

City of Fort Lauderdale

City Hall
100 N. Andrews Avenue
Fort Lauderdale, FL 33301
www.fortlauderdale.gov



Meeting Minutes - APPROVED

Tuesday, June 18, 2013

1:30 PM

City Commission Conference Room

City Commission Conference Meeting

FORT LAUDERDALE CITY COMMISSION

JOHN P. "JACK" SEILER Mayor - Commissioner
BRUCE G. ROBERTS Vice Mayor - Commissioner - District I
DEAN J. TRANTALIS Commissioner - District II
BOBBY B. DuBOSE Commissioner - District III
ROMNEY ROGERS Commissioner - District IV

LEE R. FELDMAN, City Manager
JOHN HERBST, City Auditor
JONDA K. JOSEPH, City Clerk
HARRY A. STEWART, City Attorney

Meeting was called to order at 1:33 P.M. by Mayor Seiler.

Present 5 - Mayor John P. "Jack" Seiler, Vice-Mayor Bruce G. Roberts, Commissioner Dean J. Trantalis, Commissioner Bobby B. DuBose, and Commissioner Romney Rogers

Also Present: 5 – City Manager Lee R. Feldman, City Auditor John Herbst, City Clerk Jonda K. Joseph, City Attorney Harry A. Stewart, Sergeant At Arms Sergeant Mark Renner

CITY COMMISSION REPORTS

Events and Matters of Interest

Members of the Commission announced recent and upcoming events and matters of interest including an update on the Shippey House by Commissioner Rogers that turned to a general discussion on the topic below. Commissioner Rogers and Vice Mayor Roberts also noted the Broward Metropolitan Planning Organization reached a consensus to conduct a study on quiet zones and pursue funding. A general discussion also followed on the logistics and cost.

Mayor Seiler stressed the importance of flexibility on the part of the City and its rules and regulations when trying to attract an entity to take over the Shippey House. The City Manager noted that the Broward Trust is interested in the City purchasing the Annie Beck House for about \$35,000. He has discussed the idea of providing it as housing for a police officer to create a police presence. There is quite a bit of interest.

National Porn Convention

In response to Commissioner Rogers, the City Attorney confirmed that Broward County has authority to regulate its properties in terms of not accepting a request to hold the national porn convention at the convention center. Commissioner Rogers felt the City should express its displeasure to the Executive Director of the Broward County Tourist Development Council. Commissioner DuBose offered to bring the Commission's concerns before the Tourist Development Council at their next meeting.

Motion Picture Film Industry, Permitting; NE 28 Street in Coral Ridge

Vice Mayor Roberts reiterated that residents are concerned about a reality show filming in the Coral Ridge neighborhood late at night and associated noise and traffic. He raised the question of permitting and asked the City Manager to followup on this matter. The City Manager indicated this filming is occurring without permitting. Vice Mayor Roberts indicated that the City needs to have more control mechanisms.

Street Vendors; Art

Commissioner Trantalis wanted to allow street vendors in specific areas that would add to the ambience of the city. He referred to an artist in particular. The City Attorney explained that there is an ordinance that prohibits vendor selling on the sidewalk. The City was sued in federal court on this matter in the beach area and prevailed because of the economic engine from tourism that provides the City. There was a finding that it was detrimental to the ambience. It is a free speech matter. Mayor Seiler explained the issue is the wide range of art. Commissioner Trantalis understood that concern, but nevertheless supported the idea of designating districts such as the Riverwalk and Alexander Park.

He wanted the City Attorney and City Manager offices to look into how other cities handle this. The City Attorney indicated that the City can regulate time, place and manner. There are some zoning districts that allow it. A plan amendment is underway to allow it on Riverwalk, but it is not intended to be allowed on the beach.

Commissioner Trantalis did not wish to expend funds fighting the issue in court. Mayor Seiler indicated that he does not disagree with a few areas such as the Riverwalk, 2nd Street and the art districts. Some discussion followed about other communities. Mayor Seiler pointed out that with designated area, people are on notice. Commissioner Trantalis felt that some people come to Fort Lauderdale beach thinking of it as a party center and he is looking for some balance by attracting people who are drawn to artistic activity. Commissioner DuBose felt there should be a broad based demand in order to consider a policy change. Vice Mayor Roberts agreed that there needs to be more activity in some areas of the beach. However, it is a slippery slope. He would be open to establishing more art walk districts. Mayor Seiler pointed out that there are people who have invested in establishing a business in a building. Commissioner Trantalis brought attention to the approach taken in Miami Beach. He agreed with Mayor Seiler on the concept of permitting. Mayor requested the topic be placed on an agenda in September.

Historic Preservation

Commissioner Trantalis referred to a previous survey conducted in the city that identified potential historic sites and asked what should be done from this point forward. The City Manager provided an update on the City's ordinance re-write that is in progress, including that a workshop was suggested.

Dixie Highway Streetscape Improvement Project

Commissioner Trantalis reported on the community meeting held on this topic. It was also contemplated that there would be a vote. There is discussion about who should be allowed to vote. The City Attorney explained for a non-binding election, the Commission could decide who would participate. Also, a simple poll could be taken. Mayor Seiler felt that polling is not the best course of action because it starts a slippery slope and it is expensive. He did not think a ballot would reach everyone because there are absent property owners from all over the country and it would be expensive. He recommended Commissioner Trantalis call a meeting for the sole purpose of a poll and the results be used to make a decision. Commissioner Trantalis explained that there is no consensus on this issue. He posed the idea of the poll cost being removed from the equation in terms of the City's participation. Discussion turned to who should be allowed to vote wherein Commissioner Trantalis concluded that the poll would involve registered voters by mail ballot. Vice Mayor Roberts preferred a consensus being reached through the holding of one or more meetings instead of a straw poll. He also was concerned about setting a precedence.

Broward County Resource Recovery Board

Mayor Seiler elaborated upon difficulties encountered with Broward County concerning distribution of this system's assets to participating cities. The City Auditor estimated the unrestricted net assets are around \$60 million and confirmed that about \$10.2 million would be Fort Lauderdale's share. The County has set aside \$22 million and \$9 million from unrestricted assets. He believed they are attempting to capture all of the future costs associated with landfill from dollars they are holding today in trust for the Resource Recovery Board. Essentially they are accelerating future costs and charging it against the City's equity in the fund. Mayor Seiler noted that others who are now disposing at this location will also be obligated to pay for the closure cost. The City may have to pursue legal action. The City Auditor went on to explain a procedure set forth under governmental accounting guidelines as well as statutes. The County is attempting to capture all future costs now. In such case, Mayor Seiler

pointed out that future users will not bear their fair share. At his request, there will be a resolution to consider at the regular meeting. A copy was distributed. He also asked that a memorandum on this matter be prepared and provided to the Commission.

CONFERENCE REPORTS

CF-1 13-0586 EMERGENCY TASK ORDER 12 - \$24,680 - PROFESSIONAL COASTAL ENGINEERING SERVICES - A-1-A EMERGENCY BEACH RESTORATION PROJECT - URS Corporation Southern

No objection. The City Manager noted that this will be the last such task order on this project.

CF-2 13-0773 PROPOSED LIEN SETTLEMENTS - SPECIAL MAGISTRATE AND CODE ENFORCEMENT BOARD CASES

No objection.

CF-3 13-0854 SOUTH SIDE SCHOOL UPDATE

The City Manager advised that staff is continuing to work with Nova Southeastern University in terms of reconciling the cost estimates. A meeting was held with Broward County staff concerning working on the site and archaeological matters as well as historical structures.

The City Manager responded to Commissioner Trantalis' question of securing the building from the rain. Commissioner DuBose mentioned previously the windows were not yet installed and then there was a problem with the roof. Commissioner Rogers added that the exterior is completed.

In response to Commissioner Rogers' question about the City Manager's meeting with Broward County staff, the City Manager felt it was a good meeting in terms of making sure all of the players are on the same page. City staff does not think that parking lot is under the Historic Preservation Board's jurisdiction. However, there will need to be some review by the Broward Historic Commission that may entail an amendment to the management plan. In further response, he indicated that one of the conditions of a sidewalk permit, the County would like the City to dedicate an easement for future roadway improvements. He met with Assistant City Attorney Dunckel and they concluded that because it does not have an impact on the plans, it is worthwhile to dispute whether the County has jurisdiction. There will be a recommendation coming forward to grant the easement. The sidewalk may one day be a road. The County archaeologist must verify that the sidewalk expansion area is already disturbed property from an archaeological standpoint. He did not anticipate the sidewalk to be delayed. The assigned project manager is Irina Tokar. The right of way issue and other permitting issues has delayed the contract timeline. There is nothing else at this point to delay the next set of improvements.

OLD/NEW BUSINESS

BUS-1 13-0906 CITY'S LEGISLATIVE UPDATE

David Ericks of Ericks Consultants, Inc., City's Lobbyist, provided and reviewed information on the 2013 legislative session that is attached to these minutes. He advised that a task force is being appointed by Secretary Wilkinson concerning Sober Homes. He understood that the City wants a say in where these homes are located. Mayor Seiler suggested if possible efforts be made for Commissioner

DuBose to serve on the task force.

Concluding his presentation, Mr. Ericks advised legislation passed concerning texting while driving.

Ronald Book of Ronald L. Book, P.A., City's Lobbyist, provided and reviewed a memorandum, dated June 3, 2013, on the 2013 legislative session that is attached to these minutes. Mr. Book responded to Commissioner Trantalis' reference to the \$100,000 seawall project in Seven Isles and the State's thinking about aging infrastructure as well as changing environment. He did not think it was about being a localized project, but more about being ready to start the work and having the local match. Fort Lauderdale's seawall is not the only seawall project that was vetoed by the Governor. He felt the Governor's office have a lack of full understanding on stormwater related issues in communities. Perhaps they should have made more of an impression on the Governor on what happened on A-1-A. The criteria for projects provided by the Governor will change next year. Mr. Ericks commented that a lot of rules were broken. For example, the City's performing arts grant of \$500,000 was at the top of the list but was not awarded because the House and Senate leaders went to items that were fourteenth and further down. There will be more discussion going forward as to whether the rules will be followed or whether it will be politicized. Mr. Book elaborated on efforts that his firm will make to be more successful next year. He also elaborated on right-on-red violations and the red light camera program. In response to Commissioner DuBose concerning the communications services tax, Mr. Ericks advised that the focus was on pre-paid cards to fund the cities and let the telephone companies off the hook but it did not fly. He did not think they are looking to take the other half away from the cities that was taken last year or the year before.

Commissioner Trantalis asked about the City's position concerning a bill having to do with foreclosures presented by Representative Moraitis that was defeated. Mr. Book indicated he expected the bill to be refilled next year, but did not think it will pass in an election year.

Mayor Seiler asked about the chances of a special session being called. Mr. Book did not see one being called concerning Medicaid. The Governor has indicated if there is a need primarily in the economic development world, he would consider an October timeline.

BUS-2 13-0596 **PROPOSED ORDINANCE - INNOVATIVE DEVELOPMENT
DISTRICT TO BE CREATED IN UNIFIED LAND DEVELOPMENT
REGULATIONS**

Ella Parker, Sustainable Development, reviewed the history concerning this topic and work of the Planned Unit Development Zoning District Advisory Committee (Committee) outlined in Commission Agenda Memorandum 13-0596. Consensus was not reached on two items that is also addressed in the memorandum.

Mayor Seiler opened the floor for public comment.

Marilyn Mammano favored two-acre land area required for application to the ordinance and not requiring a super-majority vote requirements for the Commission.

Peter Henn, member of the Planned Unit Development Zoning District Advisory Committee, did not think that the community will support the two issues previously mentioned: two-acre land area and super-majority vote. The Commission will have to decide on how many opportunities there will be for a two-acre project in this urban community. He stressed the Commission remember on what has been accomplished and not focus on the two issues that seem to be divisive at this point.

