and to ensure that resources connect children to the most impactful programs to help with care.

The bill is a major shift away from detention and places more emphasis on rehabilitation with the child’s family, using faith and community-based organizations, and takes into account past trauma suffered by the child that may have led to the juvenile’s delinquency.

Residency Requirements for Candidates and Public Officials Moves through Senate Committee

[SB 602](#) – Relating to Residency of Candidates and Public Officers, by Sen. Latvala unanimously passed the Senate Ethics and Elections Committee. The bill creates two new statutes which codify judicial decisions regarding residency requirements. One statute applies to candidate residency and the other to public officers (all elected officials except members of the Legislature) after assuming office. Both statutes provide guidance for determining whether a candidate or public officer resides in a particular geographic area. More specifically, the address at which a candidate or public officer maintains his or her domicile must be used to satisfy any residency requirement, and such individual may only have one domicile. The buildings claimed as the domicile must be zoned for residential use and comply with all requirements to obtain a certificate of occupancy or certificate of completion pursuant to applicable building codes. SB 602 also provides a non-exhaustive list of factors which may be considered in establishing residency. The Legislature SCR 954 creating Joint Rule Seven which sets forth residency requirements for members of the Senate and House of Representatives. The residency requirements are similar to those in CS/SB 602.

FRS Changes Introduced in the Senate

Last session the House attempted to pass a bill closing the defined benefit plan within the Florida Retirement System (FRS). The bill would have caused each new FRS enrollee to join a defined contribution or 401k-style plan. The Senate took a much more cautious approach, offering to lower contribution rates of employees to 2% and making the 401k-style plan the default election if not chosen separately by the employee. However, new ideas for reform have emerged this year.

[SB 1114](#) – relating to the Florida Retirement System, would close the defined benefit plan to all new hires. However, the “special risk” class, mostly police and firefighters, would still be eligible for the defined benefit plan. This new plan has been dubbed the “cash-balance plan.” It would allow new hires to open a retirement account which is guaranteed to generate at least 2% per year. The employee would retain 75% and the employer 25% of any amounts over the threshold. However, the employer will be liable for any amounts under the threshold. The account could be cashed out or rolled over into an IRA upon retirement. [SB 1110](#) – relating to Deferred Compensation, would automatically enroll new hires into a deferred compensation plan and have the state match 2% of what each employee saves. Both bills have been introduced by the Senate Community Affairs Committee but have not been heard in any committee so far.

Veterans Park Discount Continues to Move in the Senate

On Wednesday, March 5, 2014, [SB 378](#) – relating to Discounts on Public Facility Fees and Fares, unanimously passed the Community Affairs committee. The bill requires local governments to offer discounts on public park entrance fees to

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military members, veterans, spouses of certain deceased military members, law enforcement officers, and firefighters.

Homelessness Legislative Packages Introduced

Stemming from several large stakeholder meetings, several bills designed to fund and reform how Florida addresses homelessness on a statewide level were filed.

[SB 1090](#) and [HB 979](#) Relating to Homelessness, by Sen. Latvala and Rep. Peters, attempts to find a dedicated revenue source for the Challenge Grant Program. Section 420.644(4), F. S., establishes the Challenge Grant Program and criteria for local grant awards, competitively procured by the State Office on Homelessness. The bills section 420.9073, F.S., to distribute 4% each fiscal year from the Local Governmental Housing Trust Fund to the Department of Children and Families to support challenge grants.

The bill also makes some changes to the traditional challenge grant program by modifying award levels to be based on the total population within the continuum of care catchment area and reflect the differing degrees of homelessness in the catchment planning areas. The bill also directs DCF, in consultation with the Council on Homelessness, to specify a grant award level in the notice of the solicitation of grant applications. Thus far, there has been no movement on either bill.

Tax Collector Concealed Weapon Permit Application Bill Moves in House

[HB 523](#) – relating to Applications for Concealed Weapons or Firearms Licenses and [SB 544](#) – Licensure to carry a Concealed Weapon or Firearm both passed their respective committees in each chamber. This legislation bill would permit Tax Collectors to accept concealed weapons permits on behalf of the Department of Agricultural and Consumer Services. The tax collector would have to request the ability to accept the permits and the Department has the discretion to grant or deny the request. The bill does allow for counties to collect \$22 for a new application and \$12 for renewals. Currently, the bill only applies to tax collectors as defined in 1(d) of Art. VIII of the State Constitution.

Fuel Assistance Preemption Passes First House Committee

[HB 185](#) – relating to Gas Stations, passed its second committee of reference in the House by a 12-1 vote. The bill requires the Florida Department of Agriculture and Consumer Services to confirm gas stations have, by July 1, 2016, affixed a decal bearing the international symbol of accessibility on each pump. The decal must contain the stations' telephone number and the words "Call for Assistance". The bill preempts and supersedes all local government regulations requiring fueling assistance to disabled individuals. The preemption is effective July 1, 2014. If

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enacted into law, local governments may not enforce the requirements of their ordinances on gas stations. The Senate companion bill has yet to be heard.

2014 FAC Legislative Day

The 2014 FAC Legislative Day has been scheduled for Thursday, March 27, 2014, at the FSU Turnbull Conference Center. The event will start with a reception honoring the Florida Legislature on Wednesday evening. Following the morning briefing attendees will have the opportunity to meet with their legislators. More information can be found on the Florida Association of Counties website: <http://www.fl-counties.com/member-services/conferences/legislative-day>.

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