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**Gomez Barker
Associates, Inc.**

Memorandum

To:

Hon. Raul Valdes-Fauli, Mayor
Hon. Patricia Keon, Vice Mayor
Hon. Vince Lago, Commissioner
Hon. Michael Mena, Commissioner
Hon. Frank Quesada, Commissioner

From: Fausto B. Gomez

cc: Cathy Swanson-Rivenbark

Date: June 7, 2017

Re: End-of-Session Legislative Reports (2017)

We are pleased to present this report detailing the accomplishments of the City of Coral Gables during the 2017 legislative session. This was a difficult year as the House of Representatives, in particular, challenged the governing authority of local governments; dismissed the Governor's economic development, taxation, and education priorities; and presided over one of the most opaque legislative processes in memory. These factors as well as general political chaffing between the Chambers have led the statewide press to question whether the "legislature is broken" and to the Governor calling a Special Legislative Session on the budget.

Florida legislators passed an \$82.4 billion state budget along with a number of policy bills labeled "budget confirming." Some of those bills, negotiated in secret by legislative leadership, included items that had not passed a Chamber and the rank-and-file were faced with a simple "up or down" vote on them. The Chair of the Senate Appropriations Committee took the unprecedented step of publicly

apologizing to his fellow Senators and pledging that what had just occurred would not happen again. Because of legislative dysfunction and his priorities not being considered, it was anticipated that the Governor would issue a record number of budget vetoes. And he did. Governor Scott vetoed about 14% of the state budget and a review appears to show that he targeted members of the House of Representatives. The Governor vetoed 208 individual House member projects; erasing the efforts of 81 different legislators totaling \$199 million. By comparison, Senators saw 44 projects worth just over \$25 million axed from the spending plan. The \$410 million recouped from the vetoes is what is being used to fund the Governor's main concerns during the upcoming Special Session.

In the midst of this Coral Gables fared well. Along with Senator Jose Javier Rodriguez and Representatives Daisy Baez and Nick Duran, this firm successfully worked to secure the City's appropriation needs. (None were vetoed). But this Session should not be judged on the budget alone. Equally critical, we dedicated an inordinate amount to time and political capital to fighting bills which challenged the fiscal, policy, and governing ability of Coral Gables. Ranging from the "super preemption" bill to protecting the timing of municipal elections and from preserving Local Business Tax revenues to maintaining the Communications Services Tax base, on a daily basis we engaged in defeating many proposals that would have adversely impacted Home Rule or imposed additional mandates. Those are detailed under a subsequent section of this memorandum.

Following is a listing of the funding received for Coral Gables' priorities:

APPROPRIATIONS:

- Maintained language in the Implementing Bill to the Florida Budget to continue for another year the authorization for a municipality to expend funds in a special law enforcement trust fund to reimburse the general fund of the municipality for money advanced from the general fund to a special law enforcement trust fund prior to October 1, 2001. This language is particular to the City of Coral Gables and has to be lobbied every year. It is necessary in order for the City to pay itself back for the funds it used for the communications center at the Coral Gables Police Department. We crafted this solution when we began representing the City and on average Coral Gables has been able to reimburse itself more than \$100,000 per annum.
- Helped secure \$1,138,751 for transportation improvements on Bird Road from Alhambra Circle to 57th Avenue. Construction by the Florida Department of Transportation is scheduled to begin in December of this year and will include raised medians on 57th Avenue, updating roadway signage and pedestrian ramps, upgrading signalization, installing crosswalks at the intersection of Bird Road and 57th Avenue, installing a new drainage system, and constructing new sidewalks. This project was vetted by Coral Gables on December 16, 2015.