Abby Laughlin, representing the Central Beach Alliance, felt the ordinance intent as described in the Commission's backup differs from the original intent of determining a path for neighborhood involvement. She took issue with the provision of twenty percent of the land being set aside for public use or benefit of residents and occupants (of the development). Twenty percent for public use is significant. She felt that "PUD" is simply being renamed. She questioned what is innovative impact; it is not defined. Commissioner Trantalis believed the concern is that as the door is opened for more Innovative Development by restricting the land area from two acres to one acre, there is not sufficient criteria to know what is innovative design.

Fred Carlson, representing the Central Beach Alliance, felt the fine print of the proposed ordinance says that a developer can do whatever it wants. He did not think there has been enough focus on preserving neighborhood compatibility.

Jim Brady, member of the Planned Unit Development Zoning District Advisory Committee, referred to the super majority vote item and indicated he believes it has to do with trust on the part of the public. If the ordinance is so good, then it will garner four votes on a project as well as support of the neighborhoods if they are allowed to be involved. He supported the super majority vote requirement. He provided a letter, dated June 17, 2013, on this matter that is attached to these minutes.

There was no one else wishing to speak.

The City Manager observed that the zoning regulations are pretty rigid and to some degree outdated in terms of innovative, sustainable practices. It takes a long time to amend them. The regulations provide that something has to be expressly permitted otherwise it is prohibited. The proposal allows the City flexibility with things that are not expressly permitted. In order to attract good, solid development, there needs to be a mechanism in the regulations.

Greg Brewton, Director of Sustainable Development, commented that the Committee went through a menu of items in addressing the major concerns that were expressed to the Commission. The Committee took time to make sure public participation was included in the ordinance. Also, there is a separate ordinance for public participation coming forward that will provide an added layer.

Mayor Seiler indicated that because it has to do with innovative development and something that is not set out, there should be a super majority vote. As to the land area, he supported one acre. Vice Mayor Roberts agreed with Mr. Brady that the super majority vote controls everything; it makes it a better product and it includes neighborhood participation. He also agreed with the City Manager in terms of the need for flexibility. He also felt that two acres is too much. The City Manager clarified that staff's recommendation about land area is one acre in regional activity centers only. Commissioner Trantalis asked if there is anything to prevent a developer from requesting this for one area and then for subsequent adjacent areas. Mr. Brewton advised that there is no spatial provision. If there are several such developments in an area, the Commission has the final say. Commissioner Rogers spoke in favor of requiring a super majority vote. Commissioner Trantalis asked about requiring an entire block be included in a project for the sake of consistency. Ms. Parker commented that it is possible that a lot cannot be acquired.

There was consensus approval for the one acre land area in regional activity centers and a super majority vote.

BUS-3 13-0462 RIVERFRONT PROPERTY - AMENDMENTS TO BRICKELL
LICENSE AGREEMENT - LAS OLAS RIVERFRONT, LP AND
RELEASE OF INVITATION TO BID FOR USE OF COMMERCIAL
DOCKAGE

In response to Commissioner Trantalis, Dev Motwani, property owner, advised that the current year's taxes have not yet paid, but they have paid the taxes since taking ownership. The City Manager advised that there is a recommendation in this item to determine the amount of back rent; it has not been paid. This would cover from May, 2011 through May of 2013. The amounts shown under license fees in Commission Agenda Memorandum 13-0462 are contemplated to be paid before renewal of the lease agreement.

There was consensus approval as recommended.

BUS-4 12-2591 LEASE AGREEMENT WITH DANIA FARMS, INC.

No objection.

BUS-5 13-0724 ANNUAL ACTION PLAN FOR FISCAL YEAR 2013-2014
ENTITLEMENT GRANT PROGRAMS THROUGH U.S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Jonathan Brown, Housing and Community Development Manager, indicated that final approval would be scheduled for July 2 for submittal to the U.S. Department of Housing and Urban Development. He reviewed program recommendations in Commission Agenda Memorandum 13-0724.

Commissioner Trantalis questioned how the Housing Opportunities for Persons with HIV/Aids (HOPWA) Program needs can still be met with a \$1.2 million defunding. Mr. Brown advised that each agency looked at their program to try to serve the greatest number of clients. The Community Services Board (Board) also reviewed the programs. As to the funding reduction, sequestration has been mentioned.

Mayor Seiler opened the floor for public comment.

Mary Riedel, representing Women in Distress, was available for questions.

Regine Kanzki, representing Broward Regional Health Planning Council, was available for questions.

Francois Leconte, representing Minority Development and Empowerment, Inc., indicated that Minority Development is being asked to serve the same number of individuals it previously served with a funding reduction from \$118,000 to \$88,000. The Haitian population is the most underserved throughout Broward County. They do not have access to any other services.

Scott Strawbridge, representing Housing Authority of Fort Lauderdale and its Step Up Apprenticeship Program, referred to staff's footnote that the program is behind in its spending this year. Although there is over a million dollars worth of cabinets being built, not all of the expenses are deemed eligible. They believe this can be overcome and therefore requested the Commission consider full funding for next year.

Brian Johnson, representing Broward County Minority Builders Coalition, was available for questions.

Patrice Paldino, representing Legal Aide Service of Broward County, was available for questions.

Rosby Glover, representing Mount Bethel Human Services, was available for questions.

Steve Nolte, representing Broward House, noted that this is a huge cut for all of Broward County that will impact citizens. Mayor Seiler asked if Broward House finds the Community Services Board's recommendation acceptable. Mr. Nolte indicated in a bad situation, it is the best that can be done. In response to Commissioner Trantalis, Mr. Nolte advised that less people will be served.

Tim Wheat, representing Pinnacle Housing Group, advised that their affordable housing project in Tarpon River was approved by the Commission on May 7. Ninety-eight percent of their financing is in place, but they will be applying to other affordable housing resources. The project will not be delayed. Pinnacle applied for Community Development Block Grant Program (CDBG) funding. They are also looking at SHIP (State Housing Initiatives Partnership) Florida program funding at both the City and County levels.

There was no one else wishing to speak.

Commissioner DuBose was opposed to funding allocated to Legal Aide. He was concerned about the HOPWA Program and that segment of the population that the housing component is so critical; it can sometimes be the difference between life or death. Mayor Seiler felt that Legal Aide plays a vital role. Staff and the Community Services Board put a lot of time into the recommendations and he encouraged the adoption of those recommendations. In response to Vice Mayor Roberts, Mr. Brown advised that there are about \$630,000 more in requests that funds available in the Community Development Block Grant Program. Vice Mayor Roberts agreed with Commissioner DuBose with respect to Legal Aide. Legal Aide also has a CDBG funding request of \$35,000. Moreover he did not think Legal Aide has been able to spend down the fairly recent award of \$250,000. In response to Mayor Seiler, Mr. Brown advised that HOPWA dollars can be carried forward, but not CDBG Public Service dollars. Vice Mayor Roberts felt this year's funding for Legal Aide could be reallocated to a program where people are helped more directly. In response to Commissioner Trantalis, Mr. Brown advised that at the end of the fiscal year any unspent HOPWA and CDBG funding will be presented to the Board and then the Commission for reallocation decisions. He anticipated about \$200,000 unspent in CDBG, however, for HOPWA it is more about previous years.

Wendy Gonsher, Community Services Board Vice Chair, advised that the Board expressed a very strong concern about the amount of dollars left over in the HOPWA Program. The Board wanted the participating agencies to feel that their feet are being held to the fire this coming year. Agencies were told by the Board that if their funding was not spent this year, they would not be recommended for funding the year after. Commissioner DuBose noted that the problem does not rest entirely with the agencies. Ms. Gonsher agreed, noting some examples such as there has been a change in City staff and accounting systems. The City has to do a better job through the year of monitoring expenditures. Also, because approvals last year extended so far into the fiscal cycle that some contracts did not go into effect until January, there were delays in spending and reporting. Vice Mayor Roberts reiterated his desire for measurement of goals, although he recognized the factors elaborated upon in this discussion have likely prohibited it. Ms. Gonsher pointed out that this responsibility was only given to the Board last year, and assured the Vice Mayor that it will be reflected going forward. Mr. Brown advised that there are year to do performance measures and the Board has been vetting them for the past couple months.

Commissioner Rogers asked whether thought was given to calculating the amount of funds per client served. Ms. Gonsher advised that there was such dialogue by the Board. There was some discussion about comparing agencies because there could be the same service and very different populations where the amount of time needed for a client could be very different. Commissioner Rogers was interested in developing some efficiency range of reason. Ms. Gonsher noted in the coming year the Board will be looking at the cost per voucher and how many clients can be served (Tenant Based Rental Voucher Program). This is the type of information that the Board will provide to the Commission next year. Commissioner Rogers felt such information should be in the application. Ms. Gonsher explained that in this case, the information was in their applications and the Commission decided to split the funding award because the unfunded agency had a lower amount. Commissioner DuBose referred to future evaluations and asked that care be taken for there to be consistency with respect to what is billable.

Community Development Block Grant Program; Neighborhood Revitalization Strategy Area Programs (NRSA)

Mr. Brown advised that the funding level typically approved by the Commission for Mount Bethel Human Services at \$220,000 and the same with the Step Up Apprenticeship Program.

Commissioner Rogers observed that there was a percentage reduction across the board for the HOPWA Program agencies and questioned why CDBG was not handled in the same manner. Mr. Brown advised that CDBG is a little different. There are certain categories that have their own minimums and maximums. The City Manager advised that the funding levels for CDBG are pretty much the same. Mr. Brown clarified that the Board does not have the purview over the Neighborhood Revitalization Strategy Area Programs.

Mr. Brown advised that there are rollover dollars being anticipated under Other Public Service Activities, Homeless Prevention, and therefore that agency is willing to not be considered for funding this year (\$50,000). Commissioner DuBose also wanted to target Pinnacle at Tarpon River (\$500,000). Mr. Brown explained for Commissioner DuBose why staff is recommending the funding increase for HOPE Fair Housing Center. Commissioner DuBose questioned the increase in the Public Works Department BCIP, CIP and NCIP Projects under Other CDBG Activities. The City Manager advised that he will be recommending not to increase the funding for BCIP and NCIP for next fiscal year based upon the backlog. However, CDBG funds have been used to provide the required match by the homeowner association for some of the projects that are in the backlog. Therefore some of the funding will be used in the backlogged projects. The matches have not been encumbered. Commissioner DuBose requested a breakdown to justify the increase in this category including the backlog and those that did not have CDBG funding to move forward. The City Manager advised that a good portion of these funds has to do with the unpaved roads in South Middle River which will be part of the CIP. Mayor Seiler clarified for staff that an across-the-board percentage decrease should be provided to the Commission as an option when this matter comes back for a vote. It was noted that \$550,000 has already been removed, therefore the percentage reduction would be for the remaining difference. Ms. Gonsher wanted to clarify that the percentage reduction would not be coming from the four programs that were already cut to 75 percent. Commissioner DuBose confirmed that is correct and Mr. Brown advised those remaining programs would be Mount Bethel, Step Up and the Public Works Department.

Mr. Brown advised that the eligible areas for CDBG in certain instances have shifted. Some areas are no longer eligible and there are other areas that are now eligible. Housing Enterprises is requesting that the NRSA area be expanded for Mount Bethel and Step Up to coincide with the new U.S. Department of Housing and Urban Development map. Staff supports this request provided the areas are contiguous.

EXECUTIVE CLOSED DOOR SESSION

The City Commission convened in the executive closed door session a 4:44 p.m. and then reconvened in the first floor chambers at 9:07 p.m., only to announce that Agenda Items BD-1 would be addressed on July 2, 2013.

BOARDS AND COMMITTEES

BD-1 13-0832 COMMUNICATIONS TO CITY COMMISSION AND MINUTES
CIRCULATED - period ending June 13, 2013

This item was deferred to July 2, 2013.

BD-2 13-0834 BOARD AND COMMITTEE VACANCIES

Please see regular meeting Agenda Item R-3.

CITY MANAGER REPORTS

None.

The meeting adjourned at 9:08 p.m.

