

**CITY OF RIVIERA BEACH CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: December 15, 2010

AGENDA ITEM SUMMARY NO. N10-122-2

- AWARDS / PRESENTATIONS / PETITIONS
- CONSENT
- PUBLIC HEARING
 - ORDINANCE ON SECOND READING
 - ORDINANCE ON FIRST HEARING

- REGULAR
- RESOLUTION
- DISCUSSION & DELIBERATION
- BOARD APPOINTMENT
- WORKSHOP

TITLE/SUBJECT: Resolution authorizing the Mayor and City Clerk to execute a two (2) year agreement for Professional Services between the City of Riviera Beach and Pittman Law Group P.L. to provide Lobbyist Representation at the State level on behalf of the City of Riviera Beach.

RECOMMENDATION / MOTION: City Council to approve the Resolution

| | |
|---|--------------------|
| • Assistant City Manager <i>12/8/10</i> | Library |
| • City Attorney <i>RJ for PHL 12/8/10</i> | Marina |
| • City Clerk <i>JA</i> | Police |
| Community Development | Public Works |
| • Finance <i>JA 12/8/10</i> | Purchasing |
| Fire | Recreation & Parks |
| Human Resources | Utility District |
| Information Services | |

APPROVED BY CITY MANAGER: *[Signature]*

DATE: 12-8-10

| | | |
|--|---|---|
| Originating Dept. EXECUTIVE | Costs: <u>\$5,000 per month</u> | City Council Actions: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/conditions <input type="checkbox"/> Denied _____ <input type="checkbox"/> Tabled to _____ <input type="checkbox"/> Referred to Staff _____ |
| User Dept. THE CITY | Current FY: <u>\$60,000</u> FY 2011/2012: <u>\$60,000</u> | Attachments: 1. Fiscal Impact Analysis 2. Resolution 3. Agreement Between The City Of Riviera Beach and Pittman Law Group P.L. 4. End of Session Report – May 2010 |
| Advertised: Date: Paper: <input checked="" type="checkbox"/> Not Required | Funding Source: <input type="checkbox"/> Capital Improvement <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other: | |
| Affected Parties <input type="checkbox"/> Notified <input checked="" type="checkbox"/> Not Required | Budget Account Number: Prof. Servs.-Other Account No. 001-0203-519-0-3106 | |

SUMMARY:

On December 16, 2009 City Council approved Pittman Law Group P.L. to provide Lobbyist Representation at the State Level on behalf of the City of Riviera Beach. The term of the contract was from January 1, 2010 through December 31, 2010. Pittman Law Group P.L.'s compensation for services was \$5,000 per month for a total of twelve (12) months. We have been very pleased with the services and we are recommending that the contract with Pittman Law Group, P.L. be approved for two (2) years with the same conditions and amount as the previous year. Attached is the agreement and resolution for execution by the City Council to accomplish this action.

Major actions for the City by the Pittman Law Group are summarized below excerpted from the year end report (Attachment 1).

Budget Items

- **13th Street Improvements** – Again, a big thanks to Councilman Lowe and City Manager Ruth Jones for following up with Rep. Bernard, Sen. Smith and Governor Crist during Palm Beach County Days. The visits helped to implant our \$500,000 appropriation for the 13th Street Improvements project into the working budget.

We continued to work throughout Session to keep our Riviera Beach road project in the Legislative budget. After an extensive Budget Conference, we successfully secured the \$500,000 appropriation in the final Legislative Budget. Listed below was the final budget line item language:

2672 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS

FROM ECONOMIC DEVELOPMENT TRANSPORTATION TRUST FUND \$20,000,000
...a portion of the funds in Specific Appropriation 2672 shall be allocated as follows:

13th Street Improvements, City of Riviera Beach..... \$500,000

After Session, we continued to work closely with the Governors office in order to avoid any line item or complete budget veto.

- **Veto Overview / 13th Street Improvements** – On May 25th, \$61 million in budget projects aimed at benefiting specific members, known as “Turkeys,” were issued and released by the Florida TaxWatch (business-funded group that scrutinizes state spending). As you would expect, the 13th Street Improvements Project was one of the line items listed.

The news was very harmful to our efforts, as the Governor’ was expected to make his line item vetoes at the end of the week. With that said, we continued to work with the Governors office as the final vetoes were being selected. In our discussions, we stress that our project was not a true “Turkey” stuffed in the budget at the 11th hour. To the contrary, our project was vetted as part of the budget for weeks as it moved through the process.

On May 28th, the Governor approved the FY 2010-2011 budget totaling \$70.4 billion. As expected, the Governor chose to exercise his use of the line item veto. The Governor vetoed \$181.7 million in GR and \$189.3 million in Trust Funds sweep (including a \$160 million sweep from the state’s road-building trust fund) totaling \$371 million. The majority of the line item vetoes were local member projects; however, the most significant fiscal veto was from the Transportation Trust Fund sweep that the legislature had used to fund education. In order to keep education fully funded, Crist also vetoed the proviso language that would have made education funding contingent on the vetoed Transportation Trust Fund sweep.

Despite our best efforts, the 13th Street Improvements project was vetoed by Crist. We had reached out to the Governor several times the week before, who repeatedly said he would consider our position when choosing his vetoes. Unfortunately, our project was grouped together with some South Florida leadership projects which the Governor wanted cut from the final budget. Essentially, it is all part of Crist’s fallout from the Republican Party. When things settle, we look forward to working this project through the process again.

- **Public Libraries** – Moving into Conference, libraries were fully funded (21.2 million) in the Senate and zero funded in the House. It came down to a fight between Libraries and the Office of Tourism, Trade and Economic Development (OTTED / Qualified Targeted Areas and Quick Action Closing programs). The initial result was a decrease in library funding and an increase in OTTED funding.

However, during the final week of budget negotiations, we were able to work with Senate leadership to fully fund libraries. The funding is expected to draw down \$8.4 million in federal matching dollars.

- **Beach Restoration** - \$15.5 million
- We worked with leadership throughout the Budget Conference to secure funds for Beach Restoration.

- **Funding/Raising Awareness for the City of Riviera Beach 'Justice Service Center' (JSC)** - On March 3rd, we met with Sen. Chris Smith of the *Transportation and Economic Development Committee* to discuss the City's successful 'Justice Service Center Program' and the need for state and federal funding (grants) and awareness. The local Senator made it clear that he would be there to help when called upon. Moving forward, we look forward to the Senator's assistance on local issues.

We also hosted a lunch meeting for City Manager Jones and Councilman Lowe to discuss the re-entry issue with Deputy Secretary of the Department of Corrections (DOC), Richard Davison, Rep. Mack Bernard, and Sen. Chris Smith. The Deputy Secretary showed great enthusiasm towards the program and offered the DOC's assistance in finding federal/state funding sources moving forward. We continue to stay close to the DOC staff in order to find some viable program funding sources.

Later in the day, we also discussed the JSC re-entry program with Chair Rivera of the *Education and Economic Development Appropriations Council*, Sen. Lawson and Rep. Bernard.

On March 4th, we met with Future House Speaker, Dean Cannon to discuss the future of re-entry reform. We will continue to work closely with the future speaker in order to secure funding for future priorities moving into the next administration.

Finally, we met with Governor Charlie Crist to discuss our budget priority items. The Governor was very enthusiastic and we continued to work with him throughout the veto process.

As time progressed, we continued to search for re-entry funding; however, re-entry was not the top priority for the outgoing leadership in the Senate and the House. Through our conversation with next year's leadership, we felt that there may be increased support in the new administration as we move into the 2011 Legislative Session.

POLICY

- **INMATE RE-ENTRY: SB 2714 / HB 1587 relating to Inmate Re-entry** by Sen. Rich and Rep. Bogdanoff – Generally, the bill would have required the Department of Corrections (DOC) to develop and implement a re-entry program that includes substance abuse or mental health treatment in the form of a 90 day in-prison treatment program, as well as a 12 month treatment program during their last year of imprisonment in the community.

Upon discussion with Senate staff, we found that Chair Crist of the *Criminal and Civil Justice Appropriations Committee* was not in favor of the legislation. Specifically, he had an issue with the "indeterminate fiscal impact" which would have ultimately affected the Senates budget. Per the revenue estimating impact conference, the bill could have had either a positive or negative fiscal impact. The Chair chose not to risk a negative fiscal impact. We also heard rumors that Senate Leadership was against all legislation that emptied prisons, because of the opening of the State's new private prison.

For the most part, the issue was well received and we expect the Senate Democratic Leader to file the bill again next year.

- **OUTSIDE UTILITIES: SB372/HB 1607 - Relating to Municipal Water and Sewer Utilities** by Sen. Wilson and Rep. Braynon – The bill would have exempted municipalities in certain counties from the applicability of provisions limiting the rates that a municipality may charge consumers located outside their boundaries for water or sewer utility services.

In January, we discussed our opposition of the legislation with House and Senate leadership. We found that the respective leaders were complete against the legislation passing during the 2010 Legislative Session. Further, we kept an eye on any amendments or bill movement as the process progressed. As expected, no movement occurred. Moving forward, we do believe the bill could be considered under the new leadership.

- **TABOR: SB 2420 relating to Relating to State Revenues/Voter Approval New Taxes and Fees** by Sen. Haridopolos –The bill would have proposed an amendment to the State Constitution to limit state revenues and require voter approval of new taxes and fees.

