



LOCAL GOVERNMENT AFFAIRS SUBCOMMITTEE

ACTION PACKET

**Wednesday, March 18, 2015
8:00 a.m.
Webster Hall (212 Knott)**

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

Summary:

Local Government Affairs Subcommittee

Wednesday March 18, 2015 08:00 am

CS/HB 105	Favorable	Yeas: 12	Nays: 0
CS/HB 383	Favorable With Committee Substitute	Yeas: 11	Nays: 0
	Amendment 099679 Adopted Without Objection		
	Amendment 356147 Failed to Adopt		
HB 421	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 208807 Adopted Without Objection		
HB 833	Favorable	Yeas: 11	Nays: 0
HB 851	Not Considered		
HB 869	Favorable	Yeas: 12	Nays: 0
HB 901	Favorable	Yeas: 11	Nays: 0
HB 959	Favorable	Yeas: 12	Nays: 0
HB 983	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 281425 Adopted Without Objection		
HB 1093	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 350315 Adopted Without Objection		
HB 1095	Favorable	Yeas: 12	Nays: 0
HB 1155	Favorable With Committee Substitute	Yeas: 11	Nays: 0
	Amendment 929621 Adopted Without Objection		
HB 1167	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 813621 Adopted Without Objection		
HB 1201	Favorable	Yeas: 10	Nays: 3
HB 1217	Favorable	Yeas: 13	Nays: 0

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

Summary: (continued)

Local Government Affairs Subcommittee

Wednesday March 18, 2015 08:00 am

HB 1253	Favorable	Yeas: 12	Nays: 0
HB 1255	Favorable With Committee Substitute Amendment 370725 Adopted Without Objection	Yeas: 11	Nays: 0
HB 1325	Favorable With Committee Substitute Amendment 049269 Adopted Without Objection	Yeas: 12	Nays: 0

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Debbie Mayfield (Chair)	X		
Matt Caldwell	X		
Daphne Campbell	X		
Jose Diaz	X		
Dwight Dudley	X		
George Moraitis, Jr.	X		
Amanda Murphy	X		
Cary Pigman	X		
Kevin Rader	X		
Lake Ray	X		
Jimmie Smith	X		
Charlie Stone	X		
Jennifer Sullivan	X		
Totals:	13	0	0

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 105 : Publicly Funded Retirement Programs

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Publicly Funded Retirement Programs
 Conn, Kraig (Lobbyist) - Waive In Support
 Florida League of Cities
 301 S Bronough
 Tallahassee Florida 32301
 Phone: (850) 222-9684

Publicly Funded Retirement Programs
 Goin, Yeline (Lobbyist) - Waive In Support
 Cape Coral
 Attorney
 Cape Coral Florida

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 383 : Private Property Rights

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 11		Total Nays: 0			

CS/HB 383 Amendments

Amendment 099679

Adopted Without Objection

Amendment 356147

Failed to Adopt

Appearances:

Private Property Rights

Anderson, Mike (General Public) - Waive In Support

City of Fort Walton Beach

Mayor, Fort Walton Beach

107 Miracle Strip Parkway

Fort Walton Beach Florida 32548

Phone: (850) 833-9500

Private Property Rights

Cruz, David (Lobbyist) - Proponent

Florida League of Cities

Assistant General Counsel

P. O. Box 1757

Tallahassee Florida 32302

Phone: (850) 701-3676

Committee meeting was reported out: **Wednesday, March 18, 2015 5:50:51PM**

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 383 : Private Property Rights (continued)

Appearances: (continued)

Private Property Rights

Velazquez, Diane (General Public) - Information Only

Florida League of Cities
Commissioner, City of Apopka
120 Main St
Apopka Florida 32703
Phone: (407) 432-6715

Private Property Rights

Calhoun, Butch (Lobbyist) - Waive In Support

Florida Fruit & Vegetable Association
119 South Monroe St. Suite 300
Tallahassee Florida 32302
Phone: (850) 521-0455

Private Property Rights

Hunter, Gary - Waive In Support

Property Rights Coalition
Attorney
119 South Monroe Street
Tallahassee Florida 32301
Phone: (850) 222-7500

Private Property Rights

James, Stephen (Lobbyist) - Information Only

Florida Association of Counties
100 South Monroe Street
Tallahassee Florida 32301
Phone: (850) 922-4300

Private Property Rights

Pitts, Brian - Information Only

Justice-2-Jesus
Trustee
1119 Newton Ave. South
St. Petersburg Florida 33705
Phone: (727) 897-9291

Private Property Rights

Spratt, Jim (Lobbyist) - Waive In Support

Florida Nursery, Growers & Landscape Association
P.O. Box 10011
Tallahassee Florida 32302
Phone: (850) 228-1296

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 383 : Private Property Rights (continued)

Appearances: (continued)

Private Property Rights

Burton, Truly - Information Only

Builders Association of South Florida

Executive Vice President

111 NW 183RD Street, # 111

Miami Gardens Florida 33169

Phone: (305) 556-6300

Private Property Rights

Pierce, Lance (Lobbyist) - Waive In Support

Florida Farm Bureau

Assistant Director of State Legislative Affairs

315 S Calhoun St.

Tallahassee Florida 32301

Phone: (850) 222-2507

Private Property Rights

Bleakley, Sarah (Lobbyist) - Proponent

Lee County Board of County Commissioners

1500 Mahan Dr., Suite 200

Tallahassee Florida 32308

Phone: (850) 224-4070

Private Property Rights

Kelly, Katie (Lobbyist) - Proponent

Florida Chamber

Private Property Rights

Rick Roth - Opponent

Roth Farm Inc.

President

Private Property Rights

Ruth, Sammy - Waive In Support

City of Apopka

Commissioner

120 East Main Street

Apopka Florida 32703

Phone: (407) 703-1700

Private Property Rights

Joe Kilsheimer - Waive In Support

City of Apopka

Mayor

120 East Main Street

Apopka Florida 32703

Phone: (407) 703-1700

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

CS/HB 383 : Private Property Rights (continued)

Appearances: (continued)

Private Property Rights

Eley, Stephany - Proponent

City of West Melbourne and Space Coast League of Cities

Council Member

2446 Crystal Oaks Lane

West Melbourne Florida 32904

Phone: (321) 724-0168

Private Property Rights

Montanaro, Dominick - Waive In Support

Satellite Beach & Florida League of Cities

Vice Mayor

565 Cassia Blvd

Satellite Beach Florida 32937

Phone: (321) 501-4316

Private Property Rights

Keller, Joel - Waive In Support

City of Ocoee

Commissioner

150 North Lakeshore Drive

Ocoee Florida 34761

Phone: (407) 905-3112

Private Property Rights

Miller, Sidney C. - Waive In Support

City of Lake Mary

Commissioner

100 North Country Club Road

Lake Mary Florida 32746

Phone: (407) 341-8488

Private Property Rights

Cruz, David - Information Only

Florida League of Cities

Assistant General Counsel

P.O. Box 1751

Tallahassee Florida 32302

Phone: (850) 701-3676

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee

3 Representative Edwards offered the following:

4

5 **Amendment**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraphs (f) and (g) of subsection (3),
 8 paragraphs (c) and (d) of subsection (4), and subsection (10) of
 9 section 70.001, Florida Statutes, are amended to read:

10 70.001 Private property rights protection.-

11 (3) For purposes of this section:

12 (f) The term "property owner" means the person who holds
 13 legal title to the real property that is the subject of and
 14 directly impacted by the action of a governmental entity at
 15 issue. The term does not include a governmental entity.

