

## Detailed Minutes - Final

### City Commission

*Lamar Fisher, Mayor*  
*Charlotte J. Burrie, Vice Mayor*  
*Rex Hardin, Commissioner*  
*Barry Moss, Commissioner*  
*Beverly Perkins, Commissioner*  
*Michael Sobel, Commissioner*

*Gregory P. Harrison, City Manager*  
*Mark Berman, City Attorney*  
*Asceleta Hammond, City Clerk*

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Tuesday, May 8, 2018

6:00 PM

Commission Chamber

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### City Commission Meeting

#### CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:02 p.m.

#### ROLL CALL

**Present:** Commissioner Rex Hardin  
Commissioner Barry Moss  
Commissioner Beverly Perkins  
Commissioner Michael Sobel  
Vice Mayor Charlotte Burrie  
Mayor Lamar Fisher

#### INVOCATION

Elder Harold Westley of the Newborn Holiness Church offered the invocation.

#### PLEDGE OF ALLEGIANCE

Led by Asceleta Hammond, City Clerk.

#### APPROVAL OF MINUTES

[18-364](#) Regular City Commission Meeting Minutes of April 24, 2018

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried by a unanimous voice vote.**

**APPROVAL OF AGENDA**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE the Agenda as submitted. The motion carried unanimously.**

**CONSENT AGENDA DISCUSSION**

The Commission may pull items from the Consent Agenda. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

**Mayor Fisher announced that items 4, 5, and 6 would be pulled from the Consent Agenda for City Commission discussion.**

**SPECIAL RECOGNITION**

Mayor Fisher acknowledged and congratulated Linda Houston Jones, President of Ashanti Cultural Arts, who was inducted into the Dr. Nan S. Hutchison Broward Senior Hall of Fame on May 4, 2018.

**A. SPECIAL PRESENTATION****[18-354](#) Legislative Update**

The following legislators and lobbyist provided the Commission and residents with an update of information at the State and local level.

State Senator Perry Thurston, Jr.

State Representative Patricia Williams - District 92 - (Please see Exhibit I attached)

Yolanda Jackson, Esq. of Becker & Poliakoff - (Please see Exhibit II attached)

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**[18-361](#) Community Garden Interns**

David Miller, Apprentice for the City's Community Garden introduced Trenton Brooks and Howard Castin, Blanche Ely High School Engineering Program students who spoke about their experience as interns at the Community Garden.

Chris Reeser, Site Manager for the Patricia Davis Community Garden, stated that David Miller has partnered with him and has been working in the garden. Trenton Brooks and Howard Castin has been participating in a program in Grow City Youth, which has been successful in the North Pompano area. The kids learn public speaking, financial literacy, and farm to table preparation of the food grown. A care package was distributed to the Mayor and City Commission of a small sample of what they have grown since the grand opening in January.

Trenton Brooks spoke about the importance of Community Gardens in the community and how it impacts his personal life. He urged the City Commission to provide more of these type of programs which will enhance young people's public speaking skills and invited everybody to come out and experience the fun they are enjoying.

David Miller stated that they are opened Saturday, from 9:00 a.m to 12:00 p.m. and urged people to come out and speak to them to become aware of the program and activities.

**The Special Presentation was READ AND PRESENTED INTO THE RECORD.**

**B. PROCLAMATIONS**

**18-355 Water Reuse Week**

Mayor Lamar Fisher proclaimed May13 through May 19, 2018 as Water Reuse Week in the City of Pompano Beach and presented a proclamation to City of Pompano Beach Utilities Director A. Randolph Brown.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**18-357 National Safe Boating Week**

Mayor Lamar Fisher proclaimed May 19 through May 25, 2018 as National Safe Boating Week in the City of Pompano Beach.

Accepting the proclamation were Richard Leys, representative from the U.S. Coast Guard Pompano Beach Flotilla 34 and CDR Stephen Izzi from the Pompano Beach/Lighthouse Point U.S. Power Squadron.

**The Proclamation was READ AND PRESENTED INTO THE RECORD.**

**C. AUDIENCE TO BE HEARD**

Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments.

Pursuant to Section 30.07(C)(2)(c) of the City's Code of Ordinances, "Thirty minutes or such time needed to permit ten members of the public to speak, whichever is longer, shall be set aside at the beginning of each City Commission meeting for the “audience to be heard” session. The “audience to be heard” session shall be continued at the end of the Commission meeting in the event that individuals wishing to speak are not reached during the first session". (Effective November 27, 2007)

The following persons were called to speak:

**Bike Lanes** - Thomas Drum, 2700 NE 8th Street, Pompano Beach, FL, stated he read an article in the Pelican newspaper about changing the configuration of Atlantic Boulevard and Dixie Highway with the addition of bike lanes. Mr. Drum invited members of the dais to go bike riding with him and promised to supply the bikes and helmets. This would take place on Friday, May 18, 2018 at 5:30 p.m., or another convenient day. He mapped out the route they would travel which would commence at 26th Street Brewery east on Atlantic Boulevard over the bridge, over the bike lane on A1A, north to 14th Street, west to Federal Highway, cross the street and head south on Federal Highway to Atlantic Boulevard, cross and head back to 26th Street. Specifically, he asked City Manager Harrison, who said he would ride, Comr. Sobel said yes, Vice Mayor Burrie said if her injured foot will allow her, Mayor Fisher indicated he could not make it due to a scheduling conflict, Comr. Hardin said he would check his schedule and would join in, but will carry his own bike, Comr. Moss said he would not because he is not a rider, Comr. Perkins said she will walk not ride and City Attorney said he will drive by.

**Expressions of Appreciation** - Linda Houston-Jones, Pompano, FL, thanked the City Commission for what they have done for the children, the citizens and the community of Pompano Beach. In addition, she said so many times the great things being done are overlooked, as well as the services given. She said the theme for the Mayor’s Prayer Breakfast was unity, which had a great impact on her. She reiterated her thanks for all that the City has done for the Ashanti Cultural Arts, and for attending their events, as well as inviting them to be part of the program. Ms. Houston-Jones looks forward to working with the City in the upcoming year as well as solicit their continued support.