On March 4th, Senate Leadership showed its disfavor of the legislation by referring the bill to five committees of reference. However, on March 23rd, the bill was heard and passed (5-3) with an amendment during the Community Affairs Committee. The adopted amendment, proposed by Sen. Haridopolos, would have changed the affect of the

legislation to the State instead of local governments. During public testimony, several speakers warned against Colorado's mistakes with and shortfalls under the revenue cap system. As expected, the legislation later died during in the committee process.

While the bill failed this year, we expect it will be back again next year as one of the Senate President's top priorities. We expect this bill to be a major fight over the next couple of years.

- **RED-LIGHT HEAVY: HB1235 / SB2712 relating to Traffic Enforcement** by Rep. Schenck and Sen. Dean – On February 23rd, Rep. Schenck who had been opposed to the past red-light legislation (HB 325), filed the House bill. The bills intent was to prohibit the use of traffic infraction detectors and cameras by counties and municipalities to enforce traffic laws. Further, the bill would have preempted the state the use of traffic infraction detectors to enforce traffic laws. The bill was expected to have a negative fiscal impact on those local governments that already installed red light cameras to generate revenue through the collection of civil fees or fines.

Early in the process, we heard this bill had little favor in the House and none in the Senate. Further, we heard that the bill had 0% chance of passing if the "red-light" legislation (HB325) finally passed.

That being said, we the used majority of our energy and resources to successfully pass HB 325. However, we also discussed our opposition of the issue with all committee members that heard the bill.

The bill barely passed (7-5) during its first committee of reference, *Governmental Affairs Policy Committee*. Committee members argued about the possible confusion caused if both HB 1235 and HB 325 (red-light legislation) passed into law by the Legislature. In that case, Rep. Schenck felt that the "Governor would most likely veto his bill."

In its next committee of reference, *Military and Local Affairs Policy Committee*, the House bill once again passed narrowly (8-6). During public testimony, the Florida Association of Counties and the Florida League of Cities spoke in opposition to the bill. A spokesman for the Internal Order of Police commented that "removing the cameras would remove a powerful public tool."

On April 16th, the House bill passed (10-5) during the bills last council of reference, *Economic Development & Community Affairs Policy Council*. Subsequently, on April 19th, the bill was then placed on the House Special Order.

As we expected, the proposed legislation proved unnecessary when HB 325 passed. Obviously, we do not expect to see this harmful legislation again.

- **RED-LIGHT LEGISLATION: HB 325 and SB 2166 relating to Red Light Camera's** by Representative Reagan and Senator Altman – On November 6th, 2009, Rep. Reagan filed his red-light legislation to be heard during the 2010 Legislative Session. Due to term limits, 2010 would be Rep. Reagan's last chance to pass his good piece of legislation.

The House bill passed with several amendments through all three of its committees of reference, including the *Roads, Bridges & Ports Policy Committee*, *Health Care Regulation Policy Committee* and the *Finance & Tax Council*.

Meanwhile, the Senate bill passed with several amendments through the *Transportation Committee*, *Criminal Justice Committee*, *Community Affairs Committee*, and the *policy & Steering Committee on Ways and Means* (The bill was withdrawn from the *Criminal Justice Committee*).

Throughout the process, we were sure to discuss the city's support of the good legislation with all committees' members before the House and Senate committee meetings. When we believed necessary, we also sent follow-up letters to members in order to better inform them of our support of the issue.

Also, on March 16th, these bills were discussed during the *Office of the EDR's Revenue Estimating Impact Conference*. The *Revenue Estimating Conference* found that the "provisions of the bill will increase state revenues by \$29.2 million (\$19.3 G.R., \$9.9 Trust) in FY 2010-11 and \$94.8 million (\$63.2 G.R., \$31.6 Trust) in

FY 2013-14." The *Estimating Conference* also reported that the "provisions of the bill will increase local government revenues by \$10.1 million in FY 2010-11 and \$65.7 million in FY 2013-14."

On April 22nd, we worked with Rep. Bernard to make sure he withdrew a very harmful amendment to local governments. The amendment was brought to Rep. Bernard by opposing Republican leadership in the House. If passed, the amendment would have disallowed the installation of cameras without an approved referendum by "the majority of votes cast by those persons eligible to vote in such a referendum." The amendment would have effectively destroyed the bill. However, we were successful in destroying the amendment before it was brought forward during 3rd Reading.

On Friday, April 23rd, the House bill passed favorably (77-33) during 3rd Reading. A strike-all was added which brought the House version much closer to the Senate version. The strike-all added the compromises below:

- Fines on city and county roads would be \$158 dollar fines. Allocating \$70 to General Revenue (GR), \$75 to the local governments, \$10 to the trauma centers, and \$3 to the Miami Project to Cure Paralysis.
- Cities and counties would have the ability to use cameras in their respective jurisdictions.
- Grandfathering of existing equipment until July 1st, 2011.
- Allow for those to turn on red in a "careful and prudent manor."

On April 26th, the Senate bill was replaced for HB 325. During 3rd Reading, much debate was had over red-light companies receiving favorable contracts, the use of 'streaming camera' vs. 'still photos' and the personnel who would be responsible for issuing the tickets. Ultimately, the bill passed (30-7) on the Senate floor with one amendment withdrawn relating to 'still photos' vs. 'streaming video.'

The Governor made several remarks referring to the veto of the bill. Ultimately, in part to our work with the Governor's office, Crist signed the bill into law. Below is an analysis of the bill as signed by the Governor.

EXHIBIT A-1

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact: **PITTMAN LAW GROUP, P.L.**
TWO (2) YEAR CONTRACT

| Fiscal Years | <u>2011</u> | <u>2012</u> | <u>2013</u> | <u>2014</u> | <u>2015</u> |
|------------------------------------|------------------------|------------------------|-------------|-------------|-------------|
| Capital Expenditures | | | | | |
| Operating Costs | <u>\$60,000</u> | <u>\$60,000</u> | _____ | _____ | _____ |
| External Revenues | _____ | _____ | _____ | _____ | _____ |
| Program Income | _____ | _____ | _____ | _____ | _____ |
| In-Kind Match | _____ | _____ | _____ | _____ | _____ |
| NET FISCAL IMPACT (Revenue) | <u>\$60,000</u> | <u>\$60,000</u> | _____ | _____ | _____ |

NO. ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No.: Fund _____ Dept/Div. _____ Org. _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Prof. Servs. - Other Account No. 001-0203-519-0-3106

C. Departmental Fiscal Review: *Gloria Shuttlesworth*
Gloria Shuttlesworth, Assistant City Manager

III. REVIEW COMMENTS

A. Finance Department and/or Purchasing/Intergovernmental Relations/Grants Comments:

Kevin Harris 12/8/10 _____
Finance Department Purchasing and Grants

B. Other Department Review:

Department Director

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF RIVIERA BEACH AND PITTMAN LAW GROUP P.L. TO PROVIDE LOBBYIST REPRESENTATION AT THE STATE LEVEL ON BEHALF OF THE CITY OF RIVIERA BEACH; COMPENSATION SHALL BE \$5,000.00 PER MONTH FOR THE PERIOD JANUARY 1, 2011 THROUGH DECEMBER 31, 2012; AUTHORIZING THE INTERIM FINANCE DIRECTOR TO MAKE PAYMENT FROM THE PROFESSIONAL SERVICES - OTHER, ACCOUNT NO. 001-0203-519-0-3106; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Pittman Law Group P.L. has duly qualified experts in the field of grant programs and economic development, business development, transportation, infrastructure, water and sewer, appropriations and State grant programs administered by the State government; and

WHEREAS, in the judgment of the City Council, it is necessary to continue the services of the Pittman Law Group P.L. to provide representation at the State level of the City's policies, programs and other necessary services of specific legislative issues as determined by the City Council; and

WHEREAS, the Pittman Law Group P.L. will represent the City, at the State level, in areas such as, but not limited to, public works, transportation, communications, water resources, housing and State grant programs administered by the State government; and

WHEREAS, the terms of the contract is for two (2) years commencing on January 1, 2011 through December 31, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA as follows:

Section 1. That the Mayor and City Clerk are hereby authorized to execute an Agreement between the City of Riviera Beach and Pittman Law Group P.L. to provide lobbyist representation at the State level on behalf of the City of Riviera Beach.

Section 2. That compensation shall be \$5,000.00 per month for the period of January 1, 2011 through December 31, 2012.

Section 3. That the Interim Finance Director is authorized to make payment from the Professional Services - Other, Account No. 001-0203-519-0-3106.

Section 4. This Resolution shall take effect immediately upon its passage and approval on by the City Council.

PASSED and APPROVED this _____ day of _____, 2010.

RESOLUTION NO. _____

PAGE 3

APPROVED:

THOMAS A. MASTERS
MAYOR

DAWN S. PARDO
CHAIRPERSON

ATTEST:

JUDY L. DAVIS
CHAIR PRO TEM

CARRIE E. WARD
MASTER MUNICIPAL CLERK
CITY CLERK

BILLIE E. BROOKS
COUNCILPERSON

CEDRICK A. THOMAS
COUNCILPERSON

SHELBY L. LOWE
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

D. PARDO _____

J. DAVIS _____

B. BROOKS _____

C. THOMAS _____

S. LOWE _____

REVIEWED AS TO LEGAL SUFFICIENCY

Pamala Hanna Ryan

PAMALA HANNA RYAN, CITY ATTORNEY

DATE

12/8/2010

**AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN THE CITY OF RIVIERA BEACH AND
PITTMAN LAW GROUP, P.L.**

THIS AGREEMENT entered into the _____ day of _____, 2010, by and between the City of Riviera Beach, hereinafter referred to as "CITY", and the firm of Pittman Law Group, P.L., a Florida corporation, hereinafter referred to as "CONTRACTOR".