16 (g) The term "real property" means land and includes any
 17 appurtenances and improvements to the land, including any other



Amendment No. 1

18 relevant real property in which the property owner has had a
19 relevant interest. The term includes only parcels that are the
20 subject of and directly impacted by the action of a governmental
21 entity.

22 (4)

23 (b) Upon receipt of a written claim, a governmental entity
24 may treat the claim as pending litigation for purposes of s.
25 286.011(8), F.S.

26 (c) ~~(b)~~ The governmental entity shall provide written
27 notice of the claim to all parties to any administrative action
28 that gave rise to the claim, and to owners of real property
29 contiguous to the owner's property at the addresses listed on
30 the most recent county tax rolls. Within 15 days after the claim
31 being presented, the governmental entity shall report the claim
32 in writing to the Department of Legal Affairs, and shall provide
33 the department with the name, address, and telephone number of
34 the employee of the governmental entity from whom additional
35 information may be obtained about the claim during the pendency
36 of the claim and any subsequent judicial action.

37 (d) ~~(e)~~ During the 90-day-notice period or the 150-day-
38 notice period, unless extended by agreement of the parties, the
39 governmental entity shall make a written settlement offer to
40 effectuate:

41 1. An adjustment of land development or permit standards or
42 other provisions controlling the development or use of land.



Amendment No. 1

- 43 2. Increases or modifications in the density, intensity, or
44 use of areas of development.
- 45 3. The transfer of developmental rights.
- 46 4. Land swaps or exchanges.
- 47 5. Mitigation, including payments in lieu of onsite
48 mitigation.
- 49 6. Location on the least sensitive portion of the property.
- 50 7. Conditioning the amount of development or use permitted.
- 51 8. A requirement that issues be addressed on a more
52 comprehensive basis than a single proposed use or development.
- 53 9. Issuance of the development order, a variance, special
54 exception, or other extraordinary relief.
- 55 10. Purchase of the real property, or an interest therein,
56 by an appropriate governmental entity or payment of
57 compensation.
- 58 11. No changes to the action of the governmental entity.

59
60 If the property owner accepts a the settlement offer, either
61 before or after filing an action, the governmental entity may
62 implement the settlement offer by appropriate development
63 agreement; by issuing a variance, special exception, or other
64 extraordinary relief; or by other appropriate method, subject to
65 paragraph (e) ~~(d)~~.

66 (e) ~~(d)~~ 1. When ~~Whenever~~ a governmental entity enters into
67 a settlement agreement under this section which would have the
68 effect of a modification, variance, or a special exception to



Amendment No. 1

69 the application of a rule, regulation, or ordinance as it would
70 otherwise apply to the subject real property, the relief granted
71 shall protect the public interest served by the regulations at
72 issue and be the appropriate relief necessary to prevent the
73 governmental regulatory effort from inordinately burdening the
74 real property.

75 2. When ~~Whenever~~ a governmental entity enters into a
76 settlement agreement under this section which would have the
77 effect of contravening the application of a statute as it would
78 otherwise apply to the subject real property, the governmental
79 entity and the property owner shall jointly file an action in
80 the circuit court where the real property is located for
81 approval of the settlement agreement by the court to ensure that
82 the relief granted protects the public interest served by the
83 statute at issue and is the appropriate relief necessary to
84 prevent the governmental regulatory effort from inordinately
85 burdening the real property.

86

87 This paragraph applies to any settlement reached between a
88 property owner and a governmental entity regardless of when the
89 settlement agreement was entered so long as the agreement fully
90 resolves all claims asserted under this section.

91 (10) (a) This section does not apply to any actions taken
92 by a governmental entity which relate to the operation,
93 maintenance, or expansion of transportation facilities, and this



Amendment No. 1

94 section does not affect existing law regarding eminent domain
95 relating to transportation.

96 (b) This section does not apply to any actions taken by a
97 county with respect to the adoption of a Flood Insurance Rate
98 Map issued by the Federal Emergency Management Agency for the
99 purpose of participating in the National Flood Insurance
100 Program, unless such adoption incorrectly applies an aspect of
101 the Flood Insurance Rate Map to the property in such a way as
102 to, but not limited to, incorrectly assess the elevation of the
103 property.

104 Section 2. Section 70.45, Florida Statutes, is created to
105 read:

106 70.45 Governmental exactions.—

107 (1) As used in this section, the term:

108 (a) "Governmental entity" has the same meaning as provided
109 in s. 70.001(3)(c).

110 (b) "Property owner" has the same meaning as provided in s.
111 70.001(3)(f).

112 (c) "Real property" has the same meaning as provided in s.
113 70.001(3)(g).

114 (d) "Prohibited exaction" means any condition imposed by a
115 governmental entity on a property owner's proposed use of real
116 property which lacks an essential nexus to a legitimate public
117 purpose and is not roughly proportionate to the impacts of the
118 proposed use that the governmental entity is seeking to avoid,
119 minimize or mitigate.



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120 (e) "Damages" means the monetary amount necessary to fully
121 and fairly compensate the property owner for harm caused by an
122 exaction prohibited by this section. Damages may include a
123 reduction in the fair market value of the real property, a
124 refund of excessive fees charged or infrastructure costs
125 incurred, or such other actual damages as may be proven at
126 trial.

127 (2) In addition to other remedies available in law or
128 equity, a property owner may bring an action in a court of
129 competent jurisdiction under this section for injunctive relief
130 or to recover damages caused by a prohibited exaction. Such
131 action may not be brought until a prohibited exaction is
132 actually imposed or required in written form as a final
133 condition of approval for the requested use of real property.
134 The right to bring an action under this section may not be
135 waived.

136 (3) In any action under this section, the governmental
137 entity shall have the burden of proving that the exaction at
138 issue has an essential nexus to a legitimate public purpose and
139 is roughly proportionate to the impacts of the proposed use that
140 the governmental entity is seeking to avoid, minimize or
141 mitigate. The property owner shall have the burden of proving
142 damages that result from a prohibited exaction.