**Expressions of Appreciation** - George Dillard, Pompano Beach, FL, expressed special thanks to the City Commission and Mayor Fisher, because he sees somethings changing in his neighborhood. He encouraged them to keep up the good work. He expressed special thanks to Comr. Perkins for pushing him to coordinate the cleanup of the neighborhood. Also, he thanked City Manager Greg Harrison for the things he is doing for



the community and for Mario Sotolongo, Code Compliance Manager for the good job he is doing in the community. Additionally, he is pleased to see the Sheriff's department becoming more visible in his neighborhood, so special thanks to them as well.

**Request for Unity** - Jocelyn Jackson, Pompano Beach, FL, stated she attended the Mayor's Prayer Breakfast earlier in the morning, which was worth her time attending. She said the key to the message at the event was unity which has "touched her." She commented on how she observed the members on the dais operating in disunity. She then provided examples of how she has seen the disunity especially with how the members of the Commission vote in getting things passed for District 4. She said Comr. Sobel does vote for the best interest of the district. She indicated that the people are looking to Mayor Fisher as a leader to uphold respect for each other in a district. She said while they do not have to vote together all the time, they still need to support District 4 on some things. She urged the City Commission to bring the City back to where it used to be, which is to be excited and elated when it is commission time.

**Gun Control** - Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, stated that no one needs a gun other than the police and especially the citizens.

**Harassment by Police Officer** - Ms. Bullard complained about Officer Rivera who she alleged is harassing her when she calls in to report violations to her property and city property. She explained that she has been trying to maintain the property at 212 North Flagler Avenue; therefore, she watches over things around the area to ensure the property is clean. However, she does have a problem with her neighbor who has vandalized her car. She said she has called the police several times, but has not been responded to for the many times she has called them. She said for the times she has called it appears Officer Rivera responds and wants to chastise her instead of her neighbor who is being a nuisance. Therefore, she urged the Chief of Police to address this situation.

Mayor Fisher noted that the code compliance manager, Mario Sotolongo has heard the complaint made, as well as the Chief of Police and requested that a report be provided to the City Commission and Ms. Bullard. Therefore, if she has reported the incidents as stated, there can be an accurate report on them.

**D. CONSENT AGENDA**

1. [18-324](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2018 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2018-154**

2. [18-323](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A 2018 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE CITY OF POMPANO BEACH PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY FIFTH CENT ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL FOR TRANSIT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Erjeta Diamanti)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2018-155**

3. [18-348](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING THE PROPER CITY OFFICIALS TO EXECUTE A TERMINATION OF DECLARATION OF COVENANTS AND RESTRICTIONS EXECUTED BY SANDRA POOLE FOR THE PROPERTY LOCATED AT 1642 NE 28TH COURT; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$12,819.00 Program Income)

(Staff Contact: Miriam Carrillo)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2018-156**

4. [18-351](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, CLARIFYING AND RESTATING THE ROADWAY DIMENSIONS SURROUNDING KESTER PARK, APPROVING SUCH CLARIFICATION AND RESTATEMENT OF THE ROADWAYS; PROVIDING FOR RECORDATION OF THE ATTACHED SURVEY AS RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact: David Recor/Jae Eun Kim)**

Comr. Sobel pulled the item for City Commission discussion. Comr. Sobel stated that it was not clear to him why the City had to clarify and restate the roadways around Kester Park.

Paola West, Principal Planner, Development Services Department, responded that the subject property, Kester Park is located on the northwest corner of NE 4th Street and NE 9th Avenue. The park recently obtained site plan approval to provide a new concession building and bathrooms. As a rule, a property that goes through a major site plan approval requires a dedication of right-of-way (ROW). The delineation of the subject property extended out and did not provide the adequate ROW dimensions. Therefore, this is a restatement of the purpose of the land to provide for ROW purposes.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, asked how much the concessions stands would cost for the park.

Ms. West responded that it will be \$150,000, which will include the restrooms, the office, the storage and concession stand. However, the dug house is not included in this project. Rather it is part of the G.O. Bond project list.

Horacio Danovich, CIP Manager, in response to Mr. Skversky's question, recalled that the cost of the dug house is approximately \$1,360,000 being budgeted for that particular project. However, when the design is done they will be able to determine a better estimate of the cost.

Mayor Fisher indicated that the job for the concession stand and the bathrooms were bidded out, which Mr. Danovich confirmed that it is correct.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2018-157**

5. [18-352](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LOCALLY FUNDED AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RELATED TO THE DESIGN OF CONSTRUCTION PLANS FOR CONSTRUCTION (MILLING AND RESURFACING) OF MARTIN LUTHER KING, JR. BOULEVARD FROM POWERLINE ROAD TO EAST OF SR-9/I-95; PROVIDING AN EFFECTIVE DATE.  
(Fiscal Impact: N/A)

**(Staff Contact:** Horacio Danovich)

Mayor Fisher indicated he pulled the item for Ed Phillips. However, he asked Mr. Danovich to provide an explanation on the item.

Horacio Danovich, CIP Manager, indicated that when the city applied for the Tiger grant as a group member with the Metropolitan Planning Organization (MPO) as the umbrella along with five other cities, one of the agreements was to allow the Florida Department of Transportation (FDOT) and the MPO to run the projects for the cities, which is what they are currently doing. Except from an economy scale standpoint it is better to have one designer and one contractor for all of the projects rather than have six individual ones. Therefore, they are asking the cities to make that modification and accept it, so when they bid out the whole project it is done for one rather than multiple solicitations.

Ed Phillips, 384 NW 19th Street, Pompano Beach, FL, stated he is pleased with the work being done on MLK Boulevard, which he said is a long time coming. Furthermore, he understands this is one component of other components of work to be done, as well as part of the resurfacing will be done from the G.O. Bond funds.

Mr. Danovich stated that this is phase 3 of the education corridor project and provided information on the second and third phases.

Mr. Phillips asked if the MPO is steering the project.

Mr. Danovich responded that they were the lead agency when the City applied for the Tiger grant, so they

continued to be the lead agency because the award was given to the MPO to distribute to the cities. In addition, he said he has been participating in multiple coordination meetings with the FDOT and MPO staff, as well as the design team to ensure the design matches with what the City had already implemented in other areas. He said they are carrying the education corridor theme all the way across, and he has been attending the meetings to ensure this is done as well as verify the plans.

