

**City of Coral Gables
Virtual Commission Meeting
April 21, 2020
405 Biltmore Way, Coral Gables, FL**

City Commission

Mayor Raul Valdes-Fauli

Vice Mayor Vince Lago

Commissioner Jorge Fors

Commissioner Pat Keon

Commissioner Michael Mena

City Staff

City Manager, Peter Iglesias

City Attorney, Miriam Ramos

City Clerk, Billy Urquia

Intergovernmental Affairs Manager, Naomi Levi Garcia

Public Speaker(s)

Agenda Item H-4

Staff report on Florida's 2020 Legislative Session

Mayor Valdes-Fauli: Now, we have H-4, staff report on Florida's 2020 legislative session.

City Manager Iglesias: Mr. Mayor and Commissioners, Naomi will provide a staff report of the 2020 legislative session.

City Clerk Urquia: So, Mr. Mayor, before Naomi comes on, just know that this is a pre-recorded PowerPoint presentation that we're going to be sharing with the Commission. So, if you can please hold your questions until the end of the presentation.

Mayor Valdes-Fauli: Great, thank you.

Government Affairs Manager Levi-Garcia: So, this is the end of session report for the 2020 legislative session. I will talk about the bills that passed, the bills that failed, and what their current impacts are or what their impacts could have been had they actually passed. So, this session, 3,517 bills were filed in the House and Senate; only 210 passed. That's a little under 6 percent. It was a record budget year for Florida at \$93.2 billion. It was our largest budget ever passed, and you know, it may get even larger if we go into special session over the summer to address COVID-19 and the budget shortfalls. Some of the big-ticket items that passed during the regular session. We had affordable housing funded 100 percent at \$370 million. We had over \$800 million funded for environmental programs, including the Florida Forever Program, which is geared towards land acquisition and Everglades restoration. Everglades restoration was a City priority, so I'm glad to see that that was funded. We also had several water restoration programs funded. Governor DeSantis is a big advocate for water quality, and so we saw that reflected in the budget this year. Transportation was also a huge key item in the budget. Several billion dollars went towards transportation, including nearly \$10 billion for FDOT's five-year work plan and over \$81 million for local transportation initiatives. I know COVID-19 is probably top of mind for everyone. In the final days of session, \$52.5 million was allocated towards COVID-19 response. And I believe we will be going into a special session sometime in early summer to distribute federal funds and to identify the budget shortfalls, and where we may need to revisit allocating dollars. So, the City submitted four appropriation requests this year. None were fully funded, but three were partially funded. So, assuming the Governor does not exercise his veto powers against any of these projects, we will have several hundred thousand dollars coming to the City of Coral Gables; \$300,000 for canal dredging, \$100,000 for a comprehensive inflow and infiltration program, and \$300,000 for sidewalk construction on collector streets. So, now I'm going to talk about some of the bills that passed. I tried to highlight the ones that were most important for the City because, you know, there are several that could have kind of indirect effects, but we'll focus on the ones in the presentation. And of course, if you have any questions, I'll be happy to take them at the end. SB-410 is a growth management bill. It would require the City to adopt a private property rights element in its comprehensive plan by a specified date. But more importantly, it extends the 5G shot clock for small cell wireless to all utilities in the right-of-way. So, the 5G requirements for review and the time limits would apply to all utility applications in the right-of-way. That's a big deal. So, we need to meet with staff and figure out how we're going to prepare for this mandate