143 (4) Not less than 90 days prior to filing an action under
144 this section, the property owner shall provide to the relevant
145 governmental entity written notice of the action. This written



Amendment No. 1

146 notice shall identify the exaction that the property owner
147 believes to be prohibited, include a brief explanation of why
148 the property owner believes the exaction to be prohibited, and
149 provide an estimate of the damages. Upon receipt of the
150 property owner's written notice, the governmental entity may
151 treat the claim as pending litigation for purposes of s.
152 286.011(8), F.S.

153 (5) In addition to the damages provided for in this
154 section, the court shall award prejudgment interest, costs, and
155 reasonable attorney fees to a property owner who prevails in an
156 action under this section. The court may award attorney fees and
157 costs to the governmental entity if the court finds that the
158 property owner filed the action in bad faith and absent a
159 colorable basis for relief.

160 (6) To ensure that courts may assess damages for claims
161 brought under this section, in accordance with s. 13, Art. X of
162 the State Constitution, the State, for itself and for its
163 agencies or its political subdivisions, waives sovereign
164 immunity for causes of action based upon the application of this
165 section. The waiver is limited only to claims brought under
166 this section.

167 Section 3. Section 70.80, Florida Statutes, is amended to
168 read:

169 70.80 Construction of ss. 70.001, 70.45, and 70.51.—It is
170 the express declaration of the Legislature that ss. 70.001,
171 70.45, and 70.51 have separate and distinct bases, objectives,



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 383 (2015)

Amendment No. 1

172 applications, and processes. It is therefore the intent of the
173 Legislature that ss. 70.001, 70.45, and 70.51 are not to be
174 construed in pari materia.

175 Section 4. This act shall take effect October 1, 2015.

176



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 383 (2015)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input checked="" type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee

3 Representative Dudley offered the following:

4
5 **Amendment to Amendment (099679) by Representative Edwards**

6 Remove lines 153-159 of the amendment and insert:

7 (5) A court may award prejudgment interest, costs, and

8 reasonable attorney's fees to the prevailing party.

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 421 : Traffic Enforcement Agencies and Traffic Citations

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 421 Amendments

Amendment 208807

Adopted Without Objection

Appearances:

Traffic Enforcement Agencies and Traffic Citations
Moffitt, Lee (Lobbyist) (General Public) - Proponent
AAA Auto Club Group
Attorney at Law
3327 NW Perimeter Rd
Palm City Florida 34990
Phone: 813 760-5712

Traffic Enforcement Agencies and Traffic Citations
Puckett, Matt (Lobbyist) - Waive In Support
Florida Police Benevolent Association
Lobbyist
300 East Brevard St
Tallahassee Florida 32301
Phone: (850) 222-3329

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 421 (2015)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> X </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Local Government Affairs
2 Subcommittee

3 Representative Rodrigues, R. offered the following:

4

5 **Amendment**

6 Remove line 131 and insert:

7 county or municipality receives in a fiscal year exceeds 33

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 833 : Ad Valorem Taxation

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Ad Valorem Taxation

Ruiz, Joe - Waive In Support

City of Miami/Miami DDA

City of Miami Legal Consultant

444 SW 2nd Avenue, Suite 945

Miami FL 33130

Phone: (305) 416-1811

Ad Valorem Taxation

Betancourt, Javier - Waive In Support

Miami Downtown Development Authority

Deputy Director, Miami DDA

200 S Biscayne Boulevard

Miami FL 33131

Phone: (305) 579-6675

Ad Valorem Taxation

Pitts, Brian - Information Only

Justice-2-Jesus

Trustee

1119 Newton Avenue South

S. Petersburg Florida 33705

Phone: (727) 897-9291

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 851 : Manatee County

Not Considered

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 869 : Broward County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

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COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 901 : Pasco County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 959 : City of Jacksonville, Duval County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 983 : Village of Estero, Lee County

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12					
Total Nays: 0					

HB 983 Amendments

Amendment 281425

Adopted Without Objection

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>X</u>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local Government Affairs
2 Subcommittee

3 Representative Rodrigues, R. offered the following:

4
5 **Amendment**

6 Remove line 26 and insert:

7 thereof, by ordinance. All approved developments of regional
8 impact (DRIs) located within the jurisdictional boundaries of
9 and existing on the date of incorporation of the Village of
10 Estero are not required to submit a notice of proposed change
11 application to adopt a new DRI development order as required by
12 s. 380.06(15)(h), Florida Statutes. Commencing on December 31,
13 2014, any existing DRI development orders shall be deemed
14 subject to the jurisdiction of the Village of Estero without the
15 need to amend the existing DRI development order. Jurisdiction
16 over existing DRI development orders by the Village of Estero
17 shall be subject to, without limitation, all rights,



Amendment No. 1

18 entitlements, covenants, and commitments adopted in DRI
19 development orders and zoning adopted in conjunction with or
20 pursuant to the DRI development order before December 31, 2014,
21 including, without limitation, all rights and entitlements
22 included in any local development orders or plats adopted
23 pursuant to the DRI development order and related zoning. The
24 Village of Estero shall recognize the property rights and
25 interests held by property owners under such DRI development
26 orders and all other vested property rights held by such
27 property owners as such rights and entitlements existed on or
28 before December 31, 2014.

29

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)
HB 1093 : Village of Estero, Lee County

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 1093 Amendments

Amendment 350315

Adopted Without Objection



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1093 (2015)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Local Government Affairs
 2 Subcommittee

3 Representative Rodrigues, R. offered the following:

4

5 **Amendment**

6 Remove lines 1319-1340

7

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee

3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1095 : Discounts on Public Park Entrance Fees & Transportation Fares

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Discounts on Public Entrance Fees & Transportation Fares

Wooldridge, Vicki (Lobbyist) - Waive In Support
 South Florida Regional Transportation Auth./ Tri-Rail
 Government Affairs Manager
 800 NW 33rd St
 Pompano Beach Florida 33064
 Phone: (954) 213-8690

Discounts on Public Park Entrance Fees & Transportation Fares

Bacot, Lisa (Lobbyist) - Proponent
 Florida Public Transportation Association
 Executive Director
 P.O. Box 10168
 Tallahassee Florida 32317
 Phone: (850) 445-8329

Discounts on Public Park Entrance Fees & Transportation Fares

Day, Justin (Lobbyist) - Waive In Support
 Hillsborough Area Regional Transit Authority
 Director
 701 S. Howard Ave Suite 106-326
 Tampa Florida 33606
 Phone: (850) 222-8900

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1155 : Special Districts

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader			X		
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HB 1155 Amendments

Amendment 929621

Adopted Without Objection

Appearances:

Special Districts
 Stuart, Cheryl (Lobbyist) - Waive In Support
 Association of Florida Community Developers
 Attorney - Hopping Green & Sams
 119 South Monroe Street Suite 300
 Tallahassee Florida 32301
 Phone: (850) 222-7500

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>X</u>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Local Government Affairs Subcommittee

Representative Metz offered the following:

Amendment

Remove lines 452-455 and insert:

(d) A section that summarizes the public facilities reporting requirements, and the evaluation and appraisal notification schedule, as provided in s. 189.08(2).