Note: The Commission convened as the Community Redevelopment Agency Board of Commissioners from 9:08 p.m. until 9:23 p.m.

6-18-13
BUS-1



Ronald L. Book, P.A.

LAW OFFICES
PROFESSIONAL ASSOCIATION

MEMORANDUM

To: Mr. Lee Feldman, City Manager
City of Fort Lauderdale

From: Ronald L. Book, Esq.
Kelly C. Mallette
Rana G. Brown

Date: June 3, 2013

RE: 2013 Legislative Session – Final Session Report

Ronald L. Book, P.A. would like to first and foremost extend our appreciation for the opportunity to represent the City of Fort Lauderdale.

The 2013 Legislative Session ended at 7:16 pm on Friday, May 3rd, bringing to a close a session that most would agree was organized and civil, (almost through the last week), which brought about a renewed sense of workability that the process has not seen in several sessions. It is no coincidence that in addition, this was the first year that the state budget was in a position of surplus.

On the last day of Session, day 60, the legislature passed a \$74.5 billion budget, an increase over the FY 2012 budget of \$70.4 billion.

Water Projects:

Our firm began working with the City last October to prepare water project applications, with the idea that the 2013 session could lead to some funding for various projects. We prepared preliminary applications and submitted information to the Water Management District. During Session, we worked closely with City staff to refine the water project application to comply with criteria spelled out by the Governor's office. Your project was submitted to the Legislature with a majority of signatures of members of the Broward County Legislative Delegation. Presentations at the Senate and House committees were made in support of the City's project and our firm worked with leadership of both the House and Senate to keep the Seven Isles Seawall project in the list to be funded.

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The Legislature funded the Seven Isles Seawall Improvement/Elevation request at \$100,000, however, this project was vetoed by the Governor. Many water projects were funded within this budget, amounting to \$59.5 million, and approximately \$27.3 Million were vetoed, consisting of 55 of the approximately 85 total water projects.

GENERAL BUDGET ITEMS

General Government Appropriations - Department of Agriculture and Consumer Services

- \$3.3 million, for wildfire suppression equipment
- \$9 million, for citrus research and the Budwood Program
- \$1.7 million, for Farm Share and Food Banks
- \$4 million, for Florida agriculture promotion

Department of Environmental Protection

- \$59.5 million, for water projects – approximately \$27.3 Million has been vetoed, consisting of 55 water projects.
- \$70 million, for Everglades cleanup and restoration (\$10 more than the Governor's request)
- \$10 million, for springs protection
- \$60 million, for land acquisition
 - In addition to \$10 million in trust fund dollars
 - \$11.1 million for agricultural conservation easements
 - plus an additional \$50 million in the DOT budget for a proposed bicycle trail that would stretch across the state in central Florida
- \$10 million, for acquiring land buffers near military installations
- \$37.5 million, beach restoration (significantly more than the Governor's original request of \$25 million, the state funding is used to draw down federal matching funds) This includes a \$26.7 million appropriation and \$10.6 million in carryover from the 2012-13 budget
- \$19.5 million, state parks maintenance and repairs
- \$125 million, petroleum tanks cleanup program, with language requiring competitive bidding, a department priority.

Education

- A widely discussed and early priority of the Governor was a teacher pay raise of \$2,500 per teacher. Through the budget process, the legislature decided teacher funding increases could be given as raises once the district develops an evaluation system that contains a merit component tied to student achievement. The raises could vary from \$3,500 to \$2,500 and merit systems will be developed and implemented by each local district.
- Charter Schools were funded with \$91 million for construction and maintenance of facilities and the legislature passed a measure allowing high-performing schools to increase enrollment without approval of the local school district.
- Virtual Education Learning: to allow out-of-state online education companies to contract with public schools

- State Colleges will receive \$42 million for construction and maintenance of facilities
- State Universities will receive an additional \$18 million for construction and maintenance of facilities

Health Care

- Medicaid Expansion: The Governor's recommendation to expand Medicaid eligibility through the Federal Affordable Care Act was not addressed, as the Senate made overtures to discuss options, the House remained stoic in its policy declaration of no expansion whatsoever.

Budget and Taxes

- Elimination of the sales tax on manufacturing equipment, with a three-year expiration date. (A priority of the Governor)
- No final move to impose the collection of the sales tax on Internet purchases
- No final move on the Senate desire to eliminate an insurance company tax break and on international banking

Department of Transportation

- Grants and Aids - Transportation Disadvantaged - \$111 million
- Transportation Work Program - \$8.67 billion
- Intrastate and Arterial Highway Construction - \$3.6 billion
- Right-of-Way Land Acquisition - \$725 million
- Seaport Development Grants - \$243 million
- Rail Development Grants - \$184 million
- Intermodal Development Grants - \$52 million
- Public Transit Development Grants - \$421 million
- Bridge Construction - \$290 million
- County Transportation Programs (Including SCRAP & SCOP) - \$152 million
- Coast to Coast Connector Trail - \$50 million
- Economic Development Road Fund - \$15 million
- Keep Florida Beautiful - \$800,000

Department of Economic Opportunity

- Economic Development Partners - \$106.6 million
- Enterprise Florida - \$18.1 million
- Visit Florida - \$63.5 million
- Space Florida - \$19.5 million
- Institute for the Commercialization of Public Research - \$5.5 million
- Economic Development Tools - Flexible Funding - \$45 million
- Economic, Community and Workforce Development Programs and Projects - \$31.7 million
- Economic Development - \$9.5 million
- Housing & Community Development - \$19.6 million GR
- Workforce Development - \$2,682,000
- Defense Support Task Force - \$4 million
- Military Base Protection & Defense Infrastructure - \$2.6 million
- Community Planning - Technical Assistance to Local Governments - \$1.2 million

- Regional Planning Councils - \$2.5 million
- Ready to Work Program - \$4 million
- Quick Response Training - \$12 million
- Reemployment Assistance Benefits & Claims System - \$1.2 million

LOCAL GOVERNMENT LEGISLATIVE ISSUES LEGISLATIVE ISSUES

Environmental Regulation

HB 999 by Representative Patronis was an omnibus environmental bill streamlining regulations and permitting.

- **Stormwater Fees:** During the last 3 days of the legislative session, we got word that sponsors of HB 999 were heavily considering creating a definition in statute of the “beneficiary”, as it pertains to stormwater fee collection. However, the definition was meant to exclude school districts from these fees for service. Currently, there is no definition in statute.

Representative Patronis and Senator Montford indicated that they were considering exempting school districts from the definition in the bill. We weighed in very heavily against that option, and strongly recommended that the City would rather have no definition, than a defined exemption in statute. Late in the last week of Session, amendments passed deleting the entire definition, and the bill was passed and signed into law, Chapter No. 2013-092.

The main provisions of this bill are as follows:

- Allows the Department of Environmental Protection (DEP) to adopt rules requiring or incentivizing the electronic submission of forms, documents, fees, and/or reports;
- Provides that when reviewing an application for a development permit, local governments cannot request additional information more than three times, unless the applicant waives the limitation in writing;
- Provides that the Board of Trustees of the Internal Improvement Trust Fund (BOT) is authorized to issue leases or letters of consent to special event promoters and boat show owners to allow the installation of temporary structures;
- Defines “first-come, first-served basis” as it relates to marinas; provides requirements for the calculation of lease fees for certain marinas; and provides conditions for the discount and waiver of lease fees for certain marinas, boatyards, and marine retailers;
- Provides general permits for local governments to construct mooring fields and authorizes the BOT to delegate authority to the DEP to issue leases for mooring fields constructed under the general permit;
- Provides that the issuance of well permits is the sole responsibility of WMDs, delegated governments, or local county health departments, and prohibits other government entities from imposing additional or duplicative requirements, fees, or permitting programs associated with the boring or abandonment of groundwater wells;

- Provides that licensure of water well contractors by a WMD must be the only water well contractor license required for the location, construction, repair, or abandonment of water wells in the state or any political subdivision;
- Provides that a permit is not required for the restoration of seawalls when they are constructed within 18 inches seaward of the original location;
- Specifies that for a period of 90 days after it is submitted, a local government cannot use the registration information it receives from a recovered materials dealer to compete unfairly with the recovered materials dealer;
- Authorizes the DEP to establish permits for special events relating to boat shows;

Local Government / Claims Bill Process Reform

HB 7123 by Representative Grant did not pass. The legislation would have increased the liability cap local governments from the current amount of \$300,000 to \$3 million for an individual and \$4.5 million per incident. This bill did not change the existing sovereign immunity cap in place for state government. The House workshopped this issue and was filed as HB 7123, but went no further. There was no Senate companion. The bill would have substantially increased dollar limits on lawsuits against local governments.

Pension Actuarial Reporting

CS/CS/CS/SB 534 by Senator Brandes provides that the state is not liable for any obligation relating to any financial shortfalls in any local government retirement plan. The bill requires each public pension plan, except the Florida Retirement System, to submit the following information to the Department of Management Services (DMS):

Annual financial statements in compliance with Government Accounting and Standard Board's "Statement No. 67, Financial Reporting for Pension Plans" and "Statement No. 68, Accounting and Financial Reporting for Pensions"; Annual financial statements which use an assumed rate of return on investments and an assumed discount rate that are equal to 200 basis points less than the plan's assumed rate of return; Information indicating the number of months or years for which the current market value of assets are adequate to sustain the payment of expected retirement benefits as determined in the plan's latest valuation; and Information indicating the recommended contributions to the plan based on the plan's latest actuarial valuation and the contributions necessary to fund the plan based on the financial statements using alternative actuarial assumptions, stated as an annual dollar value and a percentage of valuation payroll. The bill provides that any plan that fails to submit the required information to the DMS may be deemed to be in noncompliance with the law and may jeopardize its revenue-sharing funds. This bill was signed into law by the Governor and takes effect July 1, 2013.

Public Meetings

CS/CS/SB 50 by Senator Negrón - Neither the Florida Constitution nor the Sunshine Law specifies that members of the public have the right to speak at public meetings. This bill creates a new section of law that requires members of the public to be given a reasonable opportunity to be heard on a proposition considered by the board or commission of a state agency or local government. This opportunity to speak does not have to occur at the same meeting at which the

board or commission takes official action. The bill authorizes a board or commission to adopt rules governing the opportunity to be heard. CS/CS/SB 50 passed the Legislature and is awaiting action by the Governor.

Liens

CS/HB 267 by Representative Wood removes the requirement that warranty deeds include a blank space for the grantee's social security number. The bill also provides that a lien by a governmental or quasi-governmental entity for an improvement, service, fine, or penalty is valid against a creditor or subsequent purchaser only if the lien is properly recorded in the county in which the property is located. The bill specifies information that must be included in a lien by a governmental or quasi-governmental entity. The bill excludes liens for taxes, non-ad valorem or special assessments, or utilities from the recording requirement. If approved by the Governor, these provisions take effect October 1, 2013.

Stormwater Management Permits

CS/SB 934 by Senator Lee authorize municipalities and counties to adopt stormwater adaptive management plans and obtain conceptual permits for urban redevelopment projects.

If approved by the Governor, these provisions take effect July 1, 2013. This bill has been presented to the Governor and he must act by 6/25.

Communications Services Tax (CST), Local Business Tax (LBT), Internet Sales Tax

At the beginning of Session, the House Finance and Tax Subcommittee, chaired by Representative Workman, held several workshops to consider an overhaul of both the LBT and CST. Streamlining and/or any means of reducing these taxes did not pass. Leadership in the House and Senate want to attempt to simplify and update the CST and LBT, particularly as technology continues to quickly evolve within the telecommunications industry as well as to address the internet sales tax collection issue. Local governments could be heavily impacted by changes in these three issue areas. Representative Workman, as Chair of the Finance and Tax Committee, publicly stated that his intention was to impact local governments as little as possible. However, as previously reported, the issue that is a concern is the desire to make the changes 'revenue neutral' to local governments. What is meant by that, as explained during the committee meeting, is a statewide neutrality, rather than individual neutral impact to each local government's funds that are collected. With a reformulation of the CST this may mean larger urban cities and counties would have their CST funds taper off and smaller urban municipalities would not be as impacted.

