



this issue

- From the County Attorney **P.1**
- Congratulations! **P.1**
- Employment Benefits Legislation **P.2**
- Florida Sunshine Law **P.3**
- Family Spotlight **P.3**
- Upcoming Events!! **P.4**

This newsletter marks the third in our series of newsletters providing you with information both about matters involving legal issues in the United States, Florida and Leon County, and of interest to you, our readers. We hope that the articles we have published here and in the preceding newsletters will help you both in your personal life and as you perform your various job duties for Leon County. We also hope to provide you with information about the activities of the Leon County Attorney's Office and upcoming events that you are invited to attend.

As with past issues, to the extent that you have any suggestions or items that you would like for us to cover in an upcoming newsletter please let our Editor know by way of a telephone call or email. We hope you enjoy this third issue!

Herb Thiele

CONGRATULATIONS PRESIDENT, HERBERT W.A. THIELE!!!

We are pleased to inform you that at the June 2013 Florida Association of County Attorneys' (FACA) meeting, your County Attorney, Herb Thiele, was installed as President of the Florida Association of County Attorneys for 2013-14. This will mark Herb's fourth term as President of FACA over his many years of service to this organization, one which serves to benefit both Leon County and local governments statewide.

We extend our congratulations to Herb on this remarkable accomplishment and hope you will join us in doing so when next you see him.



GOVERNOR SIGNS EMPLOYMENT BENEFITS PREEMPTION LEGISLATION

By: Patrick T. Kinni, Deputy County Attorney

On June 14, 2013, Governor Rick Scott signed Bill 655 into law. This article addresses the potential impact on local regulations governing wages and other employee benefits related to private employers in the State of Florida.

The subject legislation was proposed in response to a petition by registered voters in Orange County, Florida, requiring that an ordinance be placed on the ballot that would mandate private employers within that county to provide their employees with paid sick leave. The ordinance was opposed by big employers in Orange County, and statewide, who argued that legislation was needed to prevent local governments from requiring additional employee benefits within its jurisdictions, thereby guarantying statewide uniformity in regard to mandated employee wages and benefits.

The legislature immediately took up the matter during the 2013 session. Bill 655, amends section 218.077, Florida Statutes, and further limits the ability of local governments to regulate wages and benefits provided by employers within their territorial limits. The former language of section 218.077, Florida Statutes, preempted local governments from mandating a higher minimum wage than provided by federal law. The revised language extends this preemption to minimum wages higher than those specified by state law and to employee benefits as well. Employee benefits are defined as anything of value, other than wages and salary, including (but not limited to) health benefits, disability benefits, paid and unpaid vacation leave, retirement benefits, and sick leave. However, despite rumors to the contrary, Bill 655 does not prevent a county from providing its employees paid sick leave.

The legislation does not limit the authority of a local government to establish a minimum wage or a certain level of benefits for its own employees or for

employees of firms providing goods and service to that governmental entity or for employees of firms receiving a direct tax abatement or subsidy from same.

There are also provisions pertaining to domestic violence and sexual abuse. While the legislative history of this law does not explain the purpose of this provision, based on the staff analysis of the companion Senate Bill 726 which focuses on at-will employment and state and federal legislation related to family and medical leave, it appears that the domestic violence and sexual abuse provisions are intended to allow local governments to adopt ordinances concerning domestic violence leave for its employees. This would be consistent with principles set forth in section 741.313, Florida Statutes, which require employers to permit employees to expend up to three days of leave per year if they are the victim of domestic or sexual violence. Lastly, the legislation creates an employer-sponsored benefits study Task Force to “analyze employee benefits and the impact of state preemption of the regulation of such benefits”. The Task Force will then issue a report to the Senate President and Speaker of the House by January 15, 2014, and thereafter be dissolved.

Since Leon County has not adopted any ordinance requiring certain employee benefits or wages in excess of the state or federal minimum wage rate be paid by private employers, the statutory changes identified above will have no meaningful impact on the County at the present time. The County also remains free to set wages and benefits for its own employees, the employees of County contractors and subcontractors, and employees of employers receiving a direct tax abatement or subsidy from the County, at its discretion.

FLORIDA SUNSHINE LAW

By: Herb Thiele, County Attorney

Did you know that the Government in the Sunshine Law (Florida Statutes, §286.011) applies to “any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision.” It is equally applicable to elected and appointed boards or commissions.

A limited exception to the applicability of the Sunshine Law to advisory committees has been recognized for advisory committees established purely for fact-finding. We have identified such committees as “focus groups” in Leon County. However, when a committee has been delegated a decision-making function, in addition to fact-finding, the Sunshine Law applies.