Remove lines 537-538 and insert:

11. The budget of the each special district, and any in addition to amendments thereto, in accordance with s. 189.016.

Remove lines 545-546 and insert:

14. The public facilities report, if applicable.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1155 (2015)

Amendment No. 1

17 15. The link to the Department of Financial Services'
18 website as set forth in s. 218.32(1)(g).

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1167 : City of West Palm Beach, Palm Beach County

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 1167 Amendments

Amendment 813621

Adopted Without Objection

Appearances:

City of West Palm Beach, Palm Beach County
 Salvatori, Rocco (Lobbyist) - Waive In Support
 Florida Professional Firefighters
 Firefighter
 345 W Madison St.
 Tallahassee Florida 32301
 Phone: (941) 724-5941

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>X</u>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Local Government Affairs Subcommittee

Representative Kerner offered the following:

Amendment

Remove lines 47-51 and insert:

interest rate of 8.00 ~~8.25~~ percent per year and the RP-2000 Mortality Table 1983 Group Annuity Mortality Table for males.

8. "Fire Chief" means the firefighter who is the executive officer of the City of West Palm Beach Fire Department.

9.8. "Firefighter" means any person employed in the

Remove line 203 and insert:

c. (I) Effective for members who reached normal retirement

Remove lines 225-228 and insert:

credited with earnings or losses in accordance with sub-sub-sub-subparagraph (A) ~~(I)~~ and a corresponding percentage of the share



Amendment No. 1

18 account assets credited in accordance with sub-sub-sub-
19 subparagraph (B)-(II). The combined total percentage invested
20 under this sub-sub-sub-

21

22 Remove lines 235-256 and insert:

23 A. The investment earnings or losses credited to the
24 individual member accounts shall be in the same percentage as
25 are earned or lost by the total investment earnings or losses of
26 the Fund as a whole, unless the Board dedicates a separate
27 investment portfolio for chapter 175, Florida Statutes, share
28 accounts, in which case the investment earnings or losses shall
29 be measured by the investment earnings or losses of the separate
30 investment portfolio; or

31 B. The rate of investment return earned on Pension Fund
32 assets as reported by the Fund's investment monitor. The
33 crediting rate maximum is 8% and the crediting rate floor is 0%.
34 To accomplish this, the crediting rate will be compounded
35 monthly at a rate between 0% and 2% quarterly. BackDROP assets
36 are commingled with the Pension Fund assets for investment
37 purposes unless the Board dedicates a separate investment
38 portfolio for chapter 175, Florida Statutes, share accounts, in
39 which case the investment earnings or losses shall be measured
40 by the investment earnings or losses of the separate investment
41 portfolio.



Amendment No. 1

42 III. The Board has the authority to create rules to
43 implement the provisions of this section in accordance with the
44 law and the provisions of the Internal Revenue Code.

45

46 Remove lines 440-462 and insert:

47 b. Effective for BackDROP participants electing the
48 BackDROP on or after October 1, 2015, members who have elected
49 the BackDROP and leave the assets in the Fund to be invested may
50 select one of two methods to credit investment earnings to their
51 accounts. Investment earnings shall be credited on a quarterly
52 basis. The method may be changed each year effective October 1;
53 however, the method must be elected prior to October 1. The
54 methods are:

55 (I) The BackDROP is credited with earnings and losses using
56 the rate of investment return earned on Pension Fund assets as
57 reported by the Fund's investment monitor. BackDROP
58 assets are commingled with the Pension Fund assets for
59 investment purposes; or

60 (II) The BackDROP is credited with the rate of investment
61 return earned on Pension Fund assets as reported by the Fund's
62 investment monitor. The crediting rate maximum is 8 percent and
63 the crediting rate floor is 0 percent. To accomplish this, the
64 crediting rate will be compounded monthly at a rate between 0
65 percent and 2 percent quarterly. BackDROP assets are commingled
66 with the Pension Fund assets for investment purposes.



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1167 (2015)

Amendment No. 1

67 c. The Board has the authority to create rules to implement
68 the provisions of this section in accordance with the law and
69 the provisions of the Internal Revenue Code.

70

71 Remove lines 514-534

72

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1201 : Ocean Highway and Port Authority, Nassau County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley		X			
George Moraitis, Jr.	X				
Amanda Murphy		X			
Cary Pigman	X				
Kevin Rader		X			
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 10		Total Nays: 3			

Appearances:

Ocean Highway and Port Authority, Nassau County
Harrison, Michael (General Public) - Opponent
Self
Doctor
820 Someruelos Street
Fernandina Florida 32034
Phone: (904) 491-1259

Ocean Highway and Port Authority
Bruce, Richard (General Public) - Waive In Support
Ocean Highway & Port Authority Nassau County
Chairman
1785 School St
Fernandina Beach Florida 32034
Phone: (904) 277-0077

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1217 : Hillsborough River Technical Advisory Council, Hillsborough County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Hillsborough River Technical Advisory Council, Hillsborough County
 Salz, Diane (Lobbyist) - Waive In Support
 Hillsborough County Planning Commission
 Liason
 2529 Goose Pond Ct.
 Tallahassee Florida 32308
 Phone: (850) 339-8550

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1253 : School District of Palm Beach County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz			X		
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone	X				
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

School District of Palm Beach County
Crawford, Vern Pickup (Lobbyist) - Waive In Support
Palm Beach County School Board
Legislative Liaison
571 Kingsbury Terrace
Wellington Florida 33414
Phone: (561) 644-2439

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1255 : Lehigh Acres Municipal Services Improvement District, Lee and Hendry Counties

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman			X		
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 11		Total Nays: 0			

HB 1255 Amendments

Amendment 370725

Adopted Without Objection

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>X</u>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Local Government Affairs
2 Subcommittee

3 Representative Caldwell offered the following:

4

5 **Amendment**

6 Remove line 118 and insert:

7 TOWNSHIP 43 SOUTH, RANGE 26 EAST

8

9 Remove line 130 and insert:

10 Southeast Corner of the Southwest 1/4 of said Section 19;

11

12 Remove line 740 and insert:

13 District, with existing four-year terms of office to remain
14 intact.

COMMITTEE MEETING REPORT
Local Government Affairs Subcommittee
3/18/2015 8:00:00AM

Location: Webster Hall (212 Knott)