WHEREAS, CONTRACTOR has duly qualified experts in the field of grant programs; and economic development, business development, transportation, infrastructure, water and sewer, appropriations and State grant programs administered by the State government.

WHEREAS, in the judgment of the City Council, it is necessary and desirable to employ the services of CONTRACTOR to assist the CITY in the above referenced areas.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

PART I - SPECIFIC PROVISIONS

A. SERVICES TO BE PROVIDED: CONTRACTOR will consult and advise, as requested, on transportation, communications, water resources, housing, public works, and Federal grant programs, including but not limited to:

1. Assisting in the development of strategies relating to the governmental agencies that regulate and fund transportation, communications, water resources, public works, and housing programs. CONTRACTOR will focus their efforts on obtaining funding for CITY priorities included in the CITY's State Work Plan developed by CONTRACTOR in conjunction with the CITY;
2. Securing appropriate authorizations and funding from the State Legislation and State agencies to implement the CITY's projects;
3. Maintaining direct and frequent contact with key State Senators and Representatives who may have an impact upon the CITY;
4. Advocating CITY interests during the State Legislative and regulatory process;
5. Lead and organizing successful local efforts to obtain funding and beneficial status for the CITY's projects;
6. Providing the CITY with a written bi-weekly or as needed reports of activities and agrees to attend CITY meetings at any time upon the CITY'S request;

7. Assisting the CITY in developing the CITY's Legislative Agenda for Fiscal Years 2011, 2012 and 2013;
8. Drafting Legislative proposals for consideration by State Legislators;
9. Facilitating meetings with appropriate Legislator and/or Executive Officials to obtain support for CITY's Legislative Agenda and specific City projects;
10. Representing the CITY before the Legislature and its various committees on all legislation affecting CITY projects or issues that are of concern to the CITY. CONTRACTOR will monitor all such legislation introduced and provide customized reports, at least bi-weekly during the legislative session and as directed by CITY staff during the rest of the contract period, on legislation;
11. Identifying and lobbying for State funding sources for CITY;
12. Coordinating CITY testimony and position papers as well as providing direct testimony (as directed by CITY staff) that is in support and/or opposition to such legislation. In addition, CONTRACTOR will work with CITY staff and City Council to coordinate CITY support;
13. Monitoring the activities of executive agencies, with reference to CITY projects and issues. CONTRACTOR will notify the CITY of any upcoming administrative proposals related to CITY projects and issues on their legislative agenda; and
14. Maintaining reasonable contacts and working relationships with other organizations and groups interested in CITY projects and issues to determine their positions in support to CITY projects and issues, as well as coordinating efforts when in common with other local governments, Palm Beach County or others with a similar interest. CONTRACTOR involvement would include providing written monthly reports of such activities.

B. PAYMENT: CONTRACTOR'S compensation for the services provided hereunder shall be \$5,000 per month or a total of \$120,000 for twenty-four months' retainer. The monthly \$5,000 fee invoice shall be submitted by CONTRACTOR at the first of each month, beginning on January 1, 2011. All travel or other business related expenses will be incurred and reimbursed only following the approval by the City Manager.

C. KEY PERSONNEL: CONTRACTOR has represented to CITY that CITY will have Sean Pittman, Esq. principal of CONTRACTOR'S services and Ronald L. Book, P.A., in the performance of CONTRACTOR'S duties hereunder, and has relied on that representation as an inducement to entering into this Agreement.

PART II - GENERAL PROVISIONS

- A. ASSIGNMENT AND DELEGATION:** Except as above, neither party hereto shall assign or delegate any interest in or duty under this Agreement without written consent of the other, and no assignment shall be of any force or effect whatsoever unless and until the other party shall have so consented.
- B. STATUS OF CONTRACTOR:** The parties intend that CONTRACTOR, in performing the services hereinafter specified, shall act as an independent CONTRACTOR and shall have control of the work and the manner in which it is performed. CONTRACTOR is not to be considered an agent or employee of CITY and is not entitled to participate in any pension plan, insurance bonus, or similar benefits CITY provides its employees.
- C. METHOD AND PLACE OF GIVING NOTICE, SUBMITTING INVOICES, AND MAKING PAYMENTS:** All notices, invoices and payments shall be made in writing and may be given by personal delivery or by mail. Notices, invoices and payments sent by mail should be addressed as follows:

CITY: RUTH C. JONES
CITY MANAGER
600 WEST BLUE HERON BOULEVARD
RIVIERA BEACH, FL 33404
(561) 845-4010

CONTRACTOR: SEAN PITTMAN, ESQ.
PITTMAN LAW GROUP, P.L.
2655 N. OCEAN DRIVE, SUITE 130
RIVIERA BEACH, FL 33404
(561) 845-7453

- D. NON-DISCRIMINATION:** CONTRACTOR shall comply with all applicable federal, state, and local laws, rules and regulations in regard to non-discrimination in employment because of race, color, ancestry, national origin, religion, sex, age, marital status, medical condition, or physical or mental disability.
- E. TERM OF AGREEMENT:** This Agreement shall become effective on January 1, 2011 and shall terminate on December 31, 2012 or upon 30 days' notice by either party with or without cause.
- F. JURISDICTION:** This Agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of Florida. In any action, special proceeding or other proceeding that may be brought arising out of, in connection with, or

by reason of this Agreement, the laws of the State of Florida shall be applicable and shall govern to the exclusion of the law of any other forum, without regard to the jurisdiction in which the action or special proceeding may be instituted.

- G. INDEMNIFICATION:** The CONTRACTOR shall indemnify and save harmless and defend the CITY; its agents, servants, and employees from and against any and all claims, liability, losses, and/or causes of action which may arise from any negligent act or omission of the CONTRACTOR, it's agents, servants, or employees in the performance of services under this Agreement.

The CONTRACTOR further agrees to indemnify, save harmless and defend the CITY, its agents, servants and employees from and against any claim, demand or cause of action of whatsoever kind or nature arising out of any conduct or misconduct of the CONTRACTOR not included in the paragraph above and for which the CITY, its agents, servants or employees are alleged to be liable.

CONTRACTOR shall pay all claims, losses, liens, fines, settlements or judgments of any nature whatsoever in connection with the foregoing indemnifications including, but not limited to, all costs, expert witness fees, reasonable attorney's fees, and court and/or arbitration costs. These indemnifications shall survive the term of this Agreement or any renewal thereof.

The CONTRACTOR shall defend all actions in the name of the CITY, when applicable, however, CITY reserves the right to select its own legal counsel to conduct any defense in any such proceeding and all costs and fees associated therewith shall be the responsibility of the CONTRACTOR.

Nothing contained in this Article shall be construed or interpreted as consent by the CITY to be sued, nor as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed this _____ day of _____, 20__.

CITY OF RIVIERA BEACH, FL

PITTMAN LAW GROUP, P.L.



THOMAS A. MASTERS
MAYOR

SEAN PITTMAN, ESQUIRE

ATTEST:

Carrie E. Ward, MMC
City Clerk

REVIEWED FOR LEGAL SUFFICIENCY


Rachael Johnson
Florida H. Ryan
City Attorney
DATE: 1/8/2010



PITTMAN
Law Group



Ronald L. Book, P.A.

LAW OFFICES
PROFESSIONAL ASSOCIATION

City of Riviera Beach End of Session Report May 2010

The staffs of Pittman Law Group, P.L. and Ronald L. Book, P.A. would like to extend our sincere appreciation for the continued opportunity to represent the City of Riviera Beach.

The 2010 Legislative Session adjourned 'Sine Die' on April 30th, 2010. Only 301 bills passed, as the handkerchiefs hit the Senate floor, signifying the end of 'Session.' 2010 was a very abnormal and contentious Session leading into an election year. Unlike past election years, several controversial bills, joint resolutions and issues were vetted through the process, including:

PASSED:

- Abortion/Health Care Legislation (HB 1143- Pending the Governor's veto)
- Comprehensive Property Insurance Reform (SB 2044-vetoed)
- Seminole Gaming Compact (SB 622)
- Comprehensive Education Reform (SB 6 - vetoed)
- Constitutional Amendments (If passed by a 60% public vote):
 - Redistricting/ Reapportionment Amendment (HJR 7231)*: Would answer 2 questions on the ballot by a special interest group relating to redistricting
 - Class Size Amendment (SJR 2)* - Would freeze class size restrictions
 - Healthcare Mandates (HJR 37)*

FAILED:

- Health Care Reform (HB 7225)
- Renewable Energy Legislation (HB 7229)
- Off-Shore Oil Drilling (No bill filed)

The Governor also made headlines leading into the final leg of his 2010 U.S. Senate campaign. He began by releasing a rather lofty proposed budget that ended up much closer than the Legislature first believed possible.

Then, in the midst of the 60 day Session, the Governor vetoed two very controversial pieces of legislation championed by Sen. Thrasher and the Republican leadership. He first vetoed HB 1207, which would have allowed the use of leadership funds and regulated the use of 527's. The second

bill vetoed, SB 6, would have based teachers pay on their students' ability to score well on standardized tests.