Mr. Phillips indicated that he was concerned that somebody else is “steering the ship” for the City. He asked how does the community benefit program match up with this project. He wants to ensure the residents are participating in working on some of these buildings in the community.

Mr. Danovich stated that the City does not manage the project. He explained that the City must abide by the Federal laws.

Mr. Phillips mentioned he would like to know that the City has some influence over the labor force at some point or other.

Mayor Fisher clarified that Mr. Phillips request is for the job creation when the work of \$3.5 million is being done to have a job opportunity for the local residents to participate.

Mr. Danovich stated for job opportunities he believes it can be done, but they cannot dictate who to select, they will have to follow federal regulation for this.

Vice Mayor Burrie explained that the projects currently being done by the MPO have been projected out ten to twenty years in advance. She also reiterated that MPO receives the federal funds and under the Tiger grant funds are allotted to the various cities.

Mayor Fisher suggested that when Mr. Danovich attends the meetings he conveys the importance of the local people wanting to participate in the project.

Vice Mayor Burrie indicated that she will be attending one of the MPO meetings this Thursday, and will also bring up that matter.

Mr. Danovich indicated that he has inquired about local participation in the project; however, what the MPO and FDOT will do is that once they post the advertisement they will send emails to local companies and invite them to participate. However, they do not control who participate and what are the prices, just as long as they are the lowest responsive bids; therefore, if they happen to be from Pompano Beach they will be awarded.

Comr. Perkins indicated that she had questions earlier but Mr. Danovich cleared them up.

Comr. Sobel indicated that the backup was sparse for items 5 and 6. He asked if the City had paid the \$500,000 within the 30 days of executing the original agreement, which Mr. Danovich replied yes. Comr. Sobel asked why the City Commission is being asked to amend the agreement fourteen months after its commencement.

Mr. Danovich explained the couple phases of the project. He said the first phase was the City's deposit of \$3.5 million matching funds, which is what the first agreement required. The other \$3 million are due in July 2019. Therefore, by that time the City will only have the design done not any construction. So, this item will allow MPO to advertise for the design build company. Currently, the MPO has a company that is doing a design criteria package. Consequently, all the municipalities have been contributing their portion to payout the design criteria package, which must be certified, signed, and sealed by a professional engineer and added to the solicitation.

Comr. Sobel stated that in the Memo provided by Mr. Danovich, it mentions they are amending this agreement by comingling them. However, in the old agreement versus the new agreement they are different in terms of the scope of services.

Mr. Danovich clarified that what is being comingled is the service that the design build company will do. They will put all the projects together to include the other municipalities. So, one city may just get sidewalks, while another, City of Pompano Beach, will get sidewalks, lights, drainage, and road, as well as another city will get landscape. Therefore, whatever the packages are they are comingled as one. All municipalities will have direct benefit from the agreement entered into fourteen months ago.

Mayor Fisher reiterated that to comingle the municipalities will allow the City to get it done cheaper. Consequently, it will allow the City to save more dollars to get more done with the dollars being invested, which Mr. Danovich responded that is correct.

Comr. Perkins asked if the work being done in the City is to resurface a bike path, a sidewalk and to restripe the road.

Mr. Danovich responded that the City is also getting landscape, light fixtures, and new drainage. Hopefully, the city will get the traffic signal at NW 18th Avenue relocated, which he is working on. To date he has requested Broward County to evaluate, design and relocate the signal lighting at the intersection between MLK Boulevard and NW 18th Avenue, prior to the City hiring the design build company to construct the new improvements.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-158**

6. [18-353](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, SUPPORTING THE METROPOLITAN PLANNING ORGANIZATION'S (MPO) EFFORTS TO ENHANCE/IMPROVE THE CYPRESS CREEK GREENWAY BY IDENTIFYING ADDITIONAL FEATURES INCLUDING BUT NOT LIMITED TO SIGNAGE, LANDSCAPE, AMENITIES AS WELL AS INTERSECTION SAFETY IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

Mayor Fisher pulled the item for Mr. Matthes for City Commission discussion.

Doug Matthes, Pompano Beach, FL, stated that Cypress Creek greenway from the Atlantic Ocean to the Sawgrass Expressway is a proposed pathway up to fourteen feet for pedestrians and bicycles. It runs along Atlantic Boulevard and south of Atlantic Boulevard except for Old Pompano, as indicated in the map provided in the backup.

Mr. Matthes indicated that in Old Pompano the planners/commission already designated 3rd Street from MLK Boulevard to NW 5th Avenue as a primary street. So, currently, the planners are placing the greenway along NE 4th Street, a residential street, along with the green community bus to avoid Atlantic Boulevard traffic gridlock, or perhaps because two of the City's elected officials live south of Atlantic Boulevard and do not want it in their neighborhood. Also, he said there is another major traffic gridlock issue on NE 5th Avenue and NE 4th Avenue truck route. Furthermore, Mr. Matthes stated that years ago they got rid of the buses but now they have returned. In addition, he said he is unaware of any neighborhood planning meetings for input on this particular project. As well as, there is no mention as to how the streets are going to be aligned and how they will get a fourteen feet path on a twenty feet wide street.

Mr. Matthes mentioned that the planners recently stated at a City Commission meeting that all development requires approved traffic plan and asked for the traffic plan for this project. In sum, Mr. Matthes believes the greenway should be routed elsewhere, even if it was approved years ago, and not just "dumped" on NE 4th Street. Moreover, there is a long overdue traffic mitigation implementation citywide. He concluded the traffic in the neighborhood is significantly worse than when he moved to the location years ago.

Mayor Fisher for the records, objected to Mr. Matthes insinuation that he is involved in any way, shape or form, which he said is wrong.

Horacio Danovich, CIP Manager, explained that the subject initiative is something being managed exclusively by the MPO, which has been in the works for several years. Approximately, one year ago the MPO invited a number of representatives from cities to come together to become a team to evaluate complete street initiatives. The idea was to work on something to create a model and this was the perfect project to apply that model. He continued to say what this will do is to allow the MPO to get the process started, because C-14 is committed as the model.

