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Associates, Inc.

Memorandum

To: Hon. Jim Cason, Mayor
Hon. William H. Kerdyk, Jr., Vice Mayor
Hon. Patricia Keon, Commissioner
Hon. Vince Lago, Commissioner
Hon. Frank C. Quesada, Commissioner

From: Fausto B. Gomez

CC: Carmen Olazabal, Interim City Manager

Date: May 20, 2014

Re: End-of-Session Legislative Report

I am pleased to report on the activities of this firm on behalf of the City of Coral Gables during the 2014 legislative session. This was a relatively smooth year, with more money available than in the recent past and fewer policy initiatives introduced. Lawmakers approved a \$77.1 billion state budget –the largest in history- and sponsored 1,812 bills although only 264 passed; the smallest number since 2001.

Although calm prevailed, tensions began to rise near the end with a slower than anticipated budget conference and the normal crush of amendments. The last day(s) became rather chaotic as some significant issues that were dying were approved, placing them on “must pass” legislation. This left many wondering what had passed and what did not and it has just now been sorted.

In the midst of this, Coral Gables did exceptionally well. Along with Senators Miguel Diaz de la Portilla and Gwen Margolis and Representatives Erik Fresen and Jose Javier Rodriguez, this firm worked to secure \$650,000 in legislatively appropriated funds, again include legislative language authorizing the City to reimburse itself from collections in the Law Enforcement Trust Fund, and helped secure \$242,000 for the Coral Gables Museum. Additionally, the city’s budgeted amount of \$4.3 million in Communications Services Tax remains safe as legislation to reduce the rate of said tax failed along with proposals relating to local business taxes (\$3.3 million budgeted amount) and tax on leases on commercial properties.

Equally important were the successes in passing some priority bills as well as actively defeating or amending others to inoculate the City from any harmful impacts. These ranged from preserving the “deemed to comply” exception in local pension plans to clarifying that new developments of less than 6,000 square feet have to pay local transportation concurrency or impact fees. And from providing authority to the Florida Department of Transportation to fund interconnected multiuse trails (bicycles and pedestrian) to preventing prohibitions on local governments from using red light cameras.

Following is a detailed list of key issues that my associates and I lobbied on behalf of the City. As always, please do not hesitate to contact us if you have any questions or desire additional information.

APPROPRIATIONS

- Water Projects and other Direct Funding

The 2014 state budget, HB5001, includes \$400,000 for the Coral Gables Comprehensive I & I Program and \$200,000 for Coral Gables Canal Bank Stabilization along with \$50,000 for Coral Gables City Hall Concrete Restoration.

- Law Enforcement Trust Fund

The Implementing Bill to the Florida Budget, HB5003, amends 932.7055, F. S. to extend 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 needs to be placed every year. Although necessary for the City to pay itself back for the funds it used for the communications center at the Coral Gables Police Department, legislative staff and members continue to raise concern over the number of years this provision has been in the budget bill. Over the past years, on average, the City has been able to reimburse itself about \$100,000 per annum.

- Coral Gables Museum

The 2014 state budget, HB5001, includes \$200,000 for an Environmental Sustainability Design Education program at the Coral Gables Museum and \$42,000 in Cultural and Museum Grant support for the Coral Gables Museum.

- Communications Services Tax

Coral Gables budgets \$4.3 million in receipts from the Communications Services Tax (CST). That amount was preserved as SB266 which would have reduced the CST rate died in committee. The CST is levied on the sales of communications services including telephone (landline, mobile, and voice over internet), cable television and other video services, and direct-to-home satellite television. The only legislation relating to the CST that passed was CS/HB803 which simply clarified that certain data processing services by electronic transmission are not subject to the CST. Said legislation had no fiscal impact.

LEGISLATION

- **Pension Reform**
CS/SB246 relating to Police and Fire pensions did not pass. It was voted on favorably by the Senate but was not considered in the House. That means that cities would continue having flexibility in reforming their pension plans without jeopardizing their eligibility to receive state premium tax revenues (Chapter 175 and 185). It also means that the “deemed to comply” grandfather provisions for cities whose pension plans were created by special legislative acts before May 27, 1939 continues in force.

Although the Florida League of Cities supported this legislation because it contained agreed upon language with representatives of the police and fire unions, the safest course was not to enact any legislative changes.