Local Business Tax: The committee also heard a comprehensive overview of the Local Business Tax. After the overview, the changes discussed to stream line the LBT could potentially include a simplification of the tax classifications by narrowing the categories to one class, or multiple classes for small, medium and large businesses. The committee is in the process of determining how to address any streamlining through classifications. However, this did not pass.

Communications Services Tax: Proposed within SB 316 midsession, cuts to the communications services tax were described as needed to offset the increased revenues brought about by new collection of internet sales taxes revenue under this bill, however, as only a Senate proposal, this issue was not well received in the House and this did not pass.

Pain Clinics and funding for Prescription Drug Monitoring Program (PDMP)

CS/SB 1192 by Senator Grimsley did not pass. As it pertained to local governments, the bill would have preempted to the state all regulation of the licensure, activity, and operation of specified pain management clinics. Currently, there is no statutory provision that expressly preempts the regulation of operations in pharmacies, health care clinics, health care facilities and pain-management clinics to the state of Florida.

State Preemption: There is currently no statutory provision that expressly preempts the regulation of operations in pharmacies, health care clinics, health care facilities and pain-management clinics to the state of Florida. Some counties and municipalities have created ordinances for the regulation of the operation of these clinics based upon the powers and duties conveyed upon these entities in Florida Statutes.

Funding: Language and funding was added to HB 1159 that would appropriate \$500,000 in nonrecurring funds from the General Revenue Fund to the Department of Health for the administration of the prescription drug monitoring program (PDMP). Current law prohibits the use of state funds to maintain the PDMP; the bill makes an exception to that prohibition for Fiscal Year 2013-2014, only.

Internet Cafes | Maquinitas

The bill immediately banning internet cafes and maquinitas has been signed into law by the Governor, **Chapter No. 2013-002**.

CS/HB 155 by Representatives Trujillo and Patronis, and its companion, CS/SB 1030 by Senator Thrasher, dealt with the prohibition of Electronic Gambling Devices. Under Florida law, prior to this bill being signed, gambling was illegal except where specifically authorized. Due in part to unclear loopholes in ch. 849, F.S., "Internet cafés," "adult arcades," and similar operations emerged with games that look or play like slot machines.

The bill, now signed into law, updates the definition of slot machine and creates a rebuttable presumption that a device is a prohibited slot machine if it (1) simulates a game of chance and (2) requires "pay to play," and (3) awards something of value. The bill clarifies that the charitable raffles exemption is not for slot machines or other games of chance.

The bill clarifies that the game promotions exception is only for sweepstakes that truly are incidental to the sale of products or services. It also includes language to facilitate civil prosecutions of illegal sweepstakes promotions under the Florida Deceptive and Unfair Trade Practices Act.

The amusement games exemption only applies to arcades with 50 or more amusement games or truck stops. The bill clarifies that permissible amusement machines operate by insertion of a coin, involve the application of skill, and may award points or coupons that can be redeemed for merchandise. The cost value of points or coupons cannot exceed 75 cents per game played, excluding "free plays." The bill clarifies that merchandise cannot be gift cards, gift certificates, or other cash equivalents.

The bill broadens the definition of "racketeering activity" in Florida's criminal RICO statute to include any violation of Chapter 849, relating to gambling.

Exceptions: Among the exceptions authorized in ch. 849, F.S., are: (1) charitable raffles or bingo, such as what is offered by veterans and religious groups; (2) sweepstakes promotions incidental to sales consumer products, like hamburgers or soft drinks; (3) amusement arcades or bowling alleys, where patrons get low value prizes for winning games that involve skill. The bill does not preclude any of these legitimate business models.

Red Light Cameras

The only red light camera language that passed this session is within the Department of Highway Safety and Motor Vehicles legislative package, HB 7125. No other red light camera bill passed during the 2013 legislative session, however, we do expect this issue to be discussed and debated for the foreseeable future.

Within this omnibus department bill, red light camera language was inserted by Representative Artilles (R-Miami) that accomplishes the following:

- Restricts ticketing for a right on red violation if the driver of the vehicle comes to a complete stop after crossing the stop line and before turning right.
- Provides a 60 day period in which a person must pay the fine, identify another driver was in control of the vehicle, or request a hearing before a local hearing officer.

This bill has gone to the Governor for his action, he must act on this bill by 6/12, and the package takes effect July 1.

Professional Sports Franchise Economic Development | Sun Life Stadium

SB 306 by Senator Braynon and its companion, HB 165 by Representative Gonzalez did not pass.

As was well documented, this bill, the professional sports franchise economic development bill that among other facilities, would have assisted in funding for the Sun Life Stadium renovations.

As is with many major issues in a legislative session, this bill was filed and amended several times, the resulting bill would have set up a framework through which professional sports facilities from across the state would be able to apply and qualify through a process at the Department of Economic Opportunity, for a funding mechanism that would in the future, fund upgrades, renovations and construction.

The Senate bill, SB 306 by Senator Braynon, passed all of its four committees (votes below), its subsequent re-reference to Appropriations, and passed the Senate floor in the first passage opportunity with a vote of 35 – 4.

Commerce and Tourism (11 – 0)

Appropriations Subcommittee on Finance and Tax (12 – 0)

Appropriations (16 – 1)

Rules (15 – 0)

Appropriations / Re referred for a second hearing due to changes in the bill (18 – 0)

The House bill, HB 165 by Representatives Gonzalez and Fresen passed two of its three committees of reference, but was not heard in the House Appropriations committee and was not heard on the House floor. (Committee votes below)

Finance & Tax Subcommittee (12 – 4)

Economic Affairs Committee (10 – 7)

Appropriations Committee (was not heard)

In the last week of session, as it became clear that the House Appropriations committee would not be hearing the bill. During the last week in order to increase options for passage, the substance of SB 306, was amended on to the Senate Appropriations tax administration package, SB 1828, which passed the Senate with a vote of 36 – 3, and was sent to the House on Wednesday, which would have potentially avoided a 2/3 procedural waiver vote of the House, which the Speaker of the House had indicated he preferred to avoid.

By Friday, when the legislation had not been heard, a move was made in the Senate to amend the sales tax rebate portion of the bill onto the Department of Transportation package, HB 7127, changing the title of the bill to a bill related to economic development. That bill was sent to the House and was in messages, where Representatives Gonzalez, Fresen, McGhee, Moskowitz and Waldman filed an amendment to add the referendum language on in anticipation of that bill being taken up in returning Senate messages to the House. Unfortunately, all three vehicles related to the stadium economic development matter, failed to come up before the Legislature adjourned Sine Die.

Spring Training Franchise Retention

As part of SB 406, by Senators Gardiner and Benacquisto, has been signed into law by the Governor; Chapter No. 2013-42, is summarized below in the full discussion on SB 406, creates a new certification process to allow local governments to receive a monthly sales tax distribution after July 1, 2016, for the public purpose of constructing or renovating a Major League Baseball spring training facility.

Applicants must apply to DEO and meet certain requirements, such as having committed to provide a 50 percent minimum match to state funds and having an agreement with a spring training franchise to use the facility. An applicant may qualify for a monthly distribution of \$55,555 for a facility used by a single spring training franchise, or \$111,110 monthly for a

facility used by more than one spring training franchise. Distributions cannot begin until the current agreement with a spring training franchise expires. The new process limits total payments to a local government certified by DEO to no more than \$20 million, or \$50 million if the local government hosts more than one spring training franchise. The bill provides for reporting requirements and decertification under certain circumstances.

These provisions are effective July 1, 2013.

Victims of Human Trafficking

HB 1325 by Representative Spano and SB 1644 by Senator Flores passed and was signed into law by the Governor. This bill would take effect January 1, 2014.

This bill authorizes a victim of human trafficking to petition the court for the expunction of a conviction for any offense, except an offense listed in s. 775.084(1)(b)1, F.S., committed while he or she was a victim of human trafficking. The bill specifies that an expunged conviction is deemed to have been vacated due to a substantive defect in the underlying criminal proceedings.

The bill requires that a petition can only be initiated after the victim has ceased to be a victim of human trafficking or has sought services for victims of human trafficking, subject to reasonable concerns for the safety of the victim, family members of the victim, or other victims of human trafficking that may be jeopardized by the bringing of such petition.

The bill requires the petition to include a sworn statement attesting that the victim is eligible for such expunction to the best of his or her knowledge or belief and does not have another petition to expunge or seal before any other court. Official documentation of the victim's status as a victim of human trafficking must be provided, if any exists. However, a petition may be granted without official documentation.

Massage Establishments

HB 7005 by Representative Kerner and SB 500 by Senator Clemens, provides that denial of a license or a disciplinary action may be based on advertising to induce or attempt to induce, or to engage or attempt to engage, a client in unlawful sexual misconduct. Additionally, the bill prohibits the operation of certain massage establishments between the hours of midnight and 5 am; exempts specified types of massage establishments based on the location of the facility or the type of supervision over those persons performing massages; prohibits the use of a massage establishment as a principal domicile in areas that are not zoned for residential use by local ordinance. Any violation of this is a misdemeanor of the first degree, and any subsequent violation is a felony of the third degree.

This bill has not yet gone to the Governor for action.

Pain Clinics and funding for Prescription Drug Monitoring Program (PDMP)

CS/SB 1192 by Senator Grimsley did not pass. As it pertained to local governments, the bill would have preempted to the state all regulation of the licensure, activity, and operation of

specified pain management clinics. Currently, there is no statutory provision that expressly preempts the regulation of operations in pharmacies, health care clinics, health care facilities and pain-management clinics to the state of Florida.

State Preemption: There is currently no statutory provision that expressly preempts the regulation of operations in pharmacies, health care clinics, health care facilities and pain-management clinics to the state of Florida. Some counties and municipalities have created ordinances for the regulation of the operation of these clinics based upon the powers and duties conveyed upon these entities in Florida Statutes.

Funding: Language and funding was added to HB 1159 that would appropriate \$500,000 in nonrecurring funds from the General Revenue Fund to the Department of Health for the administration of the prescription drug monitoring program (PDMP). Current law prohibits the use of state funds to maintain the PDMP; the bill makes an exception to that prohibition for Fiscal Year 2013-2014, only.

Growth Management Glitch Bill

SB 537 by Representative Moraitis passed and the Governor must act by 6/12/13.

CS/CS/HB 537 clarifies which local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments are not prohibited. Under the bill, the local initiative and referendum processes that are allowed to continue are limited to those that:

- Were in effect on June 1, 2011;
- Affect more than five parcels of land; and
- Were expressly authorized in a local government charter specifically for matters such as development orders or comprehensive plan or map amendments.

The bill applies retroactively to any initiative or referendum process on local growth management issues commenced after June 1, 2011. The bill also retroactively repeals s. 4, Chapter 2012-75, L.O.F., relating to a presumption regarding agricultural enclaves.

This bill has been sent to the Governor and he must act on this bill by 6/12/13.

Economic Development

CS/SB 406 by Senators Gardiner and Benacquisto is an omnibus economic development bill that encompasses many issues, the highlights of which are summarized below:

Brownfields

The bill limits where a project can be located in order to receive a sales tax refund for building materials and the brownfield redevelopment bonus refunds for jobs created. The project must be located on a site that has entered into a site rehabilitation agreement with the Department of Environmental Protection (DEP) (or a local government delegated by DEP) or on a parcel of property that abuts the site.

Qualified Target Industry and Qualified Defense and Space Contractor Tax Refunds

The bill removes the individual company lifetime limit for both the Qualified Target Industry and Qualified Defense and Space Contractor tax refund programs. These provisions are effective July 1, 2013.

Enterprise Zone Tax Credit

The bill provides that the cap on the enterprise zone tax credit for property taxes paid is applied at each eligible location rather than at the business entity level.