HB 1325 : Gainesville Regional Utilities Commission, Alachua County

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Matt Caldwell	X				
Daphne Campbell	X				
Jose Diaz	X				
Dwight Dudley	X				
George Moraitis, Jr.	X				
Amanda Murphy	X				
Cary Pigman	X				
Kevin Rader	X				
Lake Ray	X				
Jimmie Smith	X				
Charlie Stone			X		
Jennifer Sullivan	X				
Debbie Mayfield (Chair)	X				
Total Yeas: 12					
Total Nays: 0					

HB 1325 Amendments

Amendment 049269

Adopted Without Objection

Appearances:

Gainesville Regional Utilities Commission, Alachua County
 Carter, Craig - Opponent
 City Commissioner
 3829 NW 36TH Street
 Gainesville Florida 32605
 Phone: (850) 337-4038

Committee meeting was reported out: Wednesday, March 18, 2015 5:50:51PM



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<u>X</u>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Committee/Subcommittee hearing bill: Local Government Affairs Subcommittee

Representative Perry offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 3.06 of Article III in section 1 of Chapter 90-394, Laws of Florida, is repealed.

Section 2. Article VII is added to the charter of the City of Gainesville, as created by chapter 12760, Laws of Florida, (1927), and as amended, to read:

ARTICLE VII GAINESVILLE REGIONAL UTILITIES COMMISSION

7.01 Establishment.--

(1) There is hereby created and made a part of the government of the City of Gainesville, a regional independent



Amendment No. 1

18 utilities commission to be known and designated as the
19 "Gainesville Regional Utilities Commission," ("utilities
20 commission") which shall consist of five voting members. For the
21 purposes of this act, unless otherwise designated, the term
22 "utilities commission" shall mean the Regional Utilities
23 Commission of the City of Gainesville as a legal entity,
24 organization, or governing body and the term "member" shall mean
25 a member of the utilities commission. The term "utilities" shall
26 mean, unless otherwise specified, the electric utility system,
27 water utility system, wastewater utility system, reuse water
28 utility system, natural gas utility system, communications
29 utility system, and such other utility systems as are acquired
30 in the future.

31 (2) As specified in this article, the utilities commission
32 shall be created and remain an independent, not-for-profit
33 enterprise and municipal legal entity with plenary authority and
34 shall be governed by an independent governing commission
35 consisting of five appointed members who are to be appointed by
36 the city commission in compliance with the provisions of this
37 act. Further, the utilities commission shall remain a part of
38 the government of the City of Gainesville. The utilities
39 commission is owned by the citizens of the City of Gainesville.

40 (3) The Regional Utilities Commission of the City of
41 Gainesville is created with plenary authority for the express
42 purpose of acquiring, constructing, operating, providing,



Amendment No. 1

43 financing, and otherwise having complete authority with respect
44 to utilities.

45 7.02 Commission voting members.—

46 (1) The voting members of the utilities commission shall
47 be determined and appointed by the city commission and consist
48 of five members, each of whom resides year-round within the
49 utilities commission's electric service territory of the
50 electric utility system; is a customer of the utilities
51 commission; possesses, at a minimum, a 4-year baccalaureate
52 degree from an accredited institution with a major area of study
53 in a technical, business, accounting, law, or other similar
54 field of expertise; is a business owner or partner or officer in
55 a business with sales exceeding \$5 million dollars annually; has
56 not been convicted of a felony of the second degree or greater
57 as defined by general law or has not been convicted under a plea
58 of nolo contendere to any charge involving a felony of the
59 second degree or greater as defined by general law; and is
60 appointed to a staggered 5-year term by a simple majority vote
61 of the city commission. Voting members must, before and after
62 being appointed, maintain qualifications and representative
63 obligations as when appointed, and maintain other member
64 requirements defined and stipulated elsewhere in this article.
65 Voting members shall have the power to make and adopt such rules
66 and regulations, consistent with and not in violation of this
67 act and applicable law, as the utilities commission may deem
68 prudent for the management, administration, and regulation of



Amendment No. 1

69 the fiduciary, business, and other affairs of the utilities
70 commission. All members to be appointed shall be qualified
71 electors of the City of Gainesville, except a minimum of one
72 member shall be a qualified elector of Alachua County, appointed
73 from the unincorporated area of Alachua County, ("county") until
74 such time as the proportional ratio of total electric meters
75 outside the city exceeds the next highest or next lowest full
76 integer that will occasion the next appointment by the city
77 commission to add or remove a member appointment from an
78 unincorporated area of the county, but in no case is the number
79 to fall below one member from the unincorporated area of the
80 county.

81 (2) Each voting member shall be and remain qualified as
82 stated within this act. Until January 1, 2020, no current or
83 previous employee having been employed with the city after
84 January 1, 2000, or with the county after January 1, 2000, nor
85 current or previous elected or appointed officer or official of
86 the city after January 1, 2000, or the county after January 1,
87 2000, shall become a member, except that a qualified voting
88 member initially first appointed to the utilities commission in
89 2016 as provided for in this act shall be considered for
90 subsequent reappointment provided that such individual remains
91 otherwise qualified and chooses to be considered for
92 reappointment. Further, no voting member who has been properly
93 appointed for two full, consecutive 4-year terms shall succeed
94 herself or himself.



Amendment No. 1

95 7.03 Voting member terms.-

96 (1) The city commission shall make initial utilities
97 commission member appointments within 90 calendar days after
98 the approval of the referendum required by this act. The initial
99 terms of office for the five appointed members shall commence at
100 12:01 a.m. on October 4th 2016. The said appointments called for
101 in this act and shall be as follows: one member will be
102 designated to serve 1 year after the first Wednesday after said
103 appointment in 2016; one member will be designated to serve 2
104 years after the first Wednesday after said appointment in 2016;
105 one member will be designated to serve 3 years after the first
106 Wednesday after said appointment in 2016; one member will be
107 designated to serve 4 years after the first Wednesday after said
108 appointment in 2016; and one member will be designated to serve
109 5 years after the first Wednesday after said appointment in
110 2016. Members subsequently appointed in each respective year
111 beginning in 2017 will be appointed to and serve a full 4 -year
112 term. Members will normally hold office for 4-year terms
113 commencing at 12:01 a.m. of the first Wednesday after the
114 referendum anniversary day of the year in which they are
115 appointed or until their successors in office are appointed or
116 as may be provided elsewhere in this act.

117 (2) The city commission shall expeditiously schedule an
118 appointment session and fill any utilities commission voting
119 member vacancy within 2 months after a permanent vacancy occurs
120 on the utilities commission or becomes known by virtue of



Amendment No. 1

121 resignation, death, or removal in order to fill the remaining
122 period of the vacant member term provided that such remaining
123 term exceeds 3 months.