Secondly, it will allow them to evaluate all the elements in complete streets in a place that joins many cities. In sum, it is about a product that intertwines all modes of transportation, including the desires and the benefits of everyone from many municipalities. He added there will be many public hearings as the process continues for all the affected neighborhoods. Moreover, he said it is the statutory requirement of the MPO to send notice to all affected parties.

Comr. Hardin noted that Mr. Matthes commented on traffic in Old Pompano, but said for the records, at the last City Commission meeting during commission reports, he had requested the City Manager to begin the process of looking at the Old Pompano area for a holistic traffic study to figure out what can be done with the traffic situation affecting Old Pompano.

Comr. Moss stated the map indicates that the pathway meanders through Palm Aire and it has been very successful, popular, and many people have been utilizing it, as well as it has been a wonderful bonus to the community. Therefore, he supports this great idea, which is well appreciated by his constituents.

Comr. Sobel asked if this will cost the City anything once it is implemented with regard to long term modification of streetscape.

Mr. Danovich responded to the best of his knowledge this project is fully funded through the MPO.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

**Enactment No: RES. No. 2018-159**

7. [18-360](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE AN UNDERGROUND EASEMENT AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA POWER & LIGHT COMPANY (FPL); PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

**A motion was made by Commissioner Hardin, seconded by Vice**



**Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.**

**Enactment No: RES. No. 2018-160**

**E. REGULAR AGENDA**

**QUASI-JUDICIAL PROCEEDING**

*Mark E. Berman, City Attorney, advised that item 8 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and then Commission's discussion.*

*Asceleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.*

8. [18-350](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND CONSENTING TO A TERMINATION/RELEASE OF DECLARATION OF COVENANTS BY AND AMONG TOP SELF STORAGE THREE, LLC, THE GORI FAMILY LIMITED PARTNERSHIP AND THE CITY OF POMPANO BEACH; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Maggie Barszewski/David Recor)

Daniel Keester-O'Mills, Principal Planner, Development Services Department, presented the item stating it is a request to release the property owners from a declaration of covenants that was reported in 2007. On February 2007, the Turnpike Distribution Center, LLC, and Gori Family Limited Partnership, LLC volunteered to list certain uses as prohibited on the property, and to provide two dedicated landscape strips. The covenant was submitted concurrently with the three rezoning ordinances, which were included in the backup. In addition, the subject property is located on the north side of Dr. Martin Luther King, Jr. Boulevard, (MLK, Jr. Blvd.), between Blount Road and NW 27th Avenue. The Turnpike Distribution Center IV, LLC sold the property to the applicant, Top Self Storage III, LLC. A plat was recently approved by the City Commission on January 23, 2018 and subsequently by the County on April 10, 2018, limiting the use of the property to a 225,000 square foot self-storage use.

Continuing, Mr. Keester-O'Mills stated the applicant received site plan approval last year to develop a self-storage facility, a use not listed as prohibited in the declaration, and the project was in compliance with the zoning code without requiring any variances. Since the instrument was recorded in 2007, five years prior to the significant zoning code rewrite adopted in 2012, the Development Service Department has determined that all

the provisions of the covenant are no longer necessary, therefore, staff recommends that it be terminated.

Andrew Shein, Esq., Lockrie, Chakas, 1401 East Broward Boulevard, Suite 303, Fort Lauderdale, FL 33301, representing the property owner, indicated that the main provisions were the requirements for a landscape buffer and the limiting of the uses. The approved plat limits the uses and the approved site plan includes landscape buffers. Therefore, the declaration is no longer necessary.

Comr. Perkins stated the project is located in District 4 on MLK, Jr. Blvd. It is a proposed self-storage being located when exiting from the Turnpike and turning left, which is the gateway into the community and she is unsure the residents want to see a self-storage on MLK, Jr. Blvd.

Mr. Shein responded that the self-storage facility was already approved, so the item is to terminate the declaration. However, the project itself includes significant landscape buffers. To the north of the project is 108-foot landscape buffer with a swale area and to the south there is a 25-foot landscape buffer all requested and approved by staff. He said it is a high quality project and throughout the site plan approval process, they made some concessions and satisfied the City's concerns with respect to the neighborhood.

Comr. Perkins expressed concern regarding a plethora of self-storage facilities in Pompano Beach, which is approximately twenty. She said District 4 has a lot of available land and developers are coming in to build what they want and then leaving the district to deal with what has been built.

Mayor Fisher asked if the zoning was properly zoned for self-storage and has it always been that way.

Mr. Shein responded that it was rezoned in 2007 from B-1 and I-1 to B-4, but self-storage was allowed before the rezoning. The previous owner, Turnpike Distribution Center, wanted to go to more heavy business uses, consequently, the declaration was recorded. However, the new owners have now limited it to self-storage in the plat process.

Comr. Moss agreed with Comr. Perkins and he hopes the city administration would stop thinking that warehouses and self-storage facilities are what the city is all about. This is the entrance to the community. Already, a warehouse has been approved for NW 27th and NW 31st Avenue and now there will be a self-storage facility placed on MLK, Jr. Blvd.. Furthermore, Comr. Moss indicated that there is no such thing as a high quality self-storage facility. He urged the City Manager and staff, in moving forward, to stop thinking of District 4 and District 5 as being a good place to put warehouses and other undesirable facilities. He said millions of people are coming to the city through this gateway, which is not pretty and self-storage facilities will not make it any prettier.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Burrie  
Fisher

**No:** Perkins  
Sobel

**Enactment No: RES. No. 2018-161**

**END OF QUASI-JUDICIAL PROCEEDING**

9. [18-220](#) **P.H. 2018-49: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 100, "STREETS AND SIDEWALKS," OF THE CITY OF POMPANO BEACH CODE OF ORDINANCES BY DELETING SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," IN ITS ENTIRETY AND CREATING A NEW SECTION 100.46, "COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY," PROVIDING INTENT AND PURPOSE, APPLICABILITY AND AUTHORITY TO IMPLEMENT; PROVIDING DEFINITIONS; PROVIDING FOR REGISTRATION FOR PLACING OR MAINTAINING COMMUNICATIONS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING REQUIREMENT OF A PERMIT; PROVIDING APPLICATION REQUIREMENTS AND REVIEW PROCEDURES; PROVIDING FOR A PERFORMANCE BOND; PROVIDING FOR CONSTRUCTION METHODS FOR PLACING OR MAINTAINING FACILITIES IN PUBLIC RIGHTS-OF-WAY; PROVIDING DEVELOPMENT AND OBJECTIVE DESIGN STANDARDS; PROVIDING FOR FEES AND TAXES; PROVIDING ENFORCEMENT REMEDIES; AND BY DELETING SECTION 100.60, "DEFINITION," IN ITS ENTIRETY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**TABLED FROM MARCH 27, 2018**