Spring Training Franchise Retention

(Summarized above) The bill creates a new certification process to allow local governments to receive a monthly sales tax distribution after July 1, 2016, for the public purpose of constructing or renovating a Major League Baseball spring training facility. Applicants must apply to DEO and meet certain requirements, such as having committed to provide a 50 percent minimum match to state funds and having an agreement with a spring training franchise to use the facility. An applicant may qualify for a monthly distribution of \$55,555 for a facility used by a single spring training franchise, or \$111,110 monthly for a facility used by more than one spring training franchise. Distributions cannot begin until the current agreement with a spring training franchise expires. The new process limits total payments to a local government certified by DEO to no more than \$20 million, or \$50 million if the local government hosts more than one spring training franchise. The bill provides for reporting requirements and decertification under certain circumstances. These provisions are effective July 1, 2013.

Sales Tax Holiday

The bill creates a 3-day sales tax holiday beginning August 2, 2013, exempting certain clothing and shoes valued at \$75 or less, school supplies valued at \$15 or less, and personal computers for non-commercial use valued at \$750 or less. The bill provides an appropriation of \$235,695 in nonrecurring funds to the Department of Revenue to administer the holiday.

New Markets Development Program

The bill increases the cumulative amount of tax credits that can be awarded by \$15 million, to \$178.8 million for the program. The bill also increases the amount of tax credits that can be claimed in a single state fiscal year by \$3 million, to \$36.6 million each year. These provisions are effective July 1, 2013.

This bill was approved by the Governor; Chapter No. 2013-42.

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Thank you again for the opportunity to represent the City of Fort Lauderdale, we will gladly provide you with any additional information or background requested on any issue. Please contact us at your convenience with any questions or comments.

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**CITY OF FORT LAUDERDALE, FLORIDA  
2013 LEGISLATIVE PRIORITIES AND FUNDING REQUESTS**

This document reflects the official position of the City of Fort Lauderdale regarding issues and pending legislation that would impact the operation of local government. It also provides priorities for the pursuit of funding for various City initiatives.

**The City of Fort Lauderdale will endorse and support legislation that will:**

1. Permit municipal government to make necessary changes to local law pension plans
2. Support expansion of passenger rail options
3. Promote improved water quality and quantity
4. Increase resources for urban transportation needs
5. Provide for local regulation of short term rental properties
6. Preserve and/or enhance municipal home rule
7. Restore funding for State Housing Incentive Program (SHIP)
8. Expand resources for beach revitalization and re-nourishment
9. Support municipal government initiatives to curb homelessness
10. Enhance municipal participation in state environmental permitting processes
11. Ban the manufacture, possession, distribution, purchase, or sale of synthetic drugs
12. Encourage energy development and conservation and the development and implementation of alternative energy sources

**The City of Fort Lauderdale will oppose any legislation that will:**

1. Create unfunded mandates
2. Restrict or decrease allocation of red light camera revenues to local governments
3. Decrease the City's tax base through manipulation of tax exemptions on properties
4. Modify, restrict or eliminate the City's ability to levy, collect or spend franchise fees, communications service taxes or local business taxes

**The City of Fort Lauderdale will seek financial support for the following initiatives:**

1. Crime reduction
2. WAVE development
3. Transportation enhancements specifically focused on greenways and complete street initiatives
4. Beach re-nourishment
5. Juvenile Justice programs
6. Flood prevention and hazard mitigation
7. Riverwalk enhancement and activation
8. Promotion of Fort Lauderdale's marine industry
9. Water, sewer, and stormwater infrastructure improvements







## **CITY OF FT. LAUDERDALE 2013 LEGISLATIVE SESSION**

### **ECI LEAD**

While we actively monitored and engaged on behalf of all of Fort Lauderdale's Legislative priorities, ECI took the lead on the following assignments based on our knowledge and strengths: Pensions, Passenger Rail Expansion, Water Quality and Quantity Promotion, Increased Resources for Urban Transportation, Municipal Initiatives to Curb Homelessness, Synthetic Drug Ban, Energy Development and Conservation, Red Light Cameras, WAVE Development, Beach Re-nourishment, and Juvenile Justice.

### **-HOME RULE & UNFUNDED MANDATES**

Tallahassee routinely passes legislation that violates home rule principles and unfairly places additional financial burdens on local governments. The 2013 Regular Session was no exception to this practice. Listed below is just some of the legislation that lawmakers either passed or attempted to pass this session. However, the examples of attacks on home rule and imposition of unfunded mandates are contained throughout the entirety of this report. We worked very closely with the Florida League of Cities to fight for home rule and against unfunded mandates.

### **SUPPORT:**

#### **-MUNICIPAL CONTROL OVER LOCAL LAW PENSION PLANS**

**Municipal Police and Firefighter Pension Reports** The Legislature passed SB 534, which forces municipalities to report on their municipal pension funding levels using uniform assumptions that many consider too conservative, passed. After 60 days of receiving the certified actuarial report beginning in June of 2014, municipalities must submit annual financial statements that account for GASB statements 67 and 68, using RP-2000 Combined Healthy Participant Mortality Tables, by gender, and Scale AA for generational projection. In addition to these annual reports, another report that follows the same principles but assumes the rate of return at 200 points less. Municipalities with websites must not only publish the financial reports but also a side-by-side with the assumed rate of return and the actual rate of return. The Department of Revenue and Department of Financial Services can withhold revenue from municipalities that do not comply with the requirements in the required timeframe. Municipalities will have the ability to appeal the withholding once DMS notifies them of their alleged noncompliance. The bill also ensures that the state is not liable for any local government shortfalls in pension funding.



**Municipal Police and Firefighter Pension Reform** Senators Ring and Bradley set out this session to reform municipal firefighter and police pension funds, but ultimately failed to pass their bill, SB 458, through the House. The sponsors both argued that reform was necessary to ensure pensions were funded but that the cities and unions will never be satisfied with any reform deal. The bill would have repealed the Department of Management Services recent interpretation that allowed cities the flexibility needed to collectively bargain. Additionally, the bill instituted a complex system for the use of premium tax dollars based upon the actuarial liability of the plans. At the last minute before final passage in the Senate, Sen. Diaz de La Portilla amended SB 458 to force cities to fund benefit levels at the unfair 1999 levels. Fortunately, the House never heard the bill beyond committees. There is a good chance this fight will return next year.

**Interlocal Agreements for Police Pensions** SB 1246 would have allowed consolidated governments that enter into an interlocal agreement to provide police protection to a municipality to use a portion of the municipality's premium tax dollars to help fund pensions. The bill barely failed. It was passed out of the House, but died on third reading in the Senate.

#### **-EXPANSION OF PASSENGER RAIL**

**Public Private Partnerships:** The Legislature passed a bill designed to encourage public investment in public infrastructure projects by establishing "guidelines" for local governments to enter into agreements for both solicited and unsolicited bids. Passenger rail advocates supported the bill, however the bill had many detractors who claimed it preempted home rule ability to set the local PPP process. The bill sponsors contend to critics that the bill is not a preemption but merely "guidelines," and that the bill's provisions do not force any public entity to bid out a project if it did not want to. The sponsors also took care to limit the language to clarify the bill did not grant additional powers or impose restrictions on local governments outside of the PPP guidelines contained therein. The guidelines establish procurement procedures- including timelines- and provide for financing sources. The projects qualify for the PPP guidelines if they are in the public interest, provide room for future growth, and have adequate safeguards in place to prevent projects from costing extra or being disrupted. The bill was amended to clarify that projects for municipal or county owned-facilities, hospital or health care systems, and municipal electric utilities qualify only if the governing board deems it so. The bill also creates a seven-member task force to study PPPs and issue recommendations for further refinement of legislative policy. Some local governments are currently mounting pressure on Gov. Scott to veto the legislation on the grounds that it may be unconstitutional and, rather than simply encouraging engagement between business and government, could result in an improper and unethical relationship between the two.



**Interlocal Agreements for Public Transit:** There was an effort this Session to include a public transit provider in the definition of public agency for the purposes of engaging in interlocal agreements. The language made it into several vehicles, however none were successful.

**Communications Facilities for High-Speed Rail:** The Legislature passed language that would establish an application and permit process for communications facilities along high-speed rails in order to provide data services such as wi-fi to passengers and crew. The language was originally included in the doomed DOT package but was passed after being amended to a bill relating to FEMA required disclosures on development permits. Unfortunately, the bill preempts local government control over these facilities.

#### **-PROMOTE IMPROVED WATER QUALITY AND QUANTITY**

**Water Quality** The Legislature passed multiple bills acknowledging the importance of water quality and quantity. SB 948 will have water management districts, property owners, the Department of Environmental Protection, and the Department of Agriculture and Consumer Services to coordinate water supply planning. The bill encourages conservation and developing alternative sources and allows for the state's unique regions to make decisions based upon their own areas. HB 183 provides twenty-year permits for stormwater discharge in urban infill or redevelopment areas and requires improvement of the quality of the stormwater. HB 713 allows for water quality credit trading in any basin management plan, so long as DEP knows the price and how the price was decided upon. Finally, SB 1808 codifies the state of Florida's Numeric Nutrient Criteria over the Federal Government's standards. A bill also passed to help encourage alternative water supply development by extending consumptive use permits for up to 30 years, strengthening bonding for infrastructure projects.

**Wastewater Treatment and Management** After three years of the bill being introduced, the Legislature passed and Governor signed into law ocean outfall reform (SB 444) that would give cities more breathing room during peak time flow and allow them to continue to discharge at up to 5% of peak flow. The bill also has the DEP and South Florida Water Management District evaluate extra information provided by utility companies in order to make further recommendations. Also passed and signed by the governor was a bill (HB 375) that would allow a property owner of a single-family residence to get a permit from the Department of Health to perform maintenance on his or her own aerobic septic tank, provided that they obtain certification. HB 375 also delays the amount of time until the septic tank installed prior to a certain date will have to be required to connect to the central system.

#### **-INCREASE RESOURCES FOR URBAN TRANSPORTATION**



**Budget:** The legislature fully funded the DOT work plan in its \$9.1 billion dollar budget. The budget also included- but the Governor vetoed- \$500,000 for a transportation facility hub on Oakland Park Blvd and State Road 7 in order to facilitating the mobility and transfer among different modes of transportation. The hub was intended to “foster regional mobility along commercial corridors through public transportation and neighborhood linkages to accommodate increasing populations and congestion mitigation.”

**DOT Package:** The Department of Transportation package (HB 7172) failed this year, which is fortunate. The package contained language that would have forced municipalities to create an inventory of all parking meters on state roads, their locations, and revenue collected with in the past three fiscal years. The Department would then use the information to conduct a study as to how it could obtain a share of the revenue despite the cities bearing the majority of the maintenance costs. A moratorium would have been placed on the placement of any new parking meters on state-owned roads until the study was concluded. At one point, DOT had the power to remove parking meters if a municipality failed to provide the requested information by August of this year. That provision was removed, however. Under the bill, municipalities were prohibited from blocking access to universities on state roads. The bill also reduced block grant funding for public transit systems that engage in advertisement for political or other advocacy campaigns. The bill was passed by both chambers but was continuously amended and passed back and forth between the two for concurrence. The bill ultimately died after running out of time while it awaited the House to concur with a fresh round of Senate changes, including a provision to add in the Dolphin Stadium language. The Department plans to still move ahead with a study in the interim and pursue the parking meter language next Session.

**DHSMV Package:** Unlike DOT, the Department of Highway Safety and Motor Vehicles package (HB 7125) did pass. The package provides a wide variety of statutory changes requested by the agency such as DUI laws and manufacturing controls. Most importantly, the language was amended to include restrictions on ~~red~~ light cameras. Municipalities are now prohibited from issuing ~~right-on-red~~ violations captured by cameras if the driver does in fact stop. Counties and municipalities must establish a hearing process in which citizens are afforded the ability to request an appeal within 60 days of receiving a notice of violation rather than having to wait until the notice has progressed into a ticket (as is the situation now). Municipalities are allowed to use their current code enforcement to serve as local hearing officers if they choose to. The Department must develop a model request for hearing form to be made available to local governments. In addition to the payments paid for the violations, municipalities are allowed to charge up to \$250 extra for costs associated with the hearing.