The "teacher reform" veto was the straw that broke the elephants back, causing the Governor to lose much of his Republican support/backing. Therefore, during the final week of Session, the Governor announced his intent to run for U.S. Senate as a "non-party affiliate" (NPA).

Leading up to the 2010 elections, we expect Gov. Crist's announcement to change the dynamics of Florida's politics. We also believe the Governor will be much looser with his veto pen than in previous years. Ultimately, his vetoing behavior could land us in a Special Session to rework the budget. We have even heard rumblings of a possible Special Session to create comprehensive energy or anti-corruption legislation. We will continue to keep our eyes and ears open during our post-session conversation with the Governor's office.

BUDGET

On April 27th, after a 72 hour cool off period, the House voted in favor (77-43) of the \$70.4 billion budget (HB 5001). Later that evening, after several months of diligent work, the 2010 State Legislative Budget passed favorably on the Senate floor and was sent to the Governor for his 'John Hancock'. The Legislature relied on several methods to fill the \$3.2 billion dollar shortfall to complete the budget, including:

- Non-recurring federal stimulus money - \$2.3 billion
- Contingent FMAP funds - \$1.2 billion (State expects to approve later this year)
- Trust fund sweeps – \$507 million (\$160 million in Transportation Trust Fund)
- The Seminole gaming compact – More than \$433 million
- Updated Amnesty Program - \$81.4 million
- Red-light camera legislation - \$40 million
- Tampa Hillsborough Expressway Authority - \$19 million to DOT
- And several budget cuts (Medicaid reimbursement, Juvenile Justice, etc.)

Meanwhile, the following expected revenue producers eventually lost favor during the process:

- Overhaul of the \$19 billion Medicaid system (5 county pilot will be extended)
- Offshore Oil drilling (Died well before drilling accident off the coast of Louisiana)

As of May 24th, we have summarized some budget highlights of particular note to local government below:

Transportation and Economic Development

Transportation and Economic Development Budget - \$9.9 billion (16% decrease compared to the current budget)

- **13th Street Improvements** – Again, a big thanks to Councilman Lowe and City Manager Ruth Jones for following up with Rep. Bernard, Sen. Smith and Governor Crist during Palm

Beach County Days. The visits helped to implant our \$500,000 appropriation for the 13th Street Improvements project into the working budget.

We continued to work throughout Session to keep our Riviera Beach road project in the Legislative budget. After an extensive Budget Conference, we successfully secured the \$500,000 appropriation in the final Legislative Budget. Listed below was the final budget line item language:

2672 GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
ECONOMIC DEVELOPMENT TRANSPORTATION
PROJECTS
FROM ECONOMIC DEVELOPMENT TRANSPORTATION
TRUST FUND \$20,000,000

...a portion of the funds in Specific Appropriation 2672 shall be allocated as follows:

13th Street Improvements, City of Riviera Beach..... \$500,000

After Session, we continued to work closely with the Governors office in order to avoid any line item or complete budget veto.

➤ ***Department of Transportation:***

- *Florida Department of Transportation Budget (FDOT) - \$7 billion*
- \$5.8 billion in the 1st year of the 5 year work program

➤ ***Department of State:***

- *Public Libraries* – Moving into Conference, libraries were fully funded (21.2 million) in the Senate and zero funded in the House. It came down to a fight between Libraries and the Office of Tourism, Trade and Economic Development (OTTED / Qualified Targeted Areas and Quick Action Closing programs). The initial result was a decrease in library funding and an increase in OTTED funding.

However, during the final week of budget negotiations, we were able to work with Senate leadership to fully fund libraries. The funding is expected to draw down \$8.4 million in federal matching dollars.

➤ ***Department of Community Affairs:***

- *Regional Planning Councils* - \$2.5 million
- *Florida Housing (1st Time Homebuyer Program)* - \$37.5 million to be used for down payments on single family home purchases.

➤ ***Department of Tourism, Trade and Economic Development (OTTED):***

- *Qualified Target Industries* - \$12.2 million
- *Visit Florida* – \$27 million
- *Enterprise Florida* - \$11.1 million

Natural Resources/Environmental

Florida Forever - \$15 million.

Everglades Restoration – \$10 million (An additional \$40 million will be appropriated contingent upon FMAP funds)

-Heading into the Conference process, the House zero funded the Florida Forever Program. However, we assisted in funding both Everglades' Restoration and Florida Forever.

Mosquito Control – \$1.2 million

Beach Restoration - \$15.5 million

- We worked with leadership throughout the Budget Conference to secure funds for Beach Restoration.

Water Management District Trust Fund – \$18.3 million

Drinking Water Revolving Loans - \$88.4 million

Petroleum Tank Cleanup- \$120 million

-After using bonded funds last year, the legislature this year dedicated the above funds to petroleum tank cleanup.

Education

K-12 Education – The K-12 per student spending average will increase by \$1.22 to \$6,843.51 (\$111 million increase compared to current year). K-12 total funding will be \$8.9 billion, which is an \$849 million increase compared to the FY 2009-2010. This increase in education funding is a good indication that the Legislature considered education a top priority in 2010.

Higher Education – 'Bright Futures' reform was tightened and then slightly loosened during the Conference process. Further, state tuition was increased an additional 8% with another 7% increase to be approved by the Board of Governors (BOG) (increase not covered by BF). The total university system budget is expected to increase by nearly 6% (including tuition).

-A late filed provision, which arose in Conference, will allow university boards to raise student fees 15% or the statewide average.

Health Care/Human Services

Nursing Home Reimbursement Rate - In a last minute budget deal, leaders scaled back the cuts to nursing home reimbursement from 7% to 5%.

-This 5% cut would be contingent on the reception of the pending FMAP funds.

State Payment to Hospitals for Indigent Services – State payment for indigent services would be cut by 7% except for rural hospitals, Two Children’s Hospitals, Miami’s Children’s Hospital and the St. Petersburg All Children’s Hospital.

Community Based Mental Health and Substance Abuse Programs - \$14.4 million

Homeless Prevention – \$8.6 million

State Worker Salary/ Pension Reform:

State Workers Salary’s – For the majority of the 60 day Session, state workers were facing a House leadership proposed 3% pay cut across the board. In contrast, Democratic members argued that state workers deserved a raise (5 years since their last). In the end, a compromise was made and the salary reduction was not included in the final budget. Ultimately, the insurance and pension programs would be tweaked to save the state some money.

Insurance Benefits – 27,000 senior management, select exempt, legislative and other non-paying state workers will begin paying \$100 a year for singles insurance coverage or \$360 a year for family coverage.

-Also, the state will cover a 5% increase in insurance premiums that will:

- Not include copayments for doctors’ visits and prescriptions (excluding generic drugs)
- Increase the cost of ER and urgent care

Life Insurance – Will be set at a flat rate of \$25,000 instead of 1.5 times the workers salary.

HB 5607 relating Deferred Retirement Option Program (DROP) – Beginning on July 1st, interest earned in stockpiled pension checks for a five year period would be reduced from 6.5% percent to 3%. Further, an actuarial study would be required on the DROP program.

**See veto section below*

Criminal and Civil Justice

Criminal Justice Budget – \$5.1 billion (\$3.5 billion in GR and \$1.6 billion in trust funds)

Drug Improvement Program - \$10 million (federal stimulus funds)

Funding/ Raising Awareness for the City of Riviera Beach Justice Service Center’ (JSC) - On March 3rd, we met with Sen. Chris Smith of the *Transportation and Economic Development Committee* to discuss the City’s successful ‘Justice Service Center Program’ and the need for state and federal funding (grants) and awareness. The local Senator made it clear that he would be there to help when called upon. Moving forward, we look forward to the Senator’s assistance on local issues.

We also hosted a lunch meeting for City Manager Jones and Councilman Lowe to discuss the re-entry issue with Deputy Secretary of the Department of Corrections (DOC), Richard Davison, Rep. Mack Bernard, and Sen. Chris Smith. The Deputy Secretary showed great enthusiasm towards the

program and offered the DOC's assistance in finding federal/state funding sources moving forward. We continue to stay close to the DOC staff in order to find some viable program funding sources.

Later in the day, we also discussed the JSC re-entry program with Chair Rivera of the *Education and Economic Development Appropriations Council*, Sen. Lawson and Rep. Bernard.

On March 4th, we met with Future House Speaker, Dean Cannon to discuss the future of re-entry reform. We will continue to work closely with the future speaker in order to secure funding for future priorities moving into the next administration.

Finally, we met with Governor Charlie Crist to discuss our budget priority items. The Governor was very enthusiastic and we continued to work with him throughout the veto process.

As time progressed, we continued to search for re-entry funding; however, re-entry was not the top priority for the outgoing leadership in the Senate and the House. Through our conversation with next year's leadership, we felt that there may be increased support in the new administration as we move into the 2011 Legislative Session.

Gaming Compact:

SB 622/HB 7221 relating to the Seminole Indian Gaming Compact by Senator Jones and Representative Galvano -The third time was a charm for Seminole Indian Gaming Compact. 2010 was the year that the Seminole Tribe of Florida finally negotiated a deal with the Florida Legislature and Governor Charlie Crist. The compact will allow the immediate use of \$250 million currently on hand and secure an additional \$1.2 billion in revenue, over the first five years.