In a recent decision by the Fourth District Court of Appeal in January, 2013, the Appellate Court found three members of a school board violated the Sunshine Law when they visited an adult education

center without providing reasonable notice (Citizens for Sunshine, Inc. v. School Board of Martin County, et al, 38 Fla. L. Weekly D180, 2013 WL 238188, Jan. 2013). This case follows a decision of the Fifth District Court of Appeal in 2008 when a School Board made a fact-finding bus tour without following all of the requirements of the Sunshine Law and was found to have violated §286.011, Florida Statutes.

The lesson from recent decisions is that the Sunshine Law has been and continues to be very liberally construed and, one must remain cautious that all requirements of the Sunshine Law are met if there is any possibility that it could apply to a “meeting” to which you are an attendee or staff. If any questions arise, you should immediately contact the Leon County Attorney’s Office where we can provide you with guidance and advice of the applicability and reach of the Florida Sunshine Laws.

Family Spotlight



Leigh Youmans, sister of Assistant County Attorney Laura Youmans, will wed U.S. Army CPT., Brian Page on July 20th. The couple will be stationed in Honolulu, Hawaii for the next three years.



Christina, 34, is the oldest daughter of Receptionist Heidi Smith. Christina lives in San Diego and is involved with modeling for a group that fundraises for charities known as "Cutie's for a Cause." She is known as "Christina Cadillac Margarita" on Facebook.



Katie Williams, 19, daughter of Legal Assistant Shawn Williams, spent her senior year of high school in Ecuador as an exchange student. She now has close friends in Ecuador, France, Germany, Belgium, and Brazil. Since her return, her host family has visited

her in Florida, and this summer she hosted a friend from Belgium. Katie is currently enrolled at UCF, majoring in International Relations and Global Studies.



Irene, is the grandmother of Assistant County Attorney LaShawn Riggins. Irene was joined by her family and close friends in celebration of her 87th birthday! For her birthday Irene wanted to go dancing!

UPCOMING EVENTS!!

WITNESS PREPARATION TRAINING!



Who should attend? **ALL** County employees who may provide deposition or trial testimony for Leon County.

Why? *To help you be better prepared*—and, to educate you on deposition and trial protocols for witnesses

Where? Program Room A, Main Library
200 West Park Avenue

When? July 16, 2013, 2:00 p.m. – 4:00 p.m.

RSVP to: Emily Anderson at andersone@leoncountyfl.gov
(include your name, division, and telephone number)

Presented by: Leon County Attorney's Office and Carr, Allison Law Firm

"The Art of Effective Speaking" Featuring Gary Yordon



Who should attend? **ALL** County employees for whom public speaking is a part of their daily life and/or job are invited to attend!!!

Why? Developing effective public-speaking skills is a crucial component to success in both personal and professional arenas.

Where? Commission Chambers, 5th floor, Leon County Courthouse.

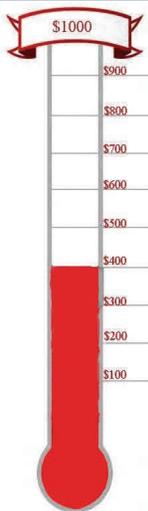
When? October 16, 2013, 2:00 p.m. – 4:00 p.m.

RSVP to: Emily Anderson at andersone@leoncountyfl.gov
(include your name, division, and telephone number)

Presented by: Leon County Attorney's Office

"HAVE A CHANGE OF HEART"

In support of Leon County's goal to raise \$15,000 for the American Heart Association's Heart Walk, team "Have A Change of Heart" has thus far raised \$400 and is still going strong. This is 40% towards the team's goal of \$1,000.00!



\$1,000.00
Our goal

Thanks!
From Team
HAVE A CHANGE
OF HEART

"NEXT STOP!...RAILROAD STATION"

The County Attorney's Office's next stop on our getting to know you breakfast tour will be Railroad Station! We are looking forward to visiting with the Office of Human Services and Community Partnerships consisting of Primary Healthcare Services, Human Services, Housing Services, Veteran Services, and Volunteer Services.

If you are interested in scheduling a visit with your Department please contact our Legal Administrator, Marcia Labat either by phone or email at labatm@leoncountyfl.gov.

Please direct all questions, comments, and submission requests to LaShawn Riggins at: LegalAdvisor@leoncountyfl.gov



Leon County Attorney's Office

Leon County Courthouse
301 S. Monroe Street, Ste. 202
Tallahassee, FL 32301
850.606.2500 phone
850.606.2501 fax