#### **-MUNICIPAL INITIATIVES TO CURB HOMELESSNESS**



The National Mortgage Settlement Funding plan that was approved by the 2013 Legislature includes \$10 million in competitive grants for municipalities and counties for homelessness issues. The Legislature also passed a bill (HB 93 sponsored by Rep. Clarke-Reed) that will allow individuals renewing or receiving their drivers' license/vehicle registration to voluntarily contribute a dollar towards homelessness issues by way of a new homelessness prevention grant program that will go to families facing the loss of their home due to a crisis, including a financial crisis.

**-BAN THE MANUFACTURE, POSSESSION, DISTRIBUTION, PURCHASE OR SALE OF SYNTHETIC DRUGS**

A League of Cities priority, the ban on synthetic drugs and their similar compounds (SB 294) passed. Now, selling and possessing "bath salts" "K2" or "spice" is illegal even if the formula for the drugs changes.

**-ENERGY DEVELOPMENT AND CONSERVATION/ ALTERNATIVE ENERGY DEVELOPMENT AND IMPLEMENTATION**

**Conservation:** The Legislature passed a bill (SB 1594) that encourages local governments, agencies, and school districts, to enter into performance savings contracts for water, wastewater, and energy. The contracts must guarantee savings through conservation and efficiency and, in turn, the political subdivision can pay back loans for the construction in installments over a 20-year period, although a specified amount must be paid back in 2 years following the installation. The CFO's office reviews the contracts.

**Smarter Development:** The Legislature also took on the issue of Nuclear Cost Recovery (SB 1472) by putting greater controls and requirements on utilities receiving or seeking to receive cost recoveries in building nuclear power plants. The bill authorizes the PSC to review utility company applications and determine if completion of the nuclear plant is feasible, cost of completion is reasonable, and if the utility company intends to or does not intend to complete its construction.

**Natural Gas Motor Fuel:** In order to incentivize conversion of fleets to natural gas, the Legislature passed a bill (HB 579) that prohibits taxes on natural gas motor fuel for five years, eliminates the current decal program, directs OPPAGA to complete a study on economic benefits and impacts by the end of 2017, and imposes a 21 cent tax in 2019. It also creates a \$6 million dollar incentive, 40% of which goes to governmental entities, through Department of Agriculture and Consumer Services. Applicants can qualify for \$25,000 per vehicle up to \$250,000 per year.

**Hydraulic Fracturing:** Legislation that would have required DEP to maintain a database of chemicals used in the "fracking" (hydraulic fracturing) process were it ever to occur in Florida failed. Companion legislation that would have exempted the database from public record laws also failed.



## **OPPOSE:**

### **-DECREASE OR RESTRICTIONS OF RED LIGHT CAMERA REVENUES TO LOCAL GOVERNMENT**

While an outright ban on red light cameras failed to move beyond its second committee of reference, an amendment that places certain restrictions and consumer protections relating to violations was passed through the Department of Highway Safety and Motor Vehicle Package. Municipalities are now prohibited from issuing right-on-red violations captured by cameras if the driver does in fact stop. Counties and municipalities must establish a hearing process in which citizens are afforded the ability to request an appeal within 60 days of receiving a notice of violation rather than having to wait until the notice has progressed into a ticket (as is the situation now). Municipalities are allowed to use their current code enforcement to serve as local hearing officers if they choose to. The Department must develop a model request for hearing form to be made available to local governments. In addition to the payments paid for the violations, municipalities are allowed to charge up to \$250 extra for costs associated with the hearing. The Governor signed the bill into law last week.

## **FUNDING:**

### **-WAVE DEVELOPMENT**

Through the funding of DOT's work program, the WAVE Streetcar received a \$25 million Public Transit Development/Grant. The WAVE is in the DOT work program for two more years, with next year's estimated amount rising \$27 million above this year's.

### **-BEACH RE-NOURISHMENT (FUNDING AND LEGISLATION)**

The budget included \$26 million in funding for beach re-nourishment and revitalization. A portion of the funding is directed to go to a Congressionally-approved Sandy cleanup project, called Broward-Segment II, which spans from Hillsboro Inlet to Port Everglades.

### **-JUVENILE JUSTICE**

While existing Juvenile Justice inequities were not addressed this year, the city/county did not incur any additional associated costs. Counties are closely tracking a recent DCA ruling addressing cost share.

## **ADDITIONAL PRIORITIES**

Additional priorities as laid out by the City:

## **SUPPORT:**



**-LOCAL REGULATION OF SHORT-TERM RENTAL PROPERTIES**

While legislation passed addressing condominiums, co-ops, and timeshares this year, it did not allow for us to address the issues with short-term rentals that the city commission brought up at their legislative workshop.

**-RESTORE FUNDING FOR SHIP**

The approved plan for distribution of \$200 million from the National Mortgage Settlement Funds included \$40 million in funding for SHIP. Originally, the Senate had proposed \$70 million in SHIP funding, however the House proposal failed to fund SHIP it all in favor of a down-payment assistance program. The two chambers agreed to a \$40 million compromise.

**-MUNICIPAL PARTICIPATION IN STATE ENVIRONMENTAL PERMITTING PROCESSES**

The Legislature passed a large Environmental Regulation package, HB 999, which the sponsor termed a "Christmas tree" because of its numerous provisions- many of which were stripped out before passage. Of the provisions taken out of the bill was a preemption of local government regulations of wetlands and fertilizers.

Unfortunately, language amended into the bill that would have forced beneficiaries of stormwater utilities to pay fees to local governments was also removed along with the more controversial sections. The language that was passed contained provisions that: capped the number of RAIs (Requests for Additional Information) that a local government can issue to engineers, architects, and landscapers regarding development permit applications unless applicants waive the cap in writing; prohibits local governments from using information revealed in applications to unfairly compete with recovered materials dealers for at least 90 days after applications are received and allows those dealers to seek an injunction against a local government in violation of the prohibition; allows event planners and boat show owners to get fee-exempt leases for temporary structures, such as docks, used for boat shows in marinas or government owned upland areas for no more than 30 days at 10 consecutive years; prohibits local governments from imposing duplicative or additional requirements on installation or abandonment of groundwater wells unless the local government has a delegated program; clarifies that water management districts are the sole authority in issuing permits for water wells- no matter the city. The bill also provides for an expedited permit process for natural gas pipelines, exempts permits for restoring seawalls that are 18 inches (rather than 1 ft.) from their original location.

**OPPOSE:**

**-DECREASE IN TAX BASE**

**Property Taxes:** The Legislature passed a bill (SB 342) that allows for the rental of homestead property for up to 30 days per year without losing homestead exemption status. This will have a minimal negative impact on local government revenue of an estimated \$0.1 million annually. Another bill passed this year will result in the



estimated loss of \$0.5 million in local property taxes- HB 1193- by making it harder to change the classification of agricultural lands to nonagricultural lands as well as removing the ability of the VAB to review lands classified by the property appraiser by its own motion. Another bill, by Rep. Rehwinkel-Vasilinda and Sen. Latvala, HB 277 implements a constitutional amendment passed in 2008 that renews an ad valorem tax exemption for the installation of renewable energy devices for properties. Originally, the bill included wind resistance but was narrowed down in the committee process. The impact to local government would not hit until latter fiscal years but it is estimated to be a -\$12.6 million recurring impact by 2018. Finally, SB 1830 makes several changes to ad valorem tax law including the implementation of the passed 2012 constitutional amendments. Three of the bill's provisions fiscally impacts local governments. First, a provision that exempts property taxes for property that is used exclusively for educational purposes is estimated to have a recurring negative impact of \$0.1 million. Second, a provision that closes an affordable housing tax loophole is estimated to have a recurring positive impact of \$117.2 million. Lastly, a provision that allows for assessment reductions for living quarters for parents or grandparents is estimated to have an insignificant positive impact.

**Manufacturing Equipment Tax Exemption:** One of the Governor's top priorities for 2013 was eliminating a tax on all manufacturing equipment regardless of proven growth. While multiple iterations were amended onto to different bills, HB 7007 ultimately became the successful vehicle. The amendment was adopted onto HB 7007 in the House, however, not with a two-thirds majority that some believed it needed due to its significant impact on local governments (estimated at \$13 to \$26 million per year). House staff has stated the two-thirds vote was not required.

#### **-FRANCHISE FEES, CST, AND LOCAL BUSINESS TAX COLLECTION REDUCTIONS**

The 2013 Session and interim committee weeks were filled with discussions of modernizing the 15-year-old Communications Services Tax. For local governments, CST is a vital revenue source that has been on the decline due to changing consumer behaviors and modern technology. For the communications industry, the CST is outdated with too much variation between jurisdictions that render it impossible for retailers to enforce and cumbersome for providers calculate. A CST working group comprised of representatives from all stakeholders, including local governments, issued a unanimous recommendation to repeal the tax, issue a flat rate across all jurisdictions, include new technology, and raise the sales tax to make up for any loss in revenue. Predictably, lawmakers were cool to the idea of raising the sales tax. One committee suggested tying CST reform to the Internet Sales Tax bill in order to maintain revenue neutrality. The House Appropriations Subcommittee on Finance & Tax vetted revenue-neutral conceptual language that it never filed. Regardless of all the discussions, none of the reforms proposed got very far this year. There will likely be more attempts next year.





HB 303 was an ambitious industry-favored attempt at CST reform by Sen. Richter and Rep. Grant that was never heard in committee. SB 290 would have modernized tax code to include taxing prepaid calling arrangements advanced but ultimately failed in the committee process. HB 807 would have ended a moratorium on collection of prepaid wireless in order to use the revenue to fund E-911 services. The House passed HB 807, however it had no Senate companion. SB 1070 would have, conversely, extended the moratorium. Both bills died before making it to the floor.

The House Appropriations Subcommittee on Finance & Tax filed a committee bill that would have simplified the Local Business Tax, reducing industry codes and making the tax more consistent across jurisdictions. The committee took input from the business community, League of Cities and Florida Association of Counties in crafting the language. However, the bill never moved beyond the one committee. Rep. Grant and Sen. Richter's failed attempt to revamp the CST also would have modified the collection of franchise fees.

## **FUNDING**

### **-CRIME REDUCTION**

The Broward Sheriff's Office was allocated 13,065,620 from a DCF grant and \$1.5 million in non-recurring general revenue for Child Protective investigations.

### **-TRANSPORTATION ENHANCEMENTS FOR GREENWAYS AND STREET INITIATIVES**

No greenway or street initiative funding was allocated to Fort Lauderdale.

### **-FLOOD PREVENTION AND HAZARD MITIGATION**

The Department of Emergency Services was allocated \$3.34 million for areas with repeated flood claims, over \$6 million for flood mitigation assistance program, \$1.5 million to FIU to enhance its predictive hurricane models in order to more accurately predict flood hazards. Many specific flood mitigation projects were vetoed by Governor Scott for not "contributing to a statewide objective."

### **-RIVERWALK**

Riverwalk funding was not addressed this Session.

### **-FLL MARINE INDUSTRY**

The marine industry was a big supporter of HB 999- which has been signed by the Governor. HB 999 simplifies and improves permitting for boat show leases and permits, seawall improvements, multi-family docks, and managed public mooring fields.

### **-WATER SEWER AND STORMWATER INFRASTRUCTURE IMPROVEMENTS**



The Legislature funded \$100,000 for Fort Lauderdale's Seven Isles Seawall Improvement water project. Unfortunately, Governor Scott vetoed water projects that did not "contribute to a statewide objective."

#### **ADDITIONAL ITEMS FROM 2013 LEGISLATURE:**

An update on local government and general legislation not included thus far:

**FRS Reform:** Reforms for the FRS pension system, which was a top priority of House Speaker Will Weatherford, died this year but will return next year. The House passed a plan that would eliminate the defined benefit plan option entirely for all new employees and place them in a 401k-style plan. However, the Senate plan defaulted new employees to the 401k-style plan but left the defined benefit plan as an option. The Senate sponsor attempted to amend the Senate bill to align it with the House bill but failed to garner enough support.