and move forward accordingly. This bill also contains a provision that would allow a development agreement to be amended or canceled without the consent of all of the property owners to the original development agreement, as long as that amendment or cancellation doesn't directly modify the allowable uses or entitlements for the property owners that are not included. HB-441 is a public procurement bill. It increases the maximum limit for CCNA contracts from \$2 million to \$4 million. That increases the maximum limit for studies from \$200,000 to \$500,000. SB-7018 is an infrastructure bill. The bill really has to do with setting up electric vehicle charging stations along our highway systems and identifying debris management sites along the turnpike for emergencies, staging sites. But out of nowhere, there's a provision that also deals with the 5G shot clock and extends that to all utilities in the right-of-way, the same verbatim language that we find in SB-410. Here's some good news. HB-971 deals with e-bikes. It does not contain a preemption. It allows the city and local governments to regulate the operation of e-bicycles in their jurisdictions as they see fit. SB-664 is the big e-verify bill. It was actually watered down significantly from its original version, but it does require all public employers -- so City included -- to use e-verify to start verifying the work authorization status of new employees starting on January 1, 2021. It goes beyond that requirement and it requires us to make sure that the contractors who we enter into agreements with are also using e-verify. And if we believe that a contractor is knowingly violating that requirement, we then have a duty to terminate our contract with them. HB-73 is an environmental regulation bill. It deals with contamination in recyclable materials and places certain responsibilities on the City to ensure that the people we're working with, when it comes to the collection transportation, are processing residential recyclable materials are taking steps to reduce contamination. SB-172 is the Sunscreen Act. It preempts the regulation of over-the-counter drugs and cosmetics, so that includes sunscreen. Although we don't have anything on the book specifically, (INAUDIBLE) preemption is already included in our presentation, and we will see several municipalities in the Keys having to rollback their regulations as a result of SB-172. SB-178, filed by our very own Senator Rodriguez, requires public entities to conduct slip studies for state-funded buildings within coastal building zones. A slip study is a sea level impact projection study, and the bill contains all the specifics as to who needs to approve the study and what needs to be included in order for the building to proceed. HB-1193 is a big deregulation bill. This was also teased for several sessions and it was the Governor's priority this particular session. The idea is if you cut regulation, you lose employment opportunities for Floridians. So, the bill

preempts the regulation of certain professions to the state. We're talking about professions like landscape architects, geologists, interior designers, and so forth. The list goes on. And it actually preempts the regulation of food trucks. So, if the City were considering regulating food trucks, we need to think again. SB-1066 deals with impact fees. Once an application has been initiated, it prohibits a local government from instituting new impact fees or increasing impact fees mid-stream. So, the initiation is the turning point for the applications. And the only time a change to impact fees can take place is if those impact fees are being reduced or mitigated. It also allows impact fee credits to be assignable or transferable to another property within the same impact fee zone or impact fee district. Probably more important than the bills that passed are the bills that failed. Many of our victories lie in defeating bad bills, either in committee or preventing those bills from getting a full hearing on the House or Senate floor. I also go through these bills just to kind of give you a taste of, you know, what could be coming in a future session. Typically, you know, a bill will go around one, two, three times before it actually passes. So, this is a good preview potentially of what's to come, what to be on the lookout for. So, HB-1011 and SB-1128, these are perfect examples, vacation rental bills. I think we have dealt with vacation rentals every single session, at least in recent history. Had these bills passed, they would have preempted to the state the regulation of vacation rentals and wiped out any ordinances adopted after 2011, and they would have preempted to the state the regulation of the advertising platforms, such as Airbnb, Vrbo, or Home Away. I also want to take this chance to just thank Commissioner Keon for her advocacy on this particular issue and for mobilizing the public and encouraging people to send emails to their representatives and to their senators, voicing their opposition to these bills. I think it really made a difference. So, we saw these bills get a ton of movement in the House and not much in the Senate. So, we'll keep an eye out for next year. SB-7016 would have established a state-wide office of resiliency in the Governor's office. That bill failed. HB-519 and SB-1766, they're termed private property rights bills, but really, what they do is gut the Bert Harris Act. Had these bills passed, they would have required that any settlement reached under a Bert Harris claim be automatically applied to all similarly situated residential properties. HB-7 and SB-1340 would have allowed the City to publish legal notice on its website rather than in a newspaper, both of which failed. SB-954 and HB-459 were the building design bills. These were the major priorities for our City Commission this year. Had the bills passed, we would have been prevented from adopting zoning and development regulations that require specific building design elements in