In return, Florida will authorize the Seminole Tribe of Florida exclusive rights to run class III games in five of its seven Florida facilities. Banked card games, including baccarat, blackjack and "chemin de fer" will be legalized in Broward County, Collier County, and Hillsborough County casinos. During the ceremonial signing, Governor Crist urged the Legislature to use the compact funds to continue funding education. That being said, the majority of the funds will be placed in General Revenue (GR). After five years, the Legislature is expected to revisit the terms of the revenue sharing.

Compact Highlights:

- 3% of the compact funds will be distributed between the cities and counties where the casinos are located.
- Pari-mutuels will also be affected by the compact. Specifically, the tax charged by South Florida pari-mutuels will be reduced
- The ratified compact has a 20 year term (slot machines); however, the authority for banked card games terminates at the end of 5 years, unless extended/modified by the legislature.

Revenue Sharing Details:

- The \$250 million previously paid to Florida by the Tribe will be held in General Revenue (GR)
- \$150 million (annual minimum payment)

- The Compact provides for a guaranteed minimum payment of \$1 billion dollars over 5 years
 - Fiscal Year 2010-11: \$150 million
 - Fiscal Year 2011-12: \$150 million
 - Fiscal Year 2012-13: \$233 million
 - Fiscal Year 2013-14: \$233 million
 - Fiscal Year 2014-15: \$234 million

- After the first two years, the Tribe will pay the state, either the greater of the guaranteed minimum or a graduated percentage of net win:
 - 12% of net win up to \$2.0 billion
 - 15% of the net win from \$2.0 billion up to and including \$3.0 billion
 - 17.5% of the net win from \$3.0 billion up to and including \$3.5 billion
 - 20% of the net win from \$3.5 billion up to and including \$4.0 billion
 - 22.5% of the net win from \$4.0 billion up to and including \$4.5 billion
 - 25% of the net win over \$4.5 billion

The legislation was signed into law by the Governor, Chapter No. 2010-29 L.O.F.

Trust Fund Sweeps

Trust Fund Sweeps - The House and the Senate agreed to more than \$500 million in trust fund sweeps.

- Some of the major trust fund sweeps are listed below:
 - State Transportation Trust Fund - \$160 million
 - Only \$120 million cut (contingent upon FMAP funds)
 - Housing Trust Fund - \$174.3 million
 - Emergency Preparedness and Assistance Trust Fund - \$2 million

Reserves

Expecting a \$6 billion deficit next year, legislators have placed \$1.4 billion in reserves for the FY 2010-2011 budget beginning on July 1st. An additional \$730 million will be placed in reserves if Florida is granted the federal Medicaid funds (FMAPP).

BUDGET UPDATE (May 28th, 2010)

Veto Overview / 13th Street Improvements – On May 25th, \$61 million in budget projects aimed at benefiting specific members, known as “Turkeys,” were issued and released by the Florida TaxWatch (business-funded group that scrutinizes state spending). As you would expect, the 13th Street Improvements Project was one of the line items listed.

The news was very harmful to our efforts, as the Governor’ was expected to make his line item vetoes at the end of the week. With that said, we continued to work with the Governors office as the final vetoes were being selected. In our discussions, we stress that our project was not a true “Turkey” stuffed in the budget at the 11th hour. To the contrary, our project was vetted as part of the budget for weeks as it moved through the process.

On May 28th, the Governor approved the FY 2010-2011 budget totaling \$70.4 billion. As expected, the Governor chose to exercise his use of the line item veto. The Governor vetoed \$181.7 million in GR and \$189.3 million in Trust Funds sweep (including a \$160 million sweep from the state's road-building trust fund) totaling \$371 million. The majority of the line item vetoes were local member projects; however, the most significant fiscal veto was from the Transportation Trust Fund sweep that the legislature had used to fund education. In order to keep education fully funded, Crist also vetoed the proviso language that would have made education funding contingent on the vetoed Transportation Trust Fund sweep.

Despite our best efforts, the 13th Street Improvements project was vetoed by Crist. We had reached out to the Governor several times the week before, who repeatedly said he would consider our position when choosing his vetoes. Unfortunately, our project was grouped together with some South Florida leadership projects which the Governor wanted cut from the final budget. Essentially, it is all part of Crist's fallout from the Republican Party. When things settle, we look forward to working this project through the process again.

Drop Program - Gov. Crist also vetoed the DROP legislation that would have changed the accrual rate from 6.5% to 3.0%. Ultimately, the Governor felt the legislation surfaced too late in Session and should not have been "rushed through the process."

Nursing Homes Cut - Finally, the Governor used his veto pen to eliminate planned reimbursement reductions for nursing homes and providers that help the developmentally disabled. However, the budget still contains the same overall amount of funding, meaning that at some point the state would have to dip into reserves or come up with additional money to fund both programs.

2010 PERTINENT MUNICIPAL LEGISLATION / PASSED

We have provided below an analyses and report of our work done during the 2010 Legislative Session. These issues stewed a below-the-surface unfriendliness and stoked the already precarious, pre-election season atmosphere and made for a disagreeable session at best.

PASSED LEGISLATION:

RED-LIGHT LEGISLATION:

HB 325 and SB 2166 relating to Red Light Camera's by Representative Reagan and Senator Altman – On November 6th, 2009, Rep. Reagan filed his red-light legislation to be heard during the 2010 Legislative Session. Due to term limits, 2010 would be Rep. Reagan's last chance to pass his good piece of legislation.

The House bill passed with several amendments through all three of its committees of reference, including the *Roads, Bridges & Ports Policy Committee*, *Health Care Regulation Policy Committee* and the *Finance & Tax Council*.

Meanwhile, the Senate bill passed with several amendments through the *Transportation Committee*, *Criminal Justice Committee*, *Community Affairs Committee*, and the *policy & Steering Committee on Ways and Means* (The bill was withdrawn from the *Criminal Justice Committee*).

Throughout the process, we were sure to discuss the city's support of the good legislation with all committees' members before the House and Senate committee meetings. When we believed necessary, we also sent follow-up letters to members in order to better inform them of our support of the issue.

Also, on March 16th, these bills were discussed during the *Office of the EDR's Revenue Estimating Impact Conference*. The *Revenue Estimating Conference* found that the "provisions of the bill will increase state revenues by \$29.2 million (\$19.3 G.R., \$9.9 Trust) in FY 2010-11 and \$94.8 million (\$63.2 G.R., \$31.6 Trust) in FY 2013-14." The *Estimating Conference* also reported that the "provisions of the bill will increase local government revenues by \$10.1 million in FY 2010-11 and \$65.7 million in FY 2013-14."

On April 22nd, we worked with Rep. Bernard to make sure he withdrew a very harmful amendment to local governments. The amendment was brought to Rep. Bernard by opposing Republican leadership in the House. If passed, the amendment would have disallowed the installation of cameras without an approved referendum by "the majority of votes cast by those persons eligible to vote in such a referendum." The amendment would have effectively destroyed the bill. However, we were successful in destroying the amendment before it was brought forward during 3rd Reading.

On Friday, April 23rd, the House bill passed favorably (77-33) during 3rd Reading. A strike-all was added which brought the House version much closer to the Senate version. The strike-all added the compromises below:

- Fines on city and county roads would be \$158 dollar fines. Allocating \$70 to General Revenue (GR), \$75 to the local governments, \$10 to the trauma centers, and \$3 to the Miami Project to Cure Paralysis.
- Cities and counties would have the ability to use cameras in their respective jurisdictions.
- Grandfathering of existing equipment until July 1st, 2011.
- Allow for those to turn on red in a "careful and prudent manor."

On April 26th, the Senate bill was replaced for HB 325. During 3rd Reading, much debate was had over red-light companies receiving favorable contracts, the use of 'streaming camera' vs. 'still photos' and the personnel who would be responsible for issuing the tickets. Ultimately, the bill passed (30-7) on the Senate floor with one amendment withdrawn relating to 'still photos' vs. 'streaming video.'

The Governor made several remarks referring to the veto of the bill. Ultimately, in part to our work with the Governor's office, Crist signed the bill into law. Below is an analysis of the bill as signed by the Governor:

Bill Analysis: The bill defines a traffic infraction detector as a device to record "two or more sequenced photographic or electronic images or streaming video" of vehicles "at the time the vehicle fails to stop behind the stop bar or clearly marked stop line" when facing a steady red light.

Municipalities and counties are permitted to install traffic infraction detectors on streets and highways in accordance with FDOT standards, and on state roads within the incorporated area when permitted by FDOT. The Florida Department of Highway Safety and Motor Vehicles

(DHSMV) may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of FDOT.

The bill also provides a transitional period for those counties and municipalities instituting a traffic infraction detector program on or before October 1st, 2010. These counties and municipalities may continue to use equipment acquired under an agreement entered into or before October 1st, 2011. These local governments are not required to meet the specifications provided by the bill until July 1st, 2011 or 180 days after FDOT specifications are issued, whichever is later.

Signage will be required at intersections using traffic infraction detectors, providing that traffic infraction detectors may not be used to enforce violations when the driver is making a right or left turn, where such turns are allowed.

Traffic infraction enforcement officers must meet training and qualifications standards developed by the Florida Department of Law Enforcement (FDLE). The traffic infraction enforcement officers must be physically located in the county of the respective sheriff's or police department.

Included with the notification to the registered owner of the motor vehicle involved in the infraction shall be a notice that the owner has the right to review, either in person or remotely, the *photographic or electronic images or the streaming video evidence* that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or internet location where the evidence may be examined and observed.

The fine is increased from \$125 to \$158; however, there is no change to the assessment of points against a driver's license when a violation is enforced by a law enforcement officer. The allocations for the infraction are as follows:

- \$60 to be distributed as provided in s. 318.21, F.S
- \$30 to the GR Fund
- \$68 to DOR

The bill would allow local governments to install cameras at select city and county road intersections and charge \$158 dollars for red light violations. The bill provides fines assessed for violations enforced by law enforcement officers are disbursed as follows:

- \$70 to the GR Fund
- \$75 to the county or municipality in which the violation occurred
- \$10 to trauma centers
- \$3 to Miami Project to Cure Paralysis

If the enforcement is by the department's traffic infraction enforcement officer and the driver has failed to stop at a traffic signal the revenue would be allocated as follows:

- \$100 to the General Revenue Fund
- \$45 to the county or municipality in which the violation occurred
- \$10 to trauma centers

- \$3 to Miami Project to Cure Paralysis

Beginning in 2012, each local government that operates a traffic infraction detector is required to submit an annual report to DHSMV containing the following:

- Results of using the traffic infraction detector
- Procedures for enforcement
- Statistical data and information required by DHSMV

The bill provides a severability clause and is effective July 1st, 2010.

SOVEREIGN IMMUNITY:

SB 2060/HB 1107 relating to Sovereign Immunity by Senator Bennett and Rep. Nehr – Despite our early efforts, we were unable to stop the legislation from passing. We found that leadership and the trial lawyers had made a compromise that placed the bill on the fast track to the Governor's desk.

Bill Analysis: The bill will increase the current waiver-of-liability limits for the state and its agencies and subdivisions to \$200,000 per individual claim and \$300,000 per aggregate claim. Further, the legislation will allow the state and its agencies to pay up to \$200,000 for any claim when the amount is totaled with all other claims and judgments paid in occurrence with the same incident.

The bill will also remove the provision to increase the liability limit annually in July 2012 (The adjustment would be based on the consumer price index).

On April 27th, the bill was approved by Governor, Chapter No. 2010-26.

SALES TAX HOLIDAY:

SB 514/HB 483 relating to the Sale Tax Holiday by Sen. Fasano, Rep. Rivera, and Rep. Flores - Early in the process, two House bills were combined to create HB 483 which will establish a three day sales tax holiday from August 13th to August 15th, 2010.

Bill Analysis: The sales tax holiday will suspend taxes on books, clothing, and bags with a sales price of \$50 or less. Also exempted are school supplies purchased for less than \$10.

The sales tax holiday will not apply to sales within a theme park, entertainment complex, public lodging establishment, or airport. Experts suggest that this bill will have a negative impact on the states General Revenue (GR) of \$21.3 million, a negative impact on the state trust fund revenue and a negative impact on local government revenue of \$4.8 million.

On May 26th, the bill was approved by Governor, Chapter No. 2010-93

SOLID WASTE DISPOSAL:

SB 1052/HB 569 relating to Solid Waste Disposal by Sen. Gaetz and Rep. Poppell - The bill analysis is listed below:

Bill Analysis: The bill will provide an arrangement for using the exhaust (gas) from Class I landfills for a more beneficial use. The bill provides that a Class I landfill may also accept yard trash for the purpose of mulching and to provide landfill cover for the municipal solid waste disposed at the landfill. The Department of Environmental Protection (DEP) will have to develop and adopt a method to award a recycling credit for the use and disposal of yard trash at a Class I landfill that collects gas.

The bill retains the existing language that allows source separated yard trash to be accepted at a solid waste disposal area, if separate composting facilities are provided and maintained.

There are exemptions to those counties who own and operate a compost facility, waste-to-energy facility or biomass facility that sell renewable energy to a public utility. The DEP shall provide the county with notice and an opportunity for application into the recycling credit program. All local governments, municipalities, counties, and special districts are eligible for this program. However, the exception does not apply to a county that currently operates under a constitutional home rule charter authorized in 1956.

Ultimately, the Governor vetoed the bill on June 1st. Gov. Crist said the bill represents a step backwards in Florida's recycling efforts and it could cause landfills to fill up quicker.

RECYCLING LEGISLATION:

SB 570/HB 7243 relating to Environmental Inspection/Recycling by Sen. Constantine and the *General Government Policy Council* – The bill analysis is listed below:

Bill Analysis: The bill will delete a reporting requirement in the Florida Climate Protection Act and strengthen the provisions requiring a statewide recycling program for state agencies, K-12 public schools, institutions of higher learning, community colleges and state universities. Each entity will be required to report their recycling rates to the Department of Management Services (DMS), with certain exemptions for local governments meeting specific criteria set forth by the DMS. Recycling rates will be presented before the Legislature every 2 years.

The DMS will be responsible for tracking the state's purchases of green and recycled materials and creating a Recycling Business Assistance Center to develop new markets for recyclable materials. The requirements set forth in this bill will also delete previous provisions for county composting requirements. With these provisions removed, the DMS will be authorized to direct counties that have not met the recycling goals to expand their programs to commercial and multifamily dwellings.

Many of the provisions of this new legislation are expected to have a direct fiscal impact on the private sector as well as the state and local governments. The mandates in this bill require the counties to spend funds and reduce the authority of counties to raise revenues. However, the costs of structuring the new recycling program were not determined by a *Revenue Estimating Conference*.

Also, Waste Management services will have to create a technical advisory committee to develop rules and reports on the types of materials handled at disposal sites and waste facilities. The rules set forth will establish a new methodology to calculate and credit Waste Management production.

Finally, the bill will provide incremental recycling benchmarks for counties towards reaching the state's 75% recycling goal by 2020.

On May 27th, the bill was approved by Governor, Chapter No. 2010-143.

JOB CREATION/ECONOMIC DEVELOPMENT:

SB 1752/HB 1509 relating to Economic Development by Sen. Gaetz and Rep. Weatherford – The comprehensive economic development bill became a train for several failing job creation and growth management bills. The legislation will offer tax breaks, tax credits, grants, and anti-regulation to help stimulate the floundering economy/job market.

Bill Analysis: The comprehensive legislation will require local governments with private Economic Development Organizations (EDO) and Economic Development Agency (EDA) contracts to submit an annual report. The report is expected to show how the public funds were spent and what outcomes were achieved. The report must be submitted annually on January 15th, to the Legislative Committee on Intergovernmental Relations (LCIR). All counties and some municipalities with either annual revenues or expenditures of \$25,000 must report to the LCIR, regardless of the level of incentives granted.

The bill creates additional exemptions from the tax on admissions for certain sporting events.

- National Basketball Association All-Star Game and associated events
- National Hockey League All-Star Game
- Major League Baseball Home Run Derby
- National Football League Pro-Bowl.

Further, the legislation will allow local governments to extend previously adopted ordinances to grant ad valorem relief for another 10 years. The extension will allow additional 10 year increments to be voted upon by referendum.

An amendment will allow for the “fractional aircraft ownership program,” to exempt rental/leasing of space at a convention hall, civic hall, or meeting space at public lodgings to a person providing telecomm, data systems management, or internet services from sales and use tax.

The bill will revise the current statute, capping the sales tax on boat purchases at \$18,000. The amendment also creates a cap to the amount of sales and use tax and any discretionary sales surtax assessed on a fractional aircraft ownership interest at \$300.

Condominium parcels were removed from the listing of “real property” so they will not be eligible for the sales and use tax exemption for building materials used in an enterprise zone.

Film and entertainment tax credits were also worked into the bill as it will allow taxpayers to request a refund of previously paid sales and use taxes based on the credit from the Florida film and entertainment incentive program. This provision establishes that the qualified production company is eligible for tax credits against its documented tax liabilities. These credits cannot be applied to tax returns filed for any tax period before 2011, regardless of when the credit is awarded.

The bill will implement the film and entertainment tax credit program, that will repeal the MME tax credit beginning in 2012. It will also provide access to confidential tax records and unemployed tax credit. Each eligible business will receive a \$1,000 tax credit, for two tax years, for every qualified

employee they hire while using the incentive program. Further language in this bill will re-establish a higher-wage job creation and diversification. Provisions directing the Florida's Office of Film & Entertainment (OFE) and its executive director to serve as liaisons between entertainment producers and labor unions were removed. The OFE will be updating the state's entertainment industry plan every 5 years and make technicality changes based on trends.

The economic development package will also change the permitting guidelines for engineers who will be working within the film industry in Florida.

Space Florida was also granted spending flexibility after appropriating over \$20 million in non-recurring general revenue geared toward space-related activities.

Finally, the "Florida Homebuyer Opportunity Program" will be extended for another 12 months at the availability of state funding. This program will continue to assist Floridians participating in the federal 'First-Time Homebuyer Program'.

On May 28th, the bill was approved by Governor, Chapter No. 2010-147

TAX AMNESTY PROGRAM:

HB 5801 relating to Taxation by the *Finance & Tax Council* and Rep. Bogdanoff – The bill will create a State Tax Amnesty Program. The program will take effect on July 1st, 2010 and end on September 30th, 2010.

Bill Analysis: The bill will prohibit delinquent penalties on the participant while allowing interest due to be reduced to 75% of the outstanding tax amount and to 50% for those taxpayers making the initial contact with the department through the program.

Further, the taxpayer may participate in the amnesty program whether or not the taxpayer is under audit, inquiry, examination, or civil investigation by the department. However, they may not participate if under criminal investigation, indictment, or prosecution regarding a Florida revenue law. Late penalties will be waived on any tax paid pursuant to the amnesty program. Furthermore, the Department will not initiate a criminal investigation against a participating taxpayer who fails to pay on time.

The Department will be allowed to rescind a grant of amnesty on the basis of fraud, misrepresentation, or mutual mistake of fact. Any local option tax administered by a local government is not included in the amnesty program, unless the local government notifies the DOR by June 1, 2010.

Finally, this bill will authorize the department to publish a list of taxpayers who have current warrant and judgment lien certificates. This list is permitted to be publicized on the department's internet website that includes the name, amount of liability, and other publically available taxpayer information. This list shall be updated at least monthly. The department is authorized to adopt rules for the administration of this provision.

On May 28th, the bill was approved by Governor, Chapter No. 2010-166

PUBLIC SAFETY TELECOMMUNICATORS/E911:

SB 742/HB 355 relating to Relating to Public Safety Telecommunicators/E911 by Sen. Detert and Rep. K. Roberson – The bill analysis is listed below:

Bill Analysis: The bill will require any person who is employed as a 911 public safety telecommunications to be certified by the Department of Health (DOH) by October 2012. Further, the bill will revise the expenditures of the E911 fees. Under these new provisions the DOH must provide 20 hours of training for the renewal of public safety telecommunication certificates every 2 years. This requirement will be a mandatory certification for all 911 dispatchers.

The bill will have a fiscal impact on both the state and the counties. The DOH estimates that the cost to develop and implement the new examination requirement for the 911 public safety telecommunicators will be approximately \$52,840 for start-up plus \$12,032 for yearly maintenance. In addition, the DOH estimates that the total recurring cost of the bill on the department will be \$111,092 for fiscal year 2010-2011. This additional cost will be funded from the fees deposited in the Emergency Medical Services Trust Fund. The estimated fiscal impact on local governments has not been determined at this time but is believed to be significant.

The bill must be signed by the Governor by June 5th.

SLIP AND FALL

HB 689/SB 1224 relating to negligence by Rep. Aubuchon and Sen. Gardiner – The bill analysis is listed below:

Bill Analysis: The bill will require the plaintiff to prove the employer had ‘constructive knowledge’ of any condition on its property that caused the injury. HB 689 repeals s. 768.0710, F.S. relating to the burden of proof in “slip and fall” claims of negligence and approximates the law with respect to slip and fall law suits as it existed before 2001.

HB 689 was approved by the Governor, Chapter No. 2010-8 L.O.F., and takes effect July 1, 2010.

COMMUNITY ASSOCIATIONS

SB 1196 & SB 1222 relating to Condominiums by Senators Fasano and Sen. Ring is a comprehensive bill that encompasses issues related to community associations, including condominium, homeowners', and cooperative associations. The bill analysis is listed below:

Bill Analysis: The bill permits condominium, cooperative, and homeowners' associations to demand payment of any future regular assessments from the tenant.

The bill creates the “Distressed Condominium Relief Act” to define the extent to which successors to the developer, including the construction lender after a foreclosure and other bulk buyers and bulk assignees of condominium units, may be responsible for implied warranties.

This bill increases the mortgage lender’s liability for unpaid assessments from the current 6 monthd to 12 months. It also permits condominium associations to demand payment from the tenant or owner who owes unpaid fees or assessments to the association and gives the association the ability to evict the tenant if he fails to make the required payment.

On June 1st, the bill was approved by the Governor, Chapter No. 2010-174

TRANSPORTATION:

HB 1271/SB 2362 relating to Transportation by Rep. Horner and Sen. Gardiner – The bill contains numerous provisions relating to the Department of Transportation and various transportation related issues.

Some of the bill highlights include the following provisions:

- Allows counties served by a regional transportation or transit authority to levy up to a 1% discretionary sales surtax for transportation systems by referendum;
- Reorganizes the membership of the Board of Pilot Commissioners and creates the Pilotage Rate Review Committee as part of the board;
- Clarifies the application process used by contractors seeking qualification to bid on transportation construction jobs;
- Increases the Lake Belt Area Wetland Mitigation fee from 24 cents per ton to 45 cents per ton of limerock or sand mined in the area;
- Clarifies land uses in relation to outdoor advertising and provides for sign owners, advertisers, or property owners to be held liable for the removal of improperly permitted signs;
- Reduces the maximum fee FDOT may charge for logo signs on Interstates and removes authorization to implement a 3-year rotation for signs in areas where demand exceeds availability; and
- Provides explicit authority for public-use airports to dispose of or remove personal property, derelict or abandoned aircraft and derelict or abandoned motor vehicles from the airport's premises.

On June 4th, the Governor approved the legislation.

2010 PERTINENT MUNICIPAL LEGISLATION / FAILED

RED-LIGHT HEAVY:

HB1235 / SB2712 relating to Traffic Enforcement by Rep. Schenck and Sen. Dean – On February 23rd, Rep. Schenck who had been opposed to the past red-light legislation (HB 325), filed the House bill. The bills intent was to prohibit the use of traffic infraction detectors and cameras by counties and municipalities to enforce traffic laws. Further, the bill would have preempted the state the use of traffic infraction detectors to enforce traffic laws. The bill was expected to have a negative fiscal impact on those local governments that already installed red light cameras to generate revenue through the collection of civil fees or fines.

Early in the process, we heard this bill had little favor in the House and none in the Senate. Further, we heard that the bill had 0% chance of passing if the “red-light” legislation (HB325) finally passed.

That being said, we the used majority of our energy and resources to successfully pass HB 325. However, we also discussed our opposition of the issue with all committee members that heard the bill.

The bill barely passed (7-5) during its first committee of reference, *Governmental Affairs Policy Committee*. Committee members argued about the possible confusion caused if both HB 1235 and HB 325 (red-light legislation) passed into law by the Legislature. In that case, Rep. Schenck felt that the “Governor would most likely veto his bill.”

In its next committee of reference, *Military and Local Affairs Policy Committee*, the House bill once again passed narrowly (8-6). During public testimony, the Florida Association of Counties and the Florida League of Cities spoke in opposition to the bill. A spokesman for the Internal Order of Police commented that “removing the cameras would remove a powerful public tool.”

On April 16th, the House bill passed (10-5) during the bills last council of reference, *Economic Development & Community Affairs Policy Council*. Subsequently, on April 19th, the bill was then placed on the House Special Order.

As we expected, the proposed legislation proved unnecessary when HB 325 passed. Obviously, we do not expect to see this harmful legislation again.

TABOR:

SB 2420 relating to Relating to State Revenues/Voter Approval New Taxes and Fees by Sen. Haridopolos –The bill would have proposed an amendment to the State Constitution to limit state revenues and require voter approval of new taxes and fees.

On March 4th, Senate Leadership showed its disfavor of the legislation by referring the bill to five committees of reference. However, on March 23rd, the bill was heard and passed (5-3) with an amendment during the Community Affairs Committee. The adopted amendment, proposed by Sen. Haridopolos, would have changed the affect of the legislation to the State instead of local governments. During public testimony, several speakers warned against Colorado’s mistakes with and shortfalls under the revenue cap system. As expected, the legislation later died during in the committee process.

While the bill failed this year, we expect it will be back again next year as one of the Senate President’s top priorities. We expect this bill to be a major fight over the next couple of years.

OUTSIDE UTILITIES:

SB372/HB 1607 - Relating to Municipal Water and Sewer Utilities by Sen. Wilson and Rep. Braynon – The bill would have exempted municipalities in certain counties from the applicability of provisions limiting the rates that a municipality may charge consumers located outside their boundaries for water or sewer utility services.

In January, we discussed our opposition of the legislation with House and Senate leadership. We found that the respective leaders were complete against the legislation passing during the 2010 Legislative Session. Further, we kept an eye on any amendments or bill movement as the process progressed. As expected, no movement occurred. Moving forward, we do believe the bill could be considered under the new leadership.

RENEWABLE ENERGY:

SB 1186 relating to Renewable Energy by Sen. Bennett and the *Energy & Utilities Policy Committee* - The bill was the 2010 comprehensive renewable energy legislation. It would have amended the states renewable energy policies by deleting obsolete language that required the PSC to adopt rules for establishing renewable standard of energy.

The possibility exists that the Governor calls a special Session to discuss oil and energy. However, that possibility is now slim.

AFFORDABLE HOUSING:

HB 665 relating to Affordable Housing by Rep. Aubuchon - The affordable housing bill actually passed the Senate, but the House refused to concur with the language in this bill. If the House concurred, the bill would have revised the states housing strategy to provide targeted assistance for persons with special needs.

We believe this bill will be filed again next year with the appropriate changes. We will monitor any new legislation filed and report on any bills with similar language to this year's bill.

INMATE RE-ENTRY:

SB 2714 / HB 1587 relating to Inmate Re-entry by Sen. Rich and Rep. Bogdanoff – Generally, the bill would have required the Department of Corrections (DOC) to develop and implement a re-entry program that includes substance abuse or mental health treatment in the form of a 90 day in-prison treatment program, as well as a 12 month treatment program during their last year of imprisonment in the community.

Upon discussion with Senate staff, we found that Chair Crist of the *Criminal and Civil Justice Appropriations Committee* was not in favor of the legislation. Specifically, he had an issue with the “indeterminate fiscal impact” which would have ultimately affected the Senates budget. Per the revenue estimating impact conference, the bill could have had either a positive or negative fiscal impact. The Chair chose not to risk a negative fiscal impact. We also heard rumors that Senate Leadership was against all legislation that emptied prisons, because of the opening of the State's new private prison.

For the most part, the issue was well received and we expect the Senate Democratic Leader to file the bill again next year.

2010 RETIREMENT LEGISLATION

Below is a detailed analysis of pertinent Florida Retirement System (FRS) and general pension legislation vetted during the 2010 Legislative Session.

PASSED RETIREMENT LEGISLATION:

SB 1932 / HB 1193 relating to Retirement Sen. Altman and Rep. Plakon – On April 29th, the bill was substituted for HB 1193 and later passed (38-0) during 3rd Reading with a last minute “Firefighter Death Benefits” amendment adopted by the Senate. The amendment, by Sen. Baker, would provide benefits for firefighters who lost their life in the line of duty *or* training. The issue was not heard in the House until the amendment was adopted in the Senate and the bill was sent

back to House Messages. The bill originated in Volusia County where Mr. John Curry was killed in a training exercise. His family will be the first to benefit from the legislation. When the bill was received, the House concurred to the amendment and passed the bill unanimously (118-0).

Bill Analysis: The bill changes the nature of disability benefits under the Florida Retirement System. In addition to the “Firefighter Death Benefits” amendment, the bill will allow members of the ‘Special Risk’ Class employed in law enforcement, firefighting, or criminal detention position, whom suffer a disability in line of duty, to maintain his or her status in the ‘Special Risk’ Class. However, the disability must be a qualifying injury that prevents the member from being able to perform the duties of his or her former Special Risk Class position. Further, the employee must be employed by the same employer.

To be eligible for continued Special Risk Class membership:

- The member must have already qualified for and be actively participating in Special Risk Class at the time of the qualifying injury and must not be receiving disability retirement benefits
- Two physicians, one of whom is a primary treating physician of the member, must certify the existence of the physical injury and medical condition that constitutes a qualifying injury and that the member has reached maximum medical improvement after August 1, 2008.

The certifications from the licensed medical physicians must include, at a minimum:

- The physical loss or loss of use is total and permanent, except in the event that the loss of use is due to a physical injury to the member’s brain, in which, event the loss of use is permanent with at least a 75-percent loss of motor function with respect to each arm or leg affected.
- Physical loss or loss of use renders the member physically unable to perform the essential job functions of his or her ‘Special Risk’ Class position.
- Notwithstanding this physical loss or loss of use, the member must be able to perform the essential job functions required by the member's new position.
- Use of artificial limbs is either not possible or does not alter the member's ability to perform the essential job functions of the member's position.
- The physical loss or loss of use is a direct result of a physical injury and not of any mental, psychological, or emotional injury.

On June 1st, HB 1193 was signed into law by the Governor.

SB 202/HB 65 relating to Firefighter Death Benefits by Sen. Baker and Rep. Soto – During the final week of Session, the Senate bill passed unanimously (32-0) during 3rd Reading on the Senate floor and then died in House Messages. Meanwhile, the House bill died in committee.

As mentioned above, the bill language was amended to Sen. Altman’s bill (HB 1193) relating to Retirement. HB 1193 later passed with the bill language in the House.

Amendment Analysis: The amendment, as adopted onto HB 1193, will expand the purposes for which an additional accidental death benefit of \$50,000 is payable by requiring payment of the benefit when a firefighter’s death occurs due to participation in a training exercise.

The bill also expands the purposes for which a death benefit of \$150,000 adjusted for inflation, is payable by requiring payment of the benefit when a firefighter is injured by an unlawful and intentional act of another person while engaged in the performance of his or her firefighter duties and dies as a result of such injury.

Finally, the bill specifies that the act will take effect upon becoming a law and that it will apply to firefighter deaths occurring on or after November 1, 2003.

FAILED RETIREMENT LEGISLATION:

SB 212/ HB 123 relating to Law Enforcement & Correctional Officers Sen. Oelrich and Rep. Patterson – The bill would have provided conditions for law enforcement officers, correctional officers and probation officers to receive workers' compensation claims. The Senate bill passed favorably during 3rd Reading with one amendment on the Senate floor. However, the House did not concur with the amendments and the bill died in Messages. Meanwhile, the House bill died on special calendar.

SB 1902 / HB 1319 relating to Public Retirement Plans by Sen. Bennett - SB 1902 by Sen. Bennett would have required the retirement system to include an actuarial report and projections of the employer's annual required contributions and experience study. Despite our efforts, the bills died early in their 1st committees of reference. We discussed the importance of long term pension obligation with Chair Bennett and Chair Schenck respectively and could not get the bills heard. If necessary, we look forward to working the much needed pension reform again next year.

HB 1151/SB 2106 relating to Municipal Police Pension Plans by Rep. Kiar and Sen. Ring – The bill would have allowed premium tax revenues to be used to repay any advances to local governments which were used to purchase an annuity to fund local government liabilities. Both versions died, but were discussed during the *Revenue Estimating Impact Conference*.

SB 198/HB 49 relating to Retirement/Special Risk Class by Sen. Baker and Rep. Hooper - The retirement bill authorizes employees to purchase retirement credit for service at a 3% Special Risk Class accrument value. The Senate bill passed on 3rd Reading unanimously (39-0) in the Senate. Meanwhile the House bill was never discussed in a committee. The bill ultimately died in House Messages.

2010 GROWTH MANAGEMENT LEGISLATION

Below is brief description of the work done with Growth Management during the 2010 Legislative Session.

GROWTH MANAGEMENT:

Unlike last session, during 2010, there was no appetite for major growth management legislation. Several bills were filed, though no major legislation progressed. However, the Legislature did adopt important provisions to extend permits and approvals for projects to resolve pending legal challenges to last year's SB 360.

The reauthorization of the Department of Community Affairs as part of the agency sunset process also was a significant issue. The Senate was willing to reauthorize the agency but the House was not. Though the two year window for the sunset review ended with this session, the statute provides that DCA is to submit its agency budget requests as it otherwise would, and the issue will be back for legislative consideration again next session. Playing into this debate was the upcoming ballot item, deemed 'Amendment 4' or 'hometown democracy'. This issue, on the ballot this fall, will significantly impact growth in our state, putting before the electorate any and all growth management/comprehensive plan proposed changes. Groups on both side of this issue have already mobilized to promote their philosophy on growth in Florida. Ultimately, the voters will decide in November.

CONSTITUTIONAL AMENDMENTS

As we note the constitutional amendment initiatives on the ballot this fall, it serves to summarize that the legislature has passed several items that will be added to the ballot for the general election in November. All constitutional amendments in Florida are required to pass by 60%.

Redistricting/Reapportionment:

Two citizen initiatives related to redistricting are on the 2010 November ballot. Amendments 5 and 6, promoted by FairDistrictsFlorida.org, would add standards for state legislative and congressional redistricting to the Florida Constitution. The legislature determined that these two amendments do not contain sufficient definitions for the proposed new standards. Therefore, this additional amendment would add new state standards for establishing legislative and congressional district boundaries. These standards would require that the state apply federal standards in its redistricting process. The theory behind these is that these provisions provide equal opportunities to racial and language minorities to participate in the political process. 'Communities of interest' are also established as standards that are on equal footing as any other standard in the state constitution.

Class Size Amendment:

SJR 2 sponsored by Senator Gaetz places a measure on the November ballot that would provide the state with less regulation in complying with the Class Size amendment. This constitutional amendment would require the current class size limits to remain: 18 students in grades K-3, 22 students in grades 4-8, and 25 students in grades 9-12.

Health Care Mandates:

CS/CS/HJR 37 sponsored by Representative Plakon would amend the state constitution by placing a measure on the November ballot that would prohibit any person, employer, or health care provider from being 'compelled to participate in any health care system'. This amendment would authorize any person or employer to pay directly for health care services and would prohibit any fines if one were to choose not to pay directly. The joint resolution permits regulation but bans any law or rule which prohibits private health insurance sales or purchases.

Homestead/Property Taxes:

During the 2009 legislative session, the Legislature added an amendment to the November 2010 ballot requiring the Legislature provide an additional homestead property tax exemption for members of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard who receive a homestead exemption and were deployed in

the previous year on active duty outside the United States. The exempt amount will be based upon the number of days in that the person was deployed. This amendment would take effect January 1, 2011.

Repeal of the Public Campaign Financing Requirement:

Also during the 2009 legislative session, the Legislature added an amendment to the November 2010 ballot that would repeal the requirement of public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits.

Referenda Required for Adoption or Amendment of Local Government Comprehensive Land Use Plans:

(“Hometown Democracy”) This citizen initiative that will also be on the November 2010 ballot is targeted at growth and development in Florida. This amendment would establish that before a local government can adopt or amend a comprehensive land use plan, the proposed plan or amendment will have to go to a vote of the electors by referendum.

Pittman Law Group is happy to have been able to represent you and your interests in the Florida Legislature this Session. If you have any questions or would like any additional information, please don't hesitate to contact us.

Again, thank you for the opportunity to work on the City of Riviera Beach.