Proponents of FRS reform claim the time is now or never for reform because inaction now could lead to desperation in the future. They point to the state having to spend \$500 million a year to keep the pension system solvent, money that they say could be going to other critical areas. They also claim the pension system is outdated, and the 401k-style system is more in-step with current times. Opponents counter there is no reason for pension reform. They point to actuarial analyses that show the Florida pension system as one of the healthiest in the country. They also claim that, while a 401k-style system offers a better choice for younger employees that only work for the state for a year or two, the defined benefit plan is a needed option for those who dedicate their lives to public service.

Speaker Weatherford is committed to bringing the issue back next session.

**Wage Ordinance Preemption:** HB 655 preempts all local employee benefits ordinances to the state with the one exception of domestic violence ordinances. The language does not prohibit local governments for passing ordinances related only to their employees and the employees who work for businesses that contract with that particular government, however. The Senate and House were originally divided in that the Senate only wanted to preempt family medical leave and the House wanted to preempt all employer sponsored benefits. The broadening of the preemption but watering down of the language was a result of a compromise between the two. The bill also establishes an Employer-Sponsored Benefits Task Force comprised of small and large business representatives, a union representative, a physician and agency representatives to study the policy issues and issue recommendations. HB 655 resulted from a pro-ordinance petition signed by thousands in Orange County.



Another measure that would have preempted all local wage theft policies implemented after January 2013 (which effectively carves-out Broward County's wage theft ordinance) to the state failed in the final days of session.

**Preferences in Award of Contracts:** Lawmakers looked at more than one bill that would have preempted local procedures related to awarding government procurement contracts this session. HB 307 and SB 684 would have prohibited local governments from using local business preferences however it would have also mandated that a preference for Florida businesses be given. The bill sponsors argued that the preferences kill competition and hurt small businesses who do not have the means to set up local shops everywhere as large businesses do. The Florida League of Cities opposed the bills because they were both preemptions and a mandate. The bills both died in committee. Additionally, HB 1017 would have preempted local regulation of the procurement process by forcing a local business preference, though the preference could have been broken for the lowest best possible bid. The bill died in its final committee.

**Building Code:** Cities and towns will now have to specify in a building contract which type of wood it will use for a public works project using wood. The municipality will also need to use a native Floridian wood unless it cannot find any adequate to meet its needs. While the bill doesn't fiscally impact local governments, it does lengthen the permitting and contracting process for public construction. The bill also encourages the use of environmentally friendly building materials.

**Alarm Systems:** Local governments are now required to offer basic permits for low-voltage alarm systems at a set price of \$55 dollars and allows for a transition period where cities who must reduce their prices to achieve the \$55 dollar mark can charge up to \$175. Permit requirements can also now be circumvented for certain alarm systems causing some public safety worries.

**Internet Sales Tax:** Legislation that would have imposed a tax that is currently on the books for "mail order" catalogues no longer widely used on online retailers that do not currently have to collect taxes. The "Internet Sales Tax" bill will be back next year (it's fourth year in a row) and is backed by the business community out of fairness for brick-and-mortar businesses who must collect taxes on the same products that online retailers can avoid collecting on. The bill was amended to include the Governor's desired tax break on manufacturing equipment in order to offset the raise in taxes. The tax break was passed in an economic development package instead.

**Law Enforcement Assessment Fee:** A Broward County city carried a local bill that would have allowed cities the option of using a law enforcement assessment to offset their millage rates used to pay for police protection. The bill received its first House hearing after 4 years in the House Local & Federal Affairs Committee. While the bill was not taken up for a vote due to staff objections of it being a local rather



than general bill, Chairman Garcia and the majority of members on the committee spoke out in support of the concept and a desire to see the issue return as a general bill next year. Police protection is one of the largest portions of municipal budgets, and many cities across the state are approaching their millage rate cap. The bill will help relieve a millage rate crisis while implementing a fairer system for funding police services.

**Elections** The Legislature passed a bill to alleviate the long wait times at the polls that some communities experienced in the most recent Presidential election. The bill gives local Supervisors of Elections more discretion in determining early voting sites and number of early voting days. It also caps the number of words on the ballot, requires early voting numbers be uploaded (but not reported) prior to Election Day, and eases registration restrictions among other reforms. The Senate added a provision to crack down on wayward Supervisors of Elections, but the House stripped the provision out- to which the Senate agreed in order to get the package passed.

**Campaign Finance** A top priority of Senate President Don Gaetz, legislation that is intended to clean up campaign finance laws has already been signed into law. The bill eliminated CCEs; raised contribution limits from \$500 to \$3000 for statewide races and \$1000 for legislative and local races; required significantly more financial disclosures to be filed at a much greater frequency than before. The bill also, controversially, allows incumbents to carry over up to \$20,000 towards their next race. Originally, the House wanted to raise the contribution limits from \$500 to \$10,000, however both the Senate and Governor indicated an unwillingness to support such a measure.

**Ethics** Legislature passed an ethics reform package (SB 2) for State officials that has been signed into law by the Governor. The package includes a provision that prohibits a state public officer from voting on issues in which he or she could experience private gain or loss as well. Public officials will also be required to disclose any conflicts of interest prior to taking a vote on the issue or, if it isn't possible to disclose the information prior to, within 15 days after the vote. The law also allows elected officials to create a "blind trust" for their assets in order to help avoid such conflicts in voting. The reform package also requires financial disclosures be scanned and placed online. The bill gives the Ethics Commission more teeth in enforcing requirements and timelines by authorizing it to utilize legal collections procedures such as garnishment of wages, liens on properties, and contracts with a collection agency. The Ethics Commission can also investigate an allegation that originates with the Governor, FDLE, state attorney or U.S. Attorney. Such allegations may not be filed within 30 days prior to an election unless it can be proven to be based on information that is more than heresay. The new law also requires an annual completion of ethics training, extends the two-year lobbying prohibition to cover the Executive branch and its agencies, prohibits legislators to accept a job



with any political subdivision that is being offered in order to gain influence, and establishes gift ban laws relating to the procurement process.

**Public Meetings** The Legislature passed a bill that requires a governing board to provide a reasonable opportunity for citizens to testify at a public meeting before action is taken on an item.

**Human Trafficking** 2013 is a bad year to be a human trafficker in the State of Florida. The Legislature passed a series of bills designed to fight the horrific practice. The bills crack down on fake massage parlors that are fronts for human trafficking rings as well as give greater protections to human trafficking victims by shielding their identities, protecting information shared with counselors, and expunging their records of forced wrongdoings. The new massage parlor regulations (HB 7005) prohibit business operations between midnight and 5 a.m. unless they are for a county or municipal approved special event, prescribed by a physician or other specified healthcare personnel, located at health care facility, health care clinic, hotel, motel, bed and breakfast inn, timeshare property, public airport, or a pari-mutuel facility. Individuals are now prohibited from declaring a massage parlor as a principle domicile unless the business is located in an area that is zoned for residential purposes.

**Texting and Driving** After years in the making, the Legislature finally passed a tempered version of a texting while driving ban. First, the offense is secondary, meaning one must be pulled over for another violation before being issued a ticket for texting. Second, phone records cannot be accessed except in the case of a serious accident- the result of a last minute amendment tacked on by the House and agreed to in the Senate.

**Red Light Cameras** An outright ban on red light cameras failed as well as did stand alone bills that increased citizen protections. However, an amendment added onto the DHSMV package passed that prohibited right on red turns and established a hearing process (please refer to the Transportation section for more details).

**Firearms** No bills to ban assault weapons and ammunition moved this session. Neither did any legislation that would have repealed the prohibition on local government regulation of firearms. However, a bill that bans individuals who voluntarily checked themselves into a mental health institution from purchasing guns did pass and with the support of the Florida NRA.

**Loud Stereos** A proposal to allow local governments to regulate the volume of car stereos died in a heated 19-19 vote in the Senate. Proponents argued the regulations gave police officers "another tool in the toolbox" in keeping the peace, while opponents worried about selective enforcement.



**Developer friendly legislation:** The Legislature passed HB 319, which preempts local transportation concurrency and proportionate-share policies by requiring a “pay and go” system for both concurrency and alternative mobility plans as well as prohibits a project from being stopped if a developer has paid his or her impact fees. It restricts the calculation of fees to the capital improvement impacts of the current developer paying (rather than maintenance being factored in), but allows developers to pool their money in order to pay for projects and also allows projects to fall outside of the designated deficiency area. Another developer friendly bill, HB 321 would have placed a three-year moratorium on charging impact fees to all new developments that were 6,000 square feet or less. The intent of the bill was to encourage more “mom and pop” developments. The language was amended in an attempted compromise with local governments in that the moratorium could be lifted by a majority vote of the governing board or should the developer elect out of it, or if any bonds or contracts would be affected by it. HB 321 was passed out of the House but died in the Senate. The House also passed a bill, HB 7149, which would have exempted state-run universities from paying any impact fees to municipalities using the argument that universities boost economic development for local areas. Fortunately, the Senate refused to hear the bill in its chamber as it would have resulted in major struggle to maintain infrastructure needs in affected municipalities.

**Referendums on Local Comprehensive Plans:** A glitch from previous legislation opened up the planning process to public referendum. A bill passed this year (HB 357) will ensure that only local governments are making decisions when it comes to planning out their communities by prohibiting public referendums on map amendments and local comprehensive plan amendments unless of a certain size unless addressed in the local governments charter.

**Development Permits:** The Legislature passed a bill (HB 7019) which responds to FEMA concerns for emergency floods by requiring local governments to place disclaimers on development permits in flood zones and requiring that all applicable permits be obtained before development commences. The bill was amended to allow DOT to construct “communications facilities” along railways. It was also amended to incorporate developments next to a sports facility with in the facility’s lease with counties.

**State Owned or State Leased Space:** Rep. LaRosa and Sen. Hays failed at an attempt (SB 584 and HB 901) to force local governments to inventory all underused space down to the square footage. The intent of the legislation was to create a DMS database that would have local governments determine whether or not there is public space to that is being underused that could meet its needs. In the end, the bill passed with only language that applied to state agencies rather than all political subdivisions.



**Economic Development** Lawmakers, particularly in the Senate, put economic incentives under the microscope this year as they called for greater transparency and smarter controls. The House and Senate only funded about 25% of Governor Scott's request for incentive funding. The Senate attempted to repeal a large insurance industry tax break but was rebuffed by the House. The Senate Commerce & Tourism, Finance & Tax Appropriations Subcommittee, and Transportation and Economic Development Appropriations Subcommittee all conducted discussions on incentives to find out their efficacy. The legislature ultimately passed two extremely similar economic development packages (SB 406 and HB 7005) that not only grant incentives but also brings some accountability to incentives as well. The bills contain a back-to-school sales tax holiday and incentives for rotary aircrafts, the space industry, and spring training. It allows local government designation of brownfields as part of the definitions for tax exemptions in mixed use and housing projects. Both bills require OPPAGA and EDR to provide detailed analyses of each economic incentive every three years to determine if and how it is achieving the desired result. The analyses are to be published on a website maintained by DEO. Other controls prevent the Department head from approving incentive requests. Additionally, the new law requires DEO to review all applications for Section 108 loans gained from Community Development Block Grants and that cities pledge at least half of the money necessary to pay for a Federal loan default. It makes several changes to the Small Business Development Center Network such as the make up of its board and the supportive services it is to provide Florida's small businesses. The bill also contains the Governor's tax break on manufacturing equipment but only for three-years. The legality behind the process of amending the manufacturing tax break onto the bill, however, is currently in dispute. According to House Democrats, the rules state that floor amendments require a two-thirds majority for the amendment due to its impact on local governments, and the manufacturing amendment was still added onto the bill despite not having enough votes to constitute two-thirds. According to House Republicans, the two-thirds requirement does not apply. House Democrats have threatened to challenge the vote in court- which could add up to \$100 million fiscal hit to the state within the first year- but it has yet to remain seen if action will actually be taken. Lawmakers also passed a bill to authorize local manufacturing development plans that will involve coordination with DEO to help further bolster the manufacturing industry in Florida.