single or two-family dwellings. So, these building design elements -- think of roofing materials, doors, windows, garage doors. I mean, anything that is pretty much aesthetic on the exterior of your building. We might have been preempted from regulating them from a zoning perspective. So, this was, of course, top priority for the City. It made it all the way through all of its house committees but was stopped short in the Senate. So, we got very fortunate there. It was pushed by the Builders Association. So, I imagine we will probably have to fight this again next year. SB-1302 is a sovereign immunity bill. It would have increased the per limit occurrence from \$300,000 to \$500,000, and it would have tied that \$500,000 to CPI, which would have resulted in automatic increases with inflation. The polystyrene and plastic bag bills, I know we are disappointed. They really did not get any traction this year. They did not make it through any of their committees. But on the bright side, there were lots of cosponsors signed on to each of these bills. So, that's usually a good sign that it will be addressed in a near future session. So, hopefully, next year or the year after, we will have better luck and see this matter resolved once and for all. HB-1149, SB-1702 was the fiscal transparency bill. There's one every year. This one focused on local governments' use of economic development incentives, and it would have made it more difficult to enact any kind of legislation dealing with taxes or requiring -- it would have required additional public notice and additional hearings for any kind of tax increase, tax extension, or new tax. HB-537 would have prevented the City from regulating home-based businesses. And HB-733 and SB-802 would have included covenants and restrictions based on zoning requirements in the Marketable Record Title Act, meaning that those interests would be extinguished by MRTA. So, (INAUDIBLE) for that very long presentation. But I just want to wrap up and take this opportunity to thank the City Commission for its leadership in establishing the City's legislative priorities. Thank the City Manager and the City Attorney for their constant support and accessibility during session. I want to thank our Tallahassee team, including Vice Mayor Lago and Commissioner Fors for making the trip up there and making the rounds with me and carrying the message of the City. Nothing is more important than those elected officials seeing the faces of our elected officials and knowing that the City is paying attention to what they are doing. And I want to also thank are lobbying team, not -- last but not least, Southern Strategy and Ron Book, Ron and Kelly. So, if you have any questions, I will be happy to take them.

City Clerk Urquia: Any questions from the Commission?

Commissioner Keon: No. But some of the things I don't really understand. But I'll go through them and I'll talk (INAUDIBLE) after they're done.

Mayor Valdes-Fauli: Alright. Now...

City Clerk Urquia: Mr. Mayor, we have -- Mark Trowbridge would like to speak on the item.

Mayor Valdes-Fauli: Okay, Mark.

Mark Trowbridge: Thank you. Good morning. First of all, thank you very much, Naomi. That was wonderful and comprehensive. And I think most of you know our Chamber takes a trip up to Tallahassee during committee week, so we had a very productive opportunity this past October. I just wanted to let you know that today, in just a few minutes, we're going to be hosting a virtual fly-in with a number of our state leaders. You already heard from Javier Fernandez. He'll be on that Zoom call with us today, along with Nick Duran, as well, Senator Jose Javier Rodriguez. And most of the talk, of course, will be on the state budget and the implications of COVID-19. But we're also going to have Congresswoman (INAUDIBLE) speaking specifically about what's next with the Paycheck Protection Program and the next round of the CARES Act, as well as how we are working with our small businesses. So, the next phase, as we have been working with the Economic Development Department and Julian and his team, is to really begin to lay out a plan for recovery and (INAUDIBLE) business. We know that we are not there as of yet, but we want to have a plan place in place when that phase in begins. So, I just wanted to bring you up to date, say thank you for your leadership. We have been here each and every day working with our businesses and really proud of the work that many of them have done in transition to be relevant even in this very challenging time. I think you've seen that with a number of our restaurants, some of whom are even supporting first responders, healthcare workers, those on the frontlines, as well as helping reach out to those (INAUDIBLE), the most needy in our community. So, very proud of the businesses, proud of our partnership with the City. And want to say thank you all for your leadership, and we look forward to continuing to do that today and into the future.

Mayor Valdes-Fauli: Thank you very, very much, Mark. Very good presentation. Thank you and thanks for your efforts. Alright. We're through the agenda and I would like to ask the members of the City Commission if they have any comments. Vice Mayor Lago.