**(Staff Contact:** John Sfiropoulos)

Meeting went into Recess

Meeting Reconvened

John Sfiropoulos, City Engineer, presented the item stating that the advance wireless infrastructure deployment act became effective in 2017, requiring municipalities to revise their codes to be in compliance. Consequently, the City engaged the services of law firm Gray Robinson. The proposed code amendment will accommodate the growing needs and demand for communication services, while at the same time protecting the public

rights-of-way (ROW). The proposed code amendment has been reviewed by the effected industries and their input has been taken into consideration. Some of their comments the City was able to support while other comments were not supported for various reasons to include conflict with state statutes or not in the City's best interest.

Gary Resnick, Esq., Gray Robinson, serves as the City's outside counsel on communication matters, as well as the Mayor of Wilton Manors, and member of the FCC Advisory Committee. He provided a brief history on the item, which is a result of a state statute that became effective last year regarding small wireless facilities and their access to the public ROW. This is known as the statute that passes the Advance Wireless Infrastructure Deployment Act, which he provided a short presentation summarizing the statute.

Additionally, Mr. Resnick mentioned that currently, the City's code requires \$25,000 either in cash or performance bond. Therefore, if a communications company is coming in to use the ROW for either fiber or an equipment facility, it would have to register and submit a performance bond or a cash bond in the amount of \$25,000. The proposed ordinance continues that, but it requires a "cash bond" not allowing for a performance bond and explained the reasons for the amendment. In addition, he said permit fees cannot be required.

Mayor Fisher noted that there were some industry leaders in the audience. Also, two written objections were received from T Mobile and AT&T stating that the City is violating state and federal statutes. Therefore, he asked if the city is violating any such statutes.

Mr. Resnick responded that with his experience on the matter, he does not believe the city's ordinance is violating the state statute that recently passed or the federal law. He said it is a nineteen-page statute that went through the legislative process, and it was revised numerous times during the legislative process. There are internal inconsistencies in the statute, so there are some problems with respect to interpretation and understanding. Therefore, he clearly stated that the City's ordinance is consistent with the statute, and remain in some instances reasonable, as stated in the statute. For example, they are not allowed to locate a small wireless facility where it would interfere with drainage, or a capital project that the City is undergoing or is planning. It would not interfere with public safety or bike plans or multi-purpose trails or other things that the City has. In sum, the proposed ordinance is consistent with law and would be supportable.

Janna Lhota, Esq., Holland and Knight, 515 Las Olas Boulevard, Fort Lauderdale, FL, represented Verizon Wireless Personal Communications. She stated that she is aware that the City Commission received letters from other members of the working industry group to include T Mobile as well as Crown Castle. Consequently, Verizon Wireless joins in those comments and objections that were raised by the industry. On behalf of the industry she thanked the City and staff in particular, the City Manager, City Attorney, City Engineer and outside counsel, for working with them to get the ordinance to where it is at this point. However, she stated that as indicated by the letters, there are still some open issues that they would appreciate further dialogue prior to the City Commission considering the ordinance at second reading.

Ms. Lhota stated that one of the items brought up by Mr. Resnick was the security fund and the permit fees. She reminded the Commission prior to the adoption of Section 337.401, which allowed communication facility providers access to the ROW, the City had entered into individual license or franchise agreements for providers to access the ROW and they paid a gross receipt tax to the City. Therefore, with the adoption of the

communications services tax in 2001 it was consolidated into a single tax that has been remitted to the City by the communications services providers since that time. She continued by providing information on the wireless services provided by the communication services providers, and their contribution to the City's residents and businesses. In addition, she noted a few objections they had with the proposed ordinance, and that the objective design standard places limitations on the deployment, which she provided an example. Further, she said the ordinance indirectly violates the statute by virtue of imposing design standards that preclude the providers from being able to deploy the equipment that is being allowed by statute. Ms. Lhota also pointed out another item that indirectly violates the statute, which was the location contexts.

Ms. Lhota concluded that the various objections are detailed in the letters submitted by the industry and she hopes that the City Commission would allow them sufficient time between first and second reading to work through the issues with the City as to what can be done. She said while they may not come to terms with everything, a few more gaps could be bridged to provide the capacity, and the coverage that the citizens, residents, and visitors demand.

Mayor Fisher enquired in the capacity of time, does Mr. Resnick or staff felt that between first and second reading they will be able to get the additional questions answered and to possibly make changes to accommodate the industry.

Mr. Sfiropolous responded yes, and that he will be meeting with City Attorney Berman and Mr. Resnick to review the comments presented to see if they can shrink the gap.

Mark Berman, City Attorney stated that with regard to the comments received, the City tried to work it to a point where it is reasonable. He said rather than extend the moratorium, which the industry may not want, because it has been extended before. However, the City is time limited because the moratorium will expire shortly after second meeting. So, this must be kept on track and hopefully there will be an opportunity to meet with all the counsels sometime prior to second reading to try to limit the matters or reduce some of the angst with some of the issues, and to reach a fair compromise as to as many things as possible. In sum, the City's team is willing to sit down with the industry's counsels to try and resolve whatever differences that can be agreed upon.

Matthew H. Scott, Esq., Dunay Miskel Bachman, 14 SE 4th Street, Suite 36, Boca Raton, FL 33432, spoke on behalf of Crown Castle, who provided a letter to the City echoing the objections for the industry. He said he wanted to note for the record that cities across the state are working through the issues and so there is language that the industry is comfortable with and other cities are comfortable with as well. Therefore, he requested that the City Commission encourage the city attorney and outside counsel to really sit with representatives of the industry and allow them to propose language, which he says there is a middle ground that other cities and the industry have been able to reach throughout the state.