- Helped secure \$1,284,555 for transportation improvements at the intersection of Riviera Drive and US1. Construction by the Florida Department of Transportation is scheduled to begin in June of next year and will include realigning the roadway to provide wider lanes, repaving the intersection, upgrading traffic signals and signs, improving pedestrian signage, installing roadway lighting, and installing a motorist warning system. This project was vetted by Coral Gables on October 23, 2014.
- Helped secure \$4,876,884 for transportation improvements from Ponce de Leon to 37th Avenue on US 1. Construction by the Florida Department of Transportation is scheduled to begin in June of next year and will include installing a signalized pedestrian crosswalk at Ponce de Leon, installing new roadway lighting, installing new sidewalks, improving the pedestrian overpass, improving irrigation to reduce wet pavement, and realigning the roadway and reducing curves. This project was vetted by Coral Gables on October 23, 2014.
- Helped secure a Line Item in the Florida Budget of \$5,000,000 for the Underline. Although not a direct Coral Gables project, the City previously communicated that it was a priority and that Coral Gables had made a financial contribution to it.
- Helped secure Cultural and Museum Grant, Cultural Facilities, and Culture Builds Florida support in the Florida Budget that funded the following projects in the City Coral Gables. Although not direct Coral Gables projects, the City previously communicated that these are important quality of life issues that we should actively lobby for them.

✓ Congregational Church	\$ 25,000
✓ Actor's Playhouse	\$ 48,031
✓ Gablestage	\$ 40,549
✓ Fairchild Garden	\$ 48,619
✓ Coral Gables Cinemateque	\$ 24,491
✓ Alhambra Music	\$ 1,872
✓ Arca Images, Inc.	\$ 4,568
✓ Area Performance Gallery	\$ 23,316
✓ Miami Bach Society	\$ 9,036
✓ Miami Youth Symphony	\$ 19,880
✓ Paxy, Inc.	\$ 25,000

✓ Area Stage Company \$175,000

- Helped preserve about \$3,000,000 in current funding to Coral Gables from Local Business Taxes. SB330 and HB487 would have limited the amount charged to any entity to a maximum of \$25.00. Currently, Coral Gables generates \$3,260,000 from this source corresponding to 8,500 licenses. If this bill had passed the City would have received \$212,500 (multiply 8,500 by \$25.00). Thus, the defeat of this legislation saved Coral Gables a bit more than \$3,000,000.
- Helped preserve the Communications Services Tax (CST) base. SB1636 and HB1377 would have defined “internet video service” and excluded this type of service from the CST. The bill would have prevented any future interpretation of the CST statute that would treat this technology as equivalent to other video communications subject to the tax. As technology shifts from obtaining video services from providers subject to the CST to those that are not, local governments would lose tax revenues. This is important to Coral Gables as the City currently receives \$4,050,000 from this source.

Following is a detailed list of key issues that my team and I lobbied and/or monitored on your behalf. We were actively engaged both in helping pass legislation that facilitated local governance as well as assuring that bills that would have negatively impacted Coral Gables did not become law. We know you will be surprised at the lack of appreciation of local government that many of these bills evidence.

LEGISLATION:

- *Preemption of Municipal Home Rule Powers* - CS/HB 17 by Rep. Fine and SB1158 by Sen. Passidomo would have eliminated municipal home rule powers as applied to businesses, professions and occupations. Commonly known as the “super preemption” bills, these proposals would have required any local regulation or ordinance to be approved by the legislature prior to its being enacted. These bills died in Committee.
- *Local Governmental Fiscal Responsibility* - HB 7063 by the House Ways and Means Committee would have significantly intruded on local government authority. The bill would have restricted cities' ability to issue new, tax-supported debt and increase taxes, including property taxes. For example, local governments could not have adopted millage over the rolled-back rate unless they spent down certain reserves. In effect, this would have prohibited property tax increases unless excess fund balances were spent down. The bill also required voter approval for certain new, tax-supported debt. This voter approval, as well as local-option taxes, would have been required to be held at a general election with a 60% approval threshold. Additionally, the bill prohibited cities and counties from enacting, extending or increasing local option taxes other than property taxes, if they

had adopted a millage rate in excess of the rolled-back rate in any of the three previous years.