**Condo Law and Mortgage Holders' Responsibilities:** This year, Rep. Moraitis and Sen. Altman passed an omnibus condominium and cooperatives association bill (HB 73), which was unable to pass last year due to a provision that would have strengthened Safe Harbor liability limits for lenders. Instead, Rep. Moraitis filed his Safe Harbor language in a separate bill (HB 1339) that never made it out of the committee process. The bill would have protected mortgage holders from paying interest, administrative fees, attorneys fees or any other cost or fee that became due prior to the lender's acquisition of title. The bill would have also extended lender liability to cooperatives, allowed condo associations to access abandoned property. The omnibus condo bill speaks mostly to liabilities of mortgage holders of primary





and secondary associations formed out of condos within condos. It does however, state that owners can be charged for construction costs for necessary improvements similar to an assessment. The bill eliminates a deadline for elevator retrofitting. It also addresses elections issues, budgetary thresholds, access to records and directory information, repair costs, suspension of rights, hurricane protection, and lease/ land purchases by associations. Also, Rep. Passidomo's foreclosure process speed-up finally passed on its third-year attempt. The bill has a provision that will allow condo associations and HOAs to initiate the expedited process. The bill also shortens the time period banks are allowed to collect losses to one year from 5 years and requires the bank to produce the note at the time of foreclosure. The bill also requires a judge to review filings without a hearing prior to either party showing cause why a final judgment to be entered. If the borrower does not have a case, a judge can enter a final judgment quickly. If the borrower does have a case, however, the judge is required to hear it.

Additionally, Rep. Fitzenhagen and Sen. Latvala passed a bill (SB 120) that will clear up case law surrounding "phantom condo units" that are constructed before the condo is considered existing. The bill brings condos into existence at the time the declaration of condominium is recorded. It then ties the time period for the following to occur to the date of the surveyor or mapper's certificate or the recording of the first owner's deed -whichever is first- rather than the date of declaration: action to correct mistakes or omissions in the declaration, waiving of financial reporting requirements for associations in condos for which a developer has not turned over control, waiving the developer's funding of reserves, turnover of association control, and the 12-month period in which acquiring memberships, leaseholders, and the like does not constitute material alterations. The bill also requires all phases be complete within 7 years of a surveyor's affidavit of substantial completion-unless extended to up to 10 years if unit owners agree.

**Citizens Property Insurance** The Legislature passed a citizens insurance bill (SB 1770) that maintains current rate-caps, increases internal oversight and accountability, and is intended to shed a full one-seventh of policies onto the private market. It allows coverage for properties up to \$700,000 in value, prohibits coverage of new structures closest to the beach, requires policy holders to sign a document indicating awareness of liability risk, and establishes a clearinghouse for the least risky policies.

**National Mortgage Settlement Funds and SHIP** In addition to \$40 million for SHIP, the \$200 million National Mortgage Settlement Fund spending plan includes: \$60 million for SAIL, \$20 million for Habitat of Humanity, \$10 million for competitive grants for counties and cities for homelessness housing, \$10 million competitive grants for counties and cities to upgrade housing developments for disability access, \$10 million for domestic violence emergency shelters, and \$9.1 million for Take Stock in Children to grant advance payments for low income youth going to college to secure apartments. To relieve the foreclosure backlog: \$16 million for more





judges, \$9.7 million for clerks to expedite cases, and \$5.2 million for technology upgrade to the state court system.

**Affordable Housing** The Legislature was also able to pass a community development bill (HB 437) that not only fixes the affordable housing glitch that allowed for-profits to take advantage of a tax credit intended for nonprofits such as Habitat for Humanity, it also make several changes to the Florida Housing Finance Corporation to aid in affordable housing development. Meanwhile, a bill that would have provided liability protection for rehabilitation of brownfield areas and revised the local government designation process of the area failed. Brownfields designated by local governments were specified, however, to receive tax exemption on building materials needed for rehabilitation and the brownfield redevelopment bonus fund.

**Neighborhood Improvement Districts** A bill failed that would have aided in the establishment of Neighborhood Improvement Districts for both residential and commercial areas. While the bill passed out of the Senate, it unfortunately died in the House.

**Environmental Budget** In addition to the \$26 million for beach restoration projects (including along the coast of Broward County), the environmental budget also contained \$70 million for Everglades Restoration, \$20 million for the Florida Forever program, \$10 million for springs restoration, \$11 million for the Rural and Family Lands program and \$58 million in various water projects (which were vetoed by the Governor).

**Everglades** The Legislature also passed a plan to implement the Governor's Everglades Restoration program approved by the Federal Government last year. The plan began with controversy due to a dispute between environmental advocates and sugar industry advocates on how much the sugar industry should pay in polluters tax (or Agricultural Privilege Tax) dollars. However, a compromise was reached between the stakeholders.

**Teacher Raises** \$480 million was allocated for teacher and other personnel salary raises to be distributed in June 2014 based upon performance evaluations. Up to \$2,500 is to be given per teacher rated "effective" and \$3,500 for teachers rated "highly effective."

**School Resource Officers/ Safe Schools** In light of the horrific Newtown tragedy, the Legislature held a number of discussions and filed a number of bills addressing school safety and SRO funding. None of the bills passed and very few moved at all. Governor Scott requested an additional \$10 million to be placed in the Safe School program, however the increase was not funded and the usual \$64.5 million dollars was allocated for the Safe School program. The program distributes funds to local school districts to be allocated at their discretion for enumerated school safety programs that include not only SROs but also other security measures and upgrades



as well. A majority of the funding is distributed evenly and the remaining funds are distributed based upon the crime index.

**Internet Cafes:** As the result of uncovering a \$300 million dollar illegal gaming scheme that was operating as an internet café catering to veterans organizations, the Legislature found the political will to clear up the gray areas of statute that have allowed internet cafes to operate in the state. The ban resulted in around 1,000 cafes closing their doors amidst the protests of job losses. Chairman Richter, of the Senate Select Committee on Gaming, stated that internet cafes have always been illegal because gaming is illegal unless explicitly made legal- which internet cafes never were. The bill was fast-tracked out of both chambers and passed early on in the Session.

**Medicaid Expansion:** The Healthcare Budget does expand Medicaid, however it does not include a plan that will accept Federal dollars for PPACA Medicaid Expansion, leading to a possible special session later on in the year.

The Legislature crafted and thoroughly debated two different plans for Medicaid Expansion as required under the Federal PPACA implementation with House favoring one plan and the Senate (and Governor) favoring the other. The House passed the Florida Health Choices Plus program (HB 7169), also known as the "Corcoran Plan," which gives Floridians who qualify at 100% of the Federal Poverty Level subsidies to use to purchase private insurance. The idea behind the plan is that a new market will emerge to cater to the new demand, and the free market laws will eventually translate into competitive plans at affordable prices. Members of the House harbor a severe distrust of the Federal Government and its ability to meet its future fiscal obligations, therefore the Corcoran Plan rejects the billions of dollars being offered by the Federal Government for expansion. House members also view the Medicaid program as a broken system with questionable outcomes. The House's position is highly partisan, with all Republicans but one voting for and all Democrats voting against the plan. In protest of the House's position, the House Democratic caucus made a parliamentary motion that resulted in many bills dying in the last week of session. The Senate and House both approved a \$900,000 appropriation for the program as seen in SB 1844.

The Senate passed the Healthy Florida program, also known as the "Negron Plan," which would use the Florida Healthy Kids Corporation to build off of the Medicaid managed care reform from recent years and oversee the program. The program would cover up to 1 million Floridians, a significantly higher population than what the House plan covers. The plan also accepts the billions of dollars being offered by the Federal Government to fund the first years of implementation, and the Federal Government has indicated a willingness to work with the plan despite it not exactly following Federal requirements. The Senate originally passed two plans, one rejecting Federal dollars and one accepting Federal dollars, out of the hopes that a



compromise with the House would emerge. The Healthy Florida program enjoyed bipartisan support in the Senate as well as the Governor's support.





James C. Brady  
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June 17, 2013

VIA E-MAIL and REGULAR MAIL

Mayor John "Jack" Seiler  
City of Fort Lauderdale  
100 North Andrews Avenue  
Fort Lauderdale, FL 33301

ALL  
COMMISSIONERS  
RECEIVED

CITY COMMISSION  
2013 JUN 18 PM 1:30

Re: Conference Meeting Item BUS-2, Memorandum 13-0596

Dear Mayor Seiler:

The Innovative Development Ordinance that will be before you at the meeting of June 18, 2013, is the product of over a year and a half's work, by many people, spending many hours crafting a balanced product that, while not satisfying all philosophies and concerns, addresses most in a substantive, equitable and responsible manner. To be sure, the laissez-faire philosophy of growth was addressed, as was the conservative no-growth philosophy. Through a series of, sometimes very passionate, discussions, with a lot of give and take, with consideration being given to all views, the ordinance was crafted. We hope you will take the Committee's suggestions, embodied in this ID Ordinance, and add them, unchanged, to the Land Development Regulations.

We have reviewed the staff's comments and suggestions and, while we recognize that there may be room for disagreement on particular protocols and standards, we also recognize there is no perfection in these kinds of efforts. The Committee went from the defeat of its first motion - one that would simply repeal the PUD regulations and return the Euclidian model - to what the majority of the members believe is a legitimate and fair compromise, which resolves a number of community concerns, while giving due respect to development opportunities.

Of particular importance - perhaps the crucible of the compromise - was the concept of the super-majority vote to approve an ID application. Staff believes it is a standard either too difficult to meet or simply unnecessary. Several of the members disagree. The community has demanded this protection. This notion was prevalent throughout the Committee's tenure. Some believe it would be an insult to the Committee and the community, in general, to follow staff's recommendation on this point. The super-majority standard was, indeed, a lynchpin in the effort which brings us here today.

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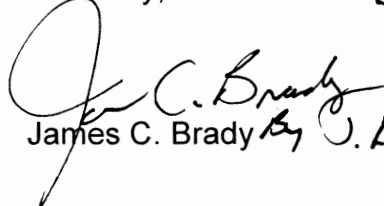
It is not too high a standard. One must consider that every ID application seeks to avoid the traditional protections inherent in the LDR. If one starts with the proposition that the LDR are well-founded as protections for the health, safety and welfare of the community, one must ask the question of why those standards should not continue to control all development. Why is there a need to create specific ordinances for specific developments? The answer proffered to that inquiry is that there are certain development proposals which could not be anticipated, but because of outstanding benefits inuring to the community, deserve special, tailored considerations, providing for their own mini-LDR. Staff says that if the standards in the ID ordinance are followed, those standards, alone, provide adequate enough protections.

With due respect to staff, whose assistance in this effort is greatly appreciated, the position does not take into consideration from whence this sojourn started. It was not born of a planning effort; it was born from the need to address the concerns and dissatisfactions of the community, ultimately expressed through the comments of 23 homeowner associations. Those associations expressed the collective concerns of the community to the effect that the community was leery of these Trojan horses of development and special treatments. The Committee ultimately found refuge in the super-majority concept, believing that if a development proposal is as outstanding as its promise foretells, then it will be no great trick to get the four votes required for approval. That was the Committee's judgment, then, and that is what it has recommended for your adoption. Otherwise, what good is the Committee?

I am sure I speak for all of the members who served so ably: Thank you for the challenge; the opportunity to help make the community better, and the special gift of the enjoyment that comes from working with such dedicated, bright and gifted individuals to find sound responses to pressing issues.

Sincerely,

Signed in absence  
to avoid delay

  
James C. Brady By C. L. Alfano

JCB:ja

cc: Vice-Mayor/Commissioner Bruce C. Roberts  
Commissioner Dean Trantalis  
Commissioner Bobby B. DuBose  
Commissioner Romney C. Rogers  
Catherine Maus, Chair  
Leigh Kerr