Mayor Fisher encouraged Mr. Scott to bring those items forward as they continue to have dialogue with the City.

Doug Matthes, Pompano Beach, FL, stated that he is not part of the industry and he does not use wireless services. However, he stated that he has some concerns. In sum, he said there is a visual pollution problem in

his neighborhood created by the communications industry, which have cables installed that are unattractive. These cables should be removed and placed underground at no cost to the neighborhood, which he suggested should be included as part of the requirement by the City's ordinance. Also, he suggested that the boxes used by the industry should be placed at least 500 feet apart from each other.

Mayor Fisher clarified that as Mr. Resnick mentioned earlier in his presentation, this is not the City of Pompano Beach, but it is a state statute that has taken the home rule away. Therefore, the City is doing its best to provide regulations in an ordinance that would limit some of Mr. Matthes' concerns in the best way possible, yet at the same time comply with the requirements of the state statute, as well as the industry's needs to perform the services.

Mr. Resnick in response to Mr. Matthes' question regarding the cable boxes installed throughout the neighborhood, stated that this is one of the items in the City's ordinance, which is a point of disagreement between the industry and the City's counsel. He said Ms. Lhota indicated that the statute prohibits spacing requirements between the equipment facilities, but the statute expressly allows it. Therefore, the ordinance does contain a 200 foot separation requirement for ground-mounted facilities. Nevertheless, they plan to work with the industry to see if they have other language that might work better. However, he said the intent of the ordinance is not to prohibit the service, rather it is to strike a balance between where these can be located, so that there is no unreasonable interference with the use of the ROW by the public or creating more visual pollution.

Mr. Matthes asked if the City could require that all new facilities use underground cable.

Mayor Fisher indicated that requirement is not feasible.

Corey Thompson, 2160 NW 4th Street, Pompano Beach, FL, asked for an explanation on "enhanced cellular phone service and cable service."

Mr. Resnick responded that there are representatives from the industry present at the meeting who could better answer the question as these are their technologies, but are not operating yet, so, the City does not know what they will do.

In sum, Mr. Resnick indicated that there is a bit of misunderstanding with regard to the financial matters. He said the City is not making any money as a result of allowing the technology in the ROW. The City received, and always has, since 2006 communications services tax, paid by the customers not paid by the companies, so it is a line item on their bills. This eventually goes to the City's general fund. So, no money is being made as a result of the statute allowing the facilities to be located in the ROW.

Vic Bernatti, representative of AT&T, 2856 NE 24th Court, Fort Lauderdale, FL, explained that the amount of voice communication is not increasing in a significant manner. On the other hand, data is. He mentioned more people are working from home, so with this technology it will allow for people to work anywhere at any time. The purpose is to serve people with voice, but more than that, it is to fill the gaps in data. He said that AT&T agrees with the industry and the issues that are still open as per Ms. Lhota's comments made earlier. Finally, Mr. Bernatti stated that having worked with city staff and administration in the past, he felt positive that

between first and second readings they can work out a lot of the issues. Also, he said both the City and the industry have the same goals, which is to do what is best for the people in the City of Pompano Beach.

Edward Phillips, Pompano Beach, FL, suggested that the attorneys be allowed to work out the issues involved with this matter. He said as residents, they do not want to be inundated with facilities within the neighborhoods for all the devices that the industry desires to place in the residential communities. Moreover, he believes the attorneys should find a way to charge the industry for setting up in the communities.

Anne Siren, Pompano Beach, FL, asked about the devices that are installed higher up and wondered if this is to protect human or the device. Also, she enquired if there are any waves that the residents need to be concerned with as there is a large population of people with autism in the neighborhoods.

Mr. Resnick responded that under federal law the city is preempted from regulating the placement of any wireless device based on perceived health effects of radio frequency emissions. He said the Federal Communications Commission (FCC) in Washington has sole authority over that and as long as the company is complying with FCC regulations that is all that can be required. So, the City cannot regulate.

Mr. Berman explained that the location and the height of the devices are determined by the industry, the need for grids for their service, so they are the ones who determine how high and how far apart they go, which per the statute is basically within their bailiwick to make that determination. So, the purpose they are kept is for the effectiveness of the communication system.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, said he has several patents in television communications and said the height dictates the distance from which the signal can be radiated. Therefore, the higher it goes the better radiation is achieved for the service, so height matters. Additionally, Mr. Terwilliger provided information of his involvement with the communications industry and said he supports the fact that the City should look at a common sense way to enforce all companies to work jointly, so that when they have to destroy the streets with their own fiber optic cables, it is done together so that they only demolish the streets once. In essence, he said they do not want the City streets to be destroyed multiple times.

Mr. Terwilliger suggested forming a plan to be included in the ordinance where all wireless carriers who desire to use the City's streets would have "one bite of the apple" that is it would only take one time to destroy the city streets and put in the pipes for their fiber optic cable and put it back together, rather than several times.

Mr. Resnick stated the ordinance includes a "Dig once policy." In sum, he said to stop the areas from being subject to constant excavation, the ordinance provides that once an area is excavated, another company cannot excavate in the same area for approximately two years.

Molly Moor, [REDACTED], stated that as a public health professional, she is concerned about this type of technology and the unknown health risks that it may pose. She indicated that various research studies show that exposure to non-ionizing radio frequency over radiation can severely impact developing cells and she elaborated on how this would happen. Therefore, Ms. Moor stated that she is concerned that the City does not have the long term studies to be able to show the detrimental effects over time. She does not want the City to be put into a position in the future where something could happen by allowing this ordinance to go through to

allow the exposure to the radiation, thus it could open up the possibility of potential financial and health risks for the citizens.

Mayor Fisher reiterated that unfortunately, the FCC states that they have no issues with radio frequency issues, therefore, the City cannot regulate such.

Mr. Resnick responded that is correct. He said if the City does not implement this ordinance, the facilities are free to go anywhere, there are no regulations at all, which will be consistent with the state statute. So, if the City does nothing, then all the companies can put their facilities wherever they want, with no regulations to deny an application. In sum, adopting the ordinance with some regulations, the City is doing what it can to control the physical placement and installation of these facilities.

Barbara Taylor Beggs, 438 NE 2nd Street, Pompano Beach, FL, stated that just this past weekend Comcast was laying fiber optic lines for one specific customer, who is her neighbor east of her. She said she tried to find out why they were doing this one at a time, but no real answer was provided.

Mr. Sfiropolous responded that he will get Ms. Beggs address and follow up on the matter.

Mayor Fisher said the ordinance is about wireless communications going up on poles throughout the city and fiber optics is a different component. Therefore, the city will research to determine why Comcast elected to lay fiber optic lines for one specific customer at a time.

Comr. Sobel stated that there was discussion on a long term land use change, and it seems after listening to both sides it is a replacement of Section 146.46, and it is not clear what the long term benefits are going to be to the residents, or as stated earlier, possibly long term detriment to the residents. Therefore, he would like to know what those are, because the long term land use change is "ripe" for passage. In sum, there are just too many questions being asked. Also, he wanted to know should the ordinance get passed, who in the short and long run will be making money. Would it be the telecommunication companies, the Pompano Beach residents and taxpayers, or the City.

Mr. Berman clarified that first it is not a land use change. Second, it is not about benefits and detriments. He said the legislature has already determined that the benefits to the public are expansions of these communications facilities and additional services are going to be available to all the residents of the City. Therefore, they are allowed to put the facilities in the City's streets and ROW, but the legislature has also allowed the City certain restricted rights to limit uses. For example, if there is underground utilities they cannot go in those areas. Without passing the ordinance, it is going to be a free for all where these companies can go where they want and do what they want without making applications, so that is where the benefits of the ordinance come in. He said the City is trying to do everything it can to protect the residents and the ROW, and yet at the same time not intruding with the rights that the telecommunication companies have been given by the legislature.

Comr. Sobel asked if there were any public participation in the creation of the new rules being promulgating.

Mr. Berman responded that the public participation would have been in front of the state legislature because



they were the ones who created the situation under discussion. He said the residents are not telecommunications experts to be able to decipher what the complexities of a state statute that is not even clear to the industry, and needs to be clarified in certain instances. This is the reason staff, outside counsel, and the city attorney are meeting with the industry attorney to come up with the best situation for the residents, who do not want the clutter in the ROW and less visual pollution, as well as less digging up of the streets.

Mayor Fisher reiterated that this is not a long term land use change at all. However, it is an ordinance to allow for less intrusion for the residents, but at the same time they want maximum service for the data. In sum, at the end of the discussions, hopefully a compromise can be reached to come up with something that is mutually agreeable for the industry and the residents of the City.

Comr. Hardin said he understands that the state passed the statute so the city has to abide by it. However, something must be done or there will be boxes in close proximity to each other citywide. He asked how did the City arrive with what is in place today. In other words, has other communities in the State of Florida flushed it out. Also, he asked, who determines that the City should accept 200 feet separation between boxes instead of 1,000 feet separation.

Mr. Resnick explained that there are a few things involved. There have been other jurisdictions that have adopted ordinances and he has represented some of them. So, he has seen what some other jurisdictions have done and there are a variety. Therefore it is not a "one size fits all" for all the governments in Florida and he provided a few examples. In sum, volume and frequency provided by the industry and required by different cities throughout Florida will vary, as well as residential and commercial restrictions. The models that some cities have adopted are not necessarily appropriate for the City of Pompano Beach. Nevertheless, Mr. Resnick indicated that they tried to look at what other cities have done and come up with reasonable requirements in the ordinance so that the industry can work with the ordinance and locate some facilities, so there is not an overrun of facilities as an intrusion that negatively affects the residents and visitors of the City.

Comr. Hardin opined that less is better for the City of Pompano Beach, however, in the end the residents are the ones who will be impacted by the facilities. Finally, he requested, for second reading, any changes made should be highlighted so the Commission can see them.

Comr. Moss asked Mr. Resnick as Mayor for another city, did they pass a similar ordinance regarding the subject matter.

Mr. Resnick responded no, and provided his reason. He said currently, they have a moratorium and a draft that they are working on. He pointed out that the City of Wilton Manors is not similar to the City of Pompano Beach. In addition, he explained that the signals from the various carriers would not affect services provided by each other to the residents. So, the only thing that can be regulated is the placement and location of the facilities in the ROW, because the cities cannot regulate potential interference between carriers.

Mayor Fisher asked about devices that has the potential to become missiles during the hurricane season.

Mr. Resnick responded that the city's ordinance and the state statute allows them to be subject to the Florida Building Code, as well as the National Electrical Safety Code, the National Electric Code, as well as there is

the Department of Transportation standards that they have to comply with. Moreover, the ordinance require indemnification in the event the devices become airborne missiles in the neighborhood.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to remove the item from the table. The motion carried unanimously.**

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Burrie  
Fisher

**No:** Sobel

10. [18-349](#) **P.H. 2018-66: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 91, "BOATS AND WATER RECREATION," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 91.10, "DOCKING AND LIVING ABOARD BOATS," TO PROVIDE REQUIREMENTS FOR DOCKING OF BOATS ADJACENT TO MULTI-FAMILY AND COMMERCIAL ZONED LOTS; AND AMENDING CHAPTER 151, "BEACHES AND WATERWAYS," BY AMENDING SECTION 151.03, "STRUCTURES IN WATERWAYS," TO MODIFY REQUIREMENTS FOR VARIOUS STRUCTURES IN THE WATERWAYS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** John Sfiropoulos)

John Sfiropolous, City Engineer, presented the item stating there are two proposed amendments Chapter 91 "Docking and Living Aboard Boats" and Chapter 151 "Structures and Waterways." He noted that Chapter 91 currently, only includes single-family zoned lots not being permitted to dock a vessel in a navigable channel or within a five-foot sight setback. This proposed amendment will include multi-family and commercial as well.

Additionally, the amendment to Chapter 151 proposes to limit the distance for installation of piles and waterways to make the waterways safer and less obstructive. Finally, he said both amendments have been reviewed by the Marine Advisory Board and approved by engineering.

Comr. Sobel indicated that he did not see any document in the backup from the Marine Advisory Board.

Mr. Sfiropolous responded sometimes they would issue a memo, but in this case there was none. However, in the meetings they had with the Board they assisted staff in revising the code that was forwarded to the City Attorney to amend.

Comr. Sobel indicated that in the ordinance it was unclear to him whether the 40 feet minimum mentioned was for the navigational channel or waterway.

Mr. Sfiropolous explained that the navigable channel is defined by 45% of the width of the canal. He stated that for a 100-foot canal, 45% would be 45 feet navigable channel, which leaves 55 feet, which is 27.50 feet on each side.

Mayor Fisher stated, for the record, the Marine Advisory Board approved the proposed ordinance, which Mr. Sfiropolous responded, "that is correct."

Comr. Hardin stated that the Marine Advisory Board has been working hard on these, which is noted in their minutes, therefore, he appreciates their work.

Comr. Moss indicated that a member from the Marine Advisory Board, Lee Corson, indicated to him that the Board is supportive of the amendments.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

11. [18-356](#) **P.H. 2018-65: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A FIRST AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND DIMARIA FRANK PROPERTIES, INC., FORMERLY KNOWN AS DIMARIA PROPERTIES, LLC, FOR THE OPERATION OF A KIOSK LOCATED AT BEACHFRONT PARK; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: City will receive an annual rental amount of \$33,000.00)

(Staff Contact: Mark Beaudreau)

Mark Beaudreau, Recreation Programs Administrator, presented the item stating that in 2013 the City issued a Request for Proposal (RFP) 02-13, for the operation of a beach kiosk, which was a Community Redevelopment Agency (CRA) development. He said DiMaria Properties was the number one ranked proposer who subsequently entered into a five-year agreement with the City, so, this item is the first amendment to that agreement. He said there were some nominal changes to include time changes.

Michael Skversky, Pompano Beach, FL, asked where is the beach front park.

Mr. Beaudreau responded it is the kiosk just immediately north of Atlantic Boulevard, next to the lifeguard station.

Comr. Sobel asked about the rental history for the last five years, and asked has the 12% ever been applied or reached over the last five years.

Mr. Beaudreau did not have the information in the backup but promised to provide it to the Commission by the next reading.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

12. [18-347](#) **P.H. 2018-68: (PUBLIC HEARING 1ST READING)**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 153, "RENTAL HOUSING CODE," BY AMENDING SECTION 153.05, "DEFINITIONS," TO MODIFY DEFINITIONS, RELATED TO VARIOUS COMMUNITY RESIDENCES; AMENDING CHAPTER 155, "ZONING CODE," BY AMENDING SECTION 155.2406, "SPECIAL EXCEPTION," TO PROVIDE SPECIAL EXCEPTION REQUIREMENTS AND REVIEW STANDARDS FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING SECTION 155.2432, "REASONABLE ACCOMMODATION," TO MODIFY STANDARDS AND PROCEDURES FOR REASONABLE ACCOMMODATION AND ESTABLISH SAME FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING ARTICLE 2, "ADMINISTRATION," PART 4, "APPLICATION-SPECIFIC REVIEW PROCEDURES," TO CREATE SECTION 155.2434, "COMMUNITY RESIDENCE

AND RECOVERY COMMUNITY CERTIFICATE,” TO ESTABLISH PURPOSE, APPLICABILITY AND PROCEDURES; BY AMENDING ARTICLE 3, “ZONING DISTRICTS” OF THE ZONING CODE, TO DESIGNATE SPECIFIC RESIDENTIAL, BUSINESS AND COMMERCIAL DISTRICTS WITHIN THE CITY FOR LOCATION OF COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING TABLE 155.3708.H.2 “PRINCIPAL USES REGULATING TABLE,” TO MODIFY REFERENCES FOR VARIOUS COMMUNITY RESIDENTIAL USES; BY AMENDING TABLE 155.3709.E.2, “PRINCIPAL USES REGULATING TABLE,” TO MODIFY REFERENCES FOR VARIOUS COMMUNITY RESIDENTIAL USES; BY AMENDING ARTICLE 4, “USE STANDARDS” OF THE ZONING CODE TO DESIGNATE ZONING DISTRICTS, AND MODIFY AND PROVIDE DEFINITION REQUIREMENTS AND STANDARDS FOR RESIDENTIAL HOUSEHOLD LIVING USES, FAMILY COMMUNITY RESIDENCES, TRANSITIONAL COMMUNITY RESIDENCES, RESIDENTIAL GROUP LIVING USES, RECOVERY COMMUNITIES, CONTINUING CARE RETIREMENT COMMUNITIES, AND ROOMING AND BOARDING HOUSES; BY AMENDING SECTION 155.5102, “OFF-STREET PARKING AND LOADING,” TO MODIFY AND ESTABLISH THE MINIMUM NUMBER OF OFF-STREET PARKING SPACE REQUIREMENTS FOR COMMUNITY RESIDENCES AND RECOVERY COMMUNITIES; BY AMENDING SECTION 155.8402, “CIVIL REMEDIES,” TO PROVIDE FOR REVOCATION OF COMMUNITY RESIDENCE AND RECOVERY COMMUNITY CERTIFICATES, INCLUDING PROCEDURES, NOTICE AND APPEAL; BY AMENDING ARTICLE 9, “DEFINITIONS AND INTERPRETATION” OF THE ZONING CODE, TO MODIFY AND PROVIDE DEFINITIONS RELATING TO DISABILITY, DWELLINGS, FAMILIES, FAMILY COMMUNITY RESIDENCES, ASSISTED LIVING FACILITIES, COMMUNITY RESIDENCES, RECOVERY COMMUNITIES, TRANSITIONAL COMMUNITY RESIDENCES AND SIMILAR USES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

**(Staff Contact:** Jennifer Gomez/David Recor)

Jennifer Gomez, Assistant Director, Development Service Department, presented the item stating that on March 13, 2018, the City Commission approved Resolution 2018-99, the approval of a report, “Pompano Beach, Florida: Principles to Guide Zoning for Community Residences for People with Disabilities.” The report laid out the guidelines and implementation path for staff to adopt the proposed text amendments. Ms. Gomez indicated that the report and the text amendments were done with Dan Lauber, Consultant, planning and legal expert in the area of group homes specifically. Mr. Lauber has worked in developing similar ordinances within cities of Arizona, Delray