- *Local Government Fiscal Transparency* – HB7065 by the House Ways and Means Committee would have expanded public notice and hearing requirements for local option tax increases and new tax-supported debt issuance. The bill also would have required each local government to post on its website the voting records on any action taken by the governing board relating to tax increases and tax supported debt. Additionally, the bill would have required for each county property appraiser to list each parcel of property and a four year history of the millage rate and the amount of tax levied by local government authorities. Each local government would have also been required to do the same for every parcel in its jurisdiction.

If this bill had passed, local governments would have been mandated to use a debt affordability matrix and produce a debt affordability report prior to approving any new, long-term tax supported debt. The annual local government audit report would have had to include information regarding compliance with these requirements and the Florida Department of Revenue (DOR) would be directed to withhold all state funds, including revenue sharing, until the local government is meeting these obligations to the satisfaction of DOR. The bill died in the Senate.

- *Local Government Ethics* – CS/HB7021 by the House Public Integrity and Ethics Committee would have required elected municipal mayors and commissioners of municipalities with \$10 million or more in revenues to file the full public disclosure of financial interests (Form 6) rather than the current requirement to file the lesser detailed financial disclosure (Form 1). The bill would have modified the current law restriction on conflicting employment or contractual relationships by providing that if a public officer or employee of an agency held a material interest in a business entity other than a publicly traded entity, or was an officer, a director or a member who managed such entity, the contractual relationships held by the business entity was deemed to be held by the public officer or employee. The bill would have prohibited a municipal, county or other local public officer from “participating” in a measure inuring to the officer’s benefit. The bill also would have established a statewide registration and reporting process for lobbyists of local governmental entities. The bill died in the Senate.
- *Municipal Elections* – HB7103 by the House Government Accountability Committee would have preempted to the state the authority of establish the dates of municipal elections.

CS/CS/HB 1325 by Rep. Renner, also an elections bill, was amended in the House Government Accountability Committee on April 19th to include the municipal election preemption language found in HB 7103. The bill died in the Senate.

SB 990 by Sen. Passidomo would have preempted a city's ability to set its own election dates unless certain conditions are met. The bill would have required that municipal elections be held on the same date as the general election, if in an even-numbered year, or on the first Tuesday after the first Monday in an odd-numbered year, unless all of the cities in a county agreed on a different date. The bill died in the Senate.

- *Traffic Infraction Detectors* - SB 178 by Sen. Artilles and HB 6007 by Rep. Avila would have repealed existing law and preempted local government authority relating to the installation and use of traffic infraction detectors to enforce red light infractions. SB 178 was reported unfavorable by the Senate Transportation Committee. HB 6007 passed the House and died in Senate messages. The defeat of these bills was a Coral Gables priority.
- *Vacation Rentals* - CS/HB 425 by Rep. La Rosa would have amended current law to prohibit local governments from adopting ordinances specific to vacation rentals. The preemption language in CS/CS/CS/SB 188 by Sen. Steube was removed and, instead, would have allowed "grandfathered" cities to amend their ordinances if they were amended to be less restrictive or to reduce regulatory burdens for certain active duty service members or disabled veterans. Local government ordinances adopted since 2014 remain in effect. Both bills died in the Senate.
- *Concealed Weapons and Firearms/Government and Other Facilities* - SB 908 by Sen. Baxley and HB803 by Rep. Hahnfeldt would have deleted a number of current restrictions on where a person with a license to carry concealed weapons could not take the weapon or firearm. Under the bill, a person a person licensed to carry concealed weapons could have taken the weapon into any police, sheriff or highway patrol station; any detention facility, prison, or jail; any polling place; any meeting of the governing body of a county, public school district, municipality or special district; any elementary or secondary school facility or administration building; and meetings of the state legislature. The bills died in committee.
- *Charter Schools* - Several fast-moving education bills filed late in session included language that would have entirely preempted all local government review and approval (zoning, site plan approval) when facilities such as churches, theaters or community centers are converted for use as a charter school. Under current law, a local government may not require a rezoning or land use change under these circumstances. The newly proposed language would have also prohibited the use of "special exceptions" or "any other form of approval." In the end, the legislature abandoned these bills and stuck major education policy changes into CS/HB 7069, a 278-page "budget conforming bill" that was made publicly available in draft form on the last day of Session and released in final form much later that night. The final version of the bill modifies the preemption language yet again. As modified, the bill will now preempt local governments from requiring a special exception, rezoning or land use