- **Red Light Cameras**
No legislation passed that preempted local governments from using, installing, or regulating red light camera programs.
- **Bicycle and Pedestrian Trails**
SB2514 conforms statutes relating to the Department of Transportation (FDOT) to the General Appropriations Act for the 2014-15 fiscal year. The bill provides authority for the FDOT to use appropriated state revenues from the State Transportation Trust Fund to support the establishment of a statewide system of interconnected multiuse trails. It authorizes FDOT to pay the cost of planning, land acquisition, design, and construction of trails and related facilities identified as a priority by the Florida Greenways and Trails Council.
- **Public Records**
SB1648 and CS/HB1151 did not pass the legislature. These bills would have made changes to the public records law, including requiring training of employees, restricting cost recovery for production of public record searches, and broadening attorney fees.
- **Parking Meters**
HB7175 requires local governments to provide to the Florida Transportation Commission (FTC) by August 31st, an inventory of all parking meters located on state rights-of-way that were installed prior to July 1, 2014. The bill also prohibits cities from installing any new parking meters on state rights-of-way from July 1, 2014 to June 30, 2015. The FTC is directed to perform a study on parking meters to determine the amount of revenue generated from the meters and develop recommendations for future revenue-sharing options with the state.
- **Flood Insurance**
SB542 has the intent of encouraging private insurance companies to write more flood insurance in Florida. Under this bill, private companies would have expedited rate reviews. These policies would be as broad as those of the National Flood Insurance Program (NFIP) and over the full replacement cost of a home. The definition of “flood” is expanded to cover damage due to erosion. The Senate had wanted to allow policies at less than full value but the House amended the legislation to its current form and the Senate relented.
- **Citizens Property Insurance**
SB1672 would bar Citizens Property Insurance from writing new multi-peril policies for condominiums near the coast. Some more controversial provisions were removed; allowing surplus line companies to participate in the clearinghouse that markets policies

to consumers and shifting part of the assessment for catastrophic storms from coastal policies to personal lines.

- **Leaving the Scene of a Crash**
CS/CS/SB102, the “Aaron Cohen Life Protection Act,” addresses a potential incentive in current law to leave the scene of a crash. Named after Aaron Cohen, who was an experienced cyclist and runner who on February 15, 2012, was struck and killed in a hit-and-run accident on the Rickenbacker Causeway, the legislation imposes a mandatory minimum sentence of four years for leaving the scene of a crash with a death, increases the mandatory minimum sentence for leaving the scene of a crash with a death while DUI from two to four years, and provides for ranking one level higher than specified in the code offenses for leaving the scene of a crash if the victim was a “vulnerable road user.”
- **Ethics**
CS/CS/CS/SB846 requires municipal officers to obtain four hours of ethics and sunshine law training annually beginning on January 1, 2015. The bill also allows local officials from abstain from voting if there is a conflict under locally adopted ethics standards and in specified quasi-judicial proceedings.
- **Vacation Rentals**
SB356 authorizes local governments to regulate vacation rentals with regard to parking, noise, and other issues associated with these properties. Counties and municipalities, however, can’t prohibit vacation rentals or dictate the duration that a vacation rental can be rented. Those local governments that enacted local ordinances are grandfathered.
- **Derelict Vessels**
CS/CS/HB1363 allows the Florida Fish and Wildlife Conservation Commission (FWC) and its officers, or any law enforcement agency, to remove derelict vessels if they are a safety hazard to other boats. Furthermore, the bill allows the FWC or other law enforcement agencies to recover the cost of a relocation or removal.
- **Fish and Wildlife Conservation Commission (FWC)**
CS/CS/HB955 extends the date by which the FWC is required to submit a report regarding the anchoring and mooring pilot program in which five local governments are currently participating from January 1, 2014 to January 1, 2017. Begun in 2009, the pilot program is intended to explore options for regulating the anchoring or mooring of vessels outside the marked boundaries of a public mooring field. The cities of St. Augustine, Stuart, St. Petersburg, Sarasota, and Key West were selected by the FWC to serve as the pilot sites.

Of particular interest to many local cities with waterfront access, is that vessels are anchoring behind private residences for extended periods of time. As such, Representative Eddy Gonzalez filed an amendment to this legislation allowing municipalities in Miami-Dade to regulate the overnight anchoring, establishing distances from which a boat may anchor from a residence. That was defeated on the floor of the House of Representatives by a vote of 67 to 50. Senator Chris Smith filed a similar amendment on the floor of the Senate but it was withdrawn after much opposition.