124 (3) As provided for elsewhere in this article, a voting
125 member may be removed from office as provided by law upon
126 conviction of malfeasance or misfeasance as a member or while
127 holding another public office or upon conviction of a felony. A
128 voting member may also be removed for failure to maintain all
129 voting member qualifications or for violation of a provision of
130 this act or a provision of stipulated governance policies as may
131 be subsequently adopted and enforced by the utilities
132 commission.

133 7.04 Utilities commission; initial meeting, organization,
134 and oath.-

135 (1) The first appointed utilities commission shall
136 initially meet at the utilities commission's headquarters at
137 6:00 p.m. on the second Wednesday of October after the initial
138 appointment of all members in 2016. The utilities commission
139 shall meet at least once each month at the offices of the
140 utilities commission or as otherwise may be determined. All
141 meetings of the utilities commission shall be open to the public
142 and minutes shall be kept of all meetings. The utilities
143 commission shall have plenary authority to promulgate policies,
144 rules, and regulations for the conduct of its meetings and the
145 operation and management of its utilities. The initial meeting
146 of the first appointed utilities commission and at each



Amendment No. 1

147 subsequent first regular meeting of the utilities commission
148 after each regularly scheduled annual appointment occurs as
149 specified in section 7.03 shall include an organizational agenda
150 item during this organizational meeting in which the new
151 utilities member shall be sworn by the Mayor of the City of
152 Gainesville and the voting members shall elect a chairperson, a
153 vice chairperson, and a secretary/treasurer from among its
154 voting membership.

155 (2) Before taking office for any term each member shall
156 swear or affirm: "I do solemnly swear (or affirm) that I will
157 support, honor, protect, and defend the Constitution and
158 Government of the United States and of the State of Florida;
159 that I am duly qualified to hold office under the Constitution
160 of the State and under the Charter of the City of Gainesville,
161 or the Charter of the County of Alachua; that I am a full-time
162 city or county resident and customer within the electric service
163 territory of the Regional Utilities Commission of the City of
164 Gainesville; and that I will well and faithfully perform the
165 duties and maintain the qualifications of a member of the
166 Regional Utilities Commission of the City of Gainesville on
167 which I am now about to enter."

168 7.05 Member compensation.—Each member shall be paid such
169 salary as may change from time to time and shall be a salary of
170 60 percent each month of the salary of a city commissioner and
171 include adjustments linked to the consumer price index, and
172 necessary individual expenses incurred solely in carrying on and



Amendment No. 1

173 conducting the business of the utilities commission shall be
174 paid in accordance with utilities commission policy and
175 procedures and subject to the approval of the utilities
176 commission. No supplemental benefits are provided for a member
177 position.

178 7.06 Appointment of chief executive officer/general
179 manager.-

180 (1) The utilities commission shall have full and exclusive
181 authority over the management, operation, and control, now or
182 hereafter, over the city's utilities and shall employ and
183 discharge all employees only through the chief executive
184 officer/general manager ("CEO/GM") who directs and administers
185 utilities functions under the policies and authority authorized
186 solely by the utilities commission.

187 (2) A member shall not be selected as the first CEO/GM.

188 7.07 General provisions.-

189 (1) All business of the utilities commission shall be
190 overseen by its members.

191 (2) The utilities commission shall operate only as a
192 municipally owned, cost-based, not-for-profit, and political
193 subdivision of the state with no ad valorem taxing authority.

194 (3) The utilities commission is comprised of voting and
195 nonvoting members. Nonvoting members shall consist of the
196 nondiscretionary utilities commission's CEO/GM at a minimum;
197 additional discretionary nonvoting members consisting of other
198 utilities commission staff executives with the concurrence of



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199 the utilities commission's CEO/GM; and external individuals who
200 reside in the electric service area of the utilities commission
201 and who are appointed and removed solely by the utilities
202 commission. Such discretionary nonvoting members shall not
203 exceed a total of three members at any given time and shall not
204 retain such appointments for more than 2 years, and such
205 discretionary nonvoting members may only be designated as a
206 member of the utilities commission for administrative
207 participation purposes and serve only in the capacity as the
208 utilities commission formally shall designate. Such
209 discretionary nonvoting members may be reappointed once for no
210 more than 2 additional years. Such discretionary nonvoting
211 members shall receive no compensation for said service except
212 for necessary individual expenses incurred solely in carrying on
213 and conducting the business of the utilities commission only in
214 the capacity the utilities commission has formally designated
215 and in accordance with commission policy and procedures and
216 subject to the approval of the utilities commission.

217 (4) Members may only be removed from office by the
218 utilities commission acting in accordance with general law and
219 as contained in this act. In addition:

220 (a) Whenever a member is indicted for the utilities
221 commission of malfeasance, misfeasance, neglect of duty,
222 habitual drunkenness, incompetence, or permanent inability to
223 perform official duties, the utilities commission shall request



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224 the Governor to temporarily suspend said member from office in
225 accordance with general law.

226 (b) Whenever any member is arrested for a felony or for a
227 misdemeanor related to the duties of office or is indicted or
228 informed against for the utilities commission of a federal
229 felony or misdemeanor or state felony or misdemeanor, the
230 utilities commission shall request the Governor to temporarily
231 suspend said member from office.

232 (c) The utilities commission, upon an affirmative,
233 unanimous vote of all of the members not having been so accused,
234 shall submit a request to the Governor to remove said member for
235 failure to maintain a member's qualification or for commission
236 of malfeasance or neglect of duty in the execution of said
237 member's responsibilities under this article. Upon consideration
238 of the facts as contained in such written independent report and
239 upon a nonunanimous vote of all of the members not having been
240 so accused, such alleged failure shall be dismissed.

241 (5) The private tangible and intangible property of any
242 individual member of the utilities commission shall not be
243 subject to the payment of, and no member of the utilities
244 commission shall be individually responsible for, commission
245 debts to any extent whatsoever.

246 (6) (a) Any person who is or was an officer, executive, or
247 member of the utilities commission and who is or was a party to
248 any threatened, pending, or completed proceeding, by reason of
249 the fact that he or she is or was an officer, executive, or



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250 member of the utilities commission legitimately acting in the
251 course of his or her duties or is or was serving at the request
252 of the utilities commission as an officer, executive, or member
253 or agent of a corporation, company, partnership, joint venture,
254 trust, or other enterprise shall be indemnified by the utilities
255 commission to the full extent permitted by law against all
256 expenses and liabilities incurred in connection with such
257 proceeding, including any appeal thereof. Notwithstanding the
258 foregoing, the utilities commission shall indemnify such person
259 in connection with a proceeding initiated by that person only if
260 such proceeding was authorized by the utilities commission;
261 provided, however, that the utilities commission shall indemnify
262 such person in connection with a proceeding to enforce such
263 person's rights under this provision. Such person shall also be
264 entitled to advancement of expenses incurred in defending a
265 proceeding in advance of its final disposition to the full
266 extent permitted by law, subject to the conditions imposed by
267 law.

268 (b) Any indemnification or advance of expenses under this
269 article shall be paid promptly, but within 30 calendar days,
270 under any event after the receipt by the utilities commission of
271 a written request therefore from the person to be indemnified,
272 unless with respect to a claim for indemnification, the person
273 is not entitled to indemnification under this provision. Unless
274 otherwise provided by law, the burden of proving that the person



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275 is not entitled to indemnification shall be on the utilities
276 commission.

277 (c) The right of indemnification under this article shall
278 be a contract right inuring to the benefit of the persons
279 entitled to be indemnified hereunder and no amendment or repeal
280 of this article shall adversely affect any right of such persons
281 existing at the time of such amendment or repeal.

282 (d) The indemnification provided hereunder shall inure to
283 the benefit of the heirs, executors, and administrators of a
284 person entitled to indemnification hereunder.

285 (e) The right of indemnification under this article shall
286 be in addition to and not exclusive of all other rights to which
287 persons entitled to indemnification hereunder may be entitled.
288 Nothing contained in this article shall affect any rights to
289 indemnification to which persons entitled to indemnification
290 hereunder may be entitled by contract or otherwise under law.

291 (7) To effect the unrestricted transfer of commission
292 governing authority and control of land, facilities, equipment,
293 licenses, debt, funds, entitlements, or any other appropriate
294 utilities activity exercised by the utilities commission under
295 the authority of this act, the city commission and the city
296 shall create such conveyance instruments, power of attorney, or
297 other appropriate instruments as necessary for execution by and
298 at the will of the utilities commission to be used in accordance
299 with this act. Furthermore, the city commission and the city
300 shall not encumber such conveyance by establishing conditions



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301 precedent or administrative requirements before or after the
302 effective date of this article.

303 (8) A special meeting with the city commission shall be
304 held whenever called by the chairperson or if demanded by the
305 city commission in writing and delivered to the
306 secretary/treasurer.

307 (9) The CEO/GM, through assigned staff, is responsible for
308 providing an orientation and training program for new members
309 which includes providing information designed to familiarize new
310 members with the utilities commission's business and general
311 industry; its strategic plans; its significant financial,
312 accounting, and risk management issues; its compliance programs;
313 its code of business conduct and ethics; its principal officers
314 and executives; its internal and independent auditors; and its
315 key policies and practices. This orientation is designed to be
316 conducted within a reasonable period of time after the meeting
317 at which new members are sworn. In addition to the orientation
318 program, staff management also will periodically provide
319 materials or briefing sessions for all members on subjects that
320 would assist them in discharging their duties. Commission
321 members are also encouraged to attend appropriate sessions or
322 programs and review materials relating to the responsibilities
323 of members of publicly owned utilities.

324 7.08 Powers and duties.-

325 (1) Consistent with the provisions and effective date of
326 this act, such previous applicable utilities-related ordinances,



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327 policies, rates, fees, rules, regulations, budgets, and other
328 provisions previously adopted under the Charter of the City of
329 Gainesville are hereby considered as adopted, reenacted, or
330 assumed by the utilities commission for transition purposes
331 until such time that the utilities commission alone, through
332 appropriate commission actions and resolutions, shall
333 subsequently change, publish, and enforce such policies, rates,
334 fees, rules, regulations, budgets, and other provisions and
335 requirements stipulated by this act.

336 (2) Exercise the power of eminent domain to acquire
337 property, except state or federal, located within Alachua
338 County, and exercise the power of eminent domain outside the
339 county where permitted by general law, for the sole purpose of
340 locating electrical generating, transmission, or distribution
341 facilities of any of its utilities; water production, treatment,
342 transmission, and distribution facilities; and for a nonstated
343 use by the utilities commission in the performance and exercise
344 of any of its duties, rights, or plenary authority.

345 (3) Have the exclusive power and authority to bill and
346 collect the prescribed fees or charges for all utilities and
347 services rendered under its control and, when collected, the
348 flow of funds shall be: first, the payment of all operating and
349 maintenance expenses of said utilities; second, the funding of
350 all commission discretionary or required reserves, including
351 those established by revenue certificates previously issued by
352 the city or said commission for projects under commission



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353 control, including the debt service payments of all such revenue
354 certificates as the same become due; and, third, the payment to
355 the general fund of the city from revenues of the utilities
356 under the utilities commission's control a sum, after the
357 effective date of this legislation, not to exceed 9 percent or
358 to be less than 7 percent of the gross revenues. Said designated
359 payments by the utilities commission to the city's general fund
360 shall be made monthly. At the sole discretion of the utilities
361 commission, any surplus, if any, may be paid to the general fund
362 of the city after reserving an adequate fund for operation and
363 maintenance expenses, capital improvements, and other
364 contingencies as solely determined by the utilities commission.

365 (4) Submit to the city a monthly statement showing all
366 sums or amounts received, operating expenses, amount charged to
367 depreciation and extensions, reserve fund and amount
368 appropriated to interest, and sinking funds. The fiscal year of
369 the utilities commission shall begin October 1 and end September
370 30 of each year.

371 (5) Diligently enforce and collect all fees, rates, or
372 other charges for the services and facilities of the utilities,
373 and take all steps, actions, and proceedings for the enforcement
374 and collection of such fees, rates, or other charges which shall
375 become delinquent to the full extent permitted or authorized by
376 the laws of the State of Florida.

377 (6) Ensure that no entity of the city, county, or state,
378 no elected city or county official, no officer or executive of



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379 the city or county, not the utilities commission, and no member
380 may dictate any employment for commission positions or in any
381 manner interfere with the independence of commission officers,
382 executives, or employees in the performance of their duties.
383 Except for the purpose of an inquiry for information or public
384 records, the city commission or the Alachua County Board of
385 County Commissioners and all of their members must communicate
386 with the utilities commission solely through the utilities
387 commission secretary/treasurer regarding commission business,
388 and the city commission, the Alachua County Board of County
389 Commissioners, any respective city or county commissioners, the
390 Gainesville Regional Utilities Commission, and members may not
391 give, either publicly or privately, any individual orders to or
392 interfere with any direct or indirect subordinates of the
393 CEO/GM, including staff officers and executives, employees,
394 contractors, consultants, or other agents.

395 (7) Ensure that individual members are granted complete
396 access to the utilities commission's management, any and all
397 records and documents, and any and all transactions in
398 accordance with law and subject to reasonable advance notice to
399 the CEO/GM and reasonable efforts to avoid disruption to
400 management, business, and operations. The utilities commission
401 and each committee shall have access to any independent legal,
402 financial, or other advisors, as they may deem necessary in
403 their sole discretion. However, inquiry and information requests
404 considered by the CEO/GM as excessive or interfering with an



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405 employee's or work unit's performance of its duties may be
406 presented to the chairperson for mediation before filing a
407 formal interference complaint by the CEO/GM with the utilities
408 commission.

409 (8) Ensure that the utilities commission does not, in any
410 manner, dispose of or agree to sell or convey the utilities
411 commission's used and useful assets exceeding 5 percent of the
412 respective individual utility's total assets, using depreciated
413 book value, unless the utilities commission does so with the
414 prior approval of a simple majority vote of the city commission.

415 (9) Ensure that to the full extent permitted by law, the
416 city will not grant, cause, consent to, or allow the granting of
417 any franchise or permit to any person, firm, corporation, body,
418 agency, or instrumentality whatsoever, for the furnishing of
419 services which will compete with those of the utilities
420 commission. No discriminatory franchise, right-of-way, license,
421 permit, tax, or usage fee shall be levied upon the utilities
422 commission or its utilities by the city or by the county unless
423 provided by general law.

424 (10) Not render or cause to be rendered, directly or
425 indirectly, any free utilities, subsidies, sponsorships, grants,
426 contributions, donations, free services, or in-kind services of
427 any nature from the utilities or commission, nor will any
428 preferential rates be established for users of the same class;
429 the utilities commission and the city or county, including its
430 departments, agencies, and instrumentalities, shall use the



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431 services provided by the utilities commission within the
432 utilities commission's service areas, or any part thereof, and
433 the same rates, fees, or charges applicable to other customers
434 receiving like services under similar circumstances shall be
435 charged to the utilities commission and the city or county and
436 any such department, agency, or instrumentality. Such charges
437 shall be paid as they become due. The revenues so received shall
438 be deemed to be revenues derived from the operation of the
439 utilities and shall be deposited and accounted for in the same
440 manner as other revenues derived from such operation of the
441 utilities.

442 (11) Ensure that all existing City of Gainesville
443 authority, laws, ordinances, resolutions, and administrative
444 regulations, interpretations, franchises, and controls directly
445 and indirectly affecting and controlling said utilities are
446 hereby conveyed to and exclusively vested within said commission
447 and its respective governance and authority as contained herein.
448 All rights, claims, actions, orders, and legal or administrative
449 proceedings involving the utilities commission immediately prior
450 to the effective date of this act shall continue, except as
451 modified pursuant to the provisions of and plenary authority
452 granted by this act.

453 (12) Shall ensure the development of an ethics policy and
454 a code of business conduct policy which shall be reviewed at
455 least biennially. Such policy and code shall be adhered to in
456 accordance with this act and any additional adherence



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457 requirements which may subsequently be approved by the utilities
458 commission. Members, as well as all officers, executives, and
459 management and supervisory employees, shall each acknowledge
460 annually in writing their compliance with the utilities
461 commission's Code of Ethics and Business Conduct. Any waiver of
462 this requirement for a member, said officer, said executive, or
463 said employee shall only be granted unanimously by vote of the
464 full commission. Any member of the utilities commission
465 requesting the waiver shall be excluded from all meetings and
466 votes during which the requested matter is discussed or
467 deliberated, until decided.

468 (13) Upon discovery or presentation of information, the
469 utilities commission shall make a determination regarding the
470 validity of any past contract of the City of Gainesville doing
471 business as Gainesville Regional Utilities, a department of the
472 City of Gainesville, or regarding any contract of the utilities
473 commission in which any member or previous member of the City of
474 Gainesville has, or has had, or may, or may have had, a conflict
475 of interest. Any past, present, or future contract involving
476 utilities owned by the City of Gainesville in which any member
477 or previous member of the City of Gainesville has, or has had,
478 or may, or may have had, a conflict of interest is voidable by
479 the utilities commission.

480 (14) Ensure, except as otherwise specifically provided in
481 this act, that the rights or privileges, if any, of persons who



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482 were city utility employees immediately before the effective
483 date of this act are not affected or impaired.

484 Section 3. (1) SEVERABILITY.—Headings and sections of
485 this act are not intended to be construed, limiting, or
486 interpreted in isolation from each other. If any word, phrase,
487 clause, paragraph, section, or provision of this act or the
488 application hereof to any person or circumstance is held invalid
489 or unconstitutional, such finding shall not affect the other
490 provisions or applications of this act which can be given effect
491 without the invalid or unconstitutional provisions or
492 application, and to this end the provisions of this act are
493 declared severable.

494 (2) TRANSITION.—In order to provide for the transitional
495 administrative needs and orderly compliance with the provisions
496 in this act, upon the effective date of this act, utility
497 commission functions as described in section 7.08(5) are
498 authorized and shall continue until amended, changed, or
499 repealed by the utilities commission. The chairperson and
500 secretary/treasurer are authorized, upon their respective
501 appointment by the utilities commission, to execute documents
502 required for the transition as may be appropriate or otherwise
503 determined by the utilities commission and to provide required
504 direction and administration of utilities functions for up to 60
505 calendar days during such time as the selection of the CEO/GM or
506 a conservator/CEO/GM, interim/CEO/GM, or temporary/CEO/GM is in
507 process as provided in section 7.06 of the charter.



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508 (3) CONFLICT WITH LAWS.—All laws or parts of laws in
509 conflict with this act are repealed. City of Gainesville and
510 Alachua County Charter provisions, ordinances, resolutions,
511 decrees, or parts thereof, in conflict herewith are to the
512 extent of such conflict hereby also repealed.

513 Section 4. The referendum question shall be posed as
514 follows:

515 Shall the Charter of the City of Gainesville be amended by
516 creating the Gainesville Regional Utilities Commission, a
517 municipally owned, independent, appointed, and representative
518 commission?

519 Yes

520 No

521 Section 5. This act shall take effect only upon its
522 approval by a majority vote of those qualified electors of the
523 City of Gainesville voting in a referendum to be held in
524 conjunction with the next Presidential Preference Primary
525 election to be held in Alachua County, except that this section
526 and section 4 shall take effect upon becoming a law.

527

528 -----

529 **T I T L E A M E N D M E N T**

530 Remove everything before the enacting clause and insert:

531 A bill to be entitled

532 An act relating to the City of Gainesville, Alachua County;

533 amending chapter 12760, Laws of Florida, (1927), as amended;



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1325 (2015)

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534 | repealing section 3.06 of the Charter of the City of Gainesville
535 | relating to the General Manager for utilities; creating the
536 | Gainesville Regional Utilities Commission, a regional
537 | independent utilities commission, and prescribing its authority;
538 | repealing applicable existing and conflicting charter provisions
539 | and ordinances; providing a ballot statement; requiring a
540 | referendum; providing an effective date.