change when certain facilities convert to a charter school. The language prohibiting “any other form of approval” by local government was eliminated. This bill is a priority of the Speaker of the House and is the focus of contention in Tallahassee between the Chambers as well as the Governor and Speaker.

- **Utilities** – CS/CS/687 by Rep. La Rosa allows wireless providers to place “small wireless facilities” on, under, within, or adjacent to certain utility poles or wireless support structures within public right-of-way under the jurisdiction of a county or municipality. The local jurisdictions may not prohibit or regulate the placement and caps the rate charged for collocation to \$150 annually per placement.
- **Linear Facilities** – SB1048 by Sen. Lee and HB1055 by Rep. Ingram revises the definition of term development to exclude work by utility providers on utility infrastructure on certain rights-of-way corridors. In essence, the bills sought to unravel the Third District Court of Appeal’s decision in Case No. 3D14-1467. The bill died in the House.
- **Construction** - CS/CS/HB 1021 by Rep. Avila is a comprehensive bill that revises building codes and standards, building official qualifications, fire prevention and control requirements and other construction industry issues. Of particular concern, is language prohibiting a political subdivision from adopting or enforcing any ordinances, or imposing building permits or other development order requirements that contain any building, construction, or aesthetic requirement or condition that conflicts with or impairs activities related to carrying out business activities defined as a franchise by Federal Trade Commission regulations. The bill also preempts local government regulation relating to the design, construction or location of signage advertising the retail price of gasoline. In addition, the bill prohibits a local jurisdiction from requiring an owner of a residence to obtain a permit to paint their residence.
- **Homestead Exemption** - HJR 7105 by the House Ways and Means Committee proposes a new, expanded \$25,000 homestead exemption. The bill applies the new homestead exemption to \$100,000-\$125,000 of assessed value. If approved by 60 percent of voters is this will be an estimated negative \$644 million impact on cities, counties and special districts. HJR 7105 will be on the November 2018 general election ballot.
- **Public Records** - CS/CS/SB 80 by Sen. Steube requires the court to award reasonable costs of enforcement and attorney fees in a public record lawsuit if the city unlawfully refuses to allow a record to be inspected or copied and the complainant provided written notice to the city’s custodian of records five business days before filing the civil action. The notice provision applies only if the city has posted the contact information for the agency’s custodian of records in its primary administrative building where public records are usually created, maintained and requested, and on the city’s website. The bills require the court to assess and award reasonable costs of enforcement and attorney fees against

the complainant if the request or lawsuit was filed for an improper purpose. Finally, the bills clarify that Chapter 119 does not create a private right of action authorizing the award of monetary damages for a person who brings an action to enforce the provisions of the public record law. Payments by the responsible agency may only include the reasonable cost of enforcement, including reasonable attorney fees, directly attributable to a civil action brought to enforce the public record law.

- *Plastic Bags* - SB306 by Sen. Rodriguez and HB143 by Rep. Richardson would have authorized coastal municipalities to establish pilot programs to regulate or ban disposable plastic bags. The bills died in committee. There is an understanding that most are waiting for the Coral Gables decision.

In closing, let me state that my team are proud to represent Coral Gables and of our unparalleled record of success on your behalf. We trust that as you review this document you will not hesitate to ask questions or request additional information. Thank you for allowing us to work with you on behalf of the City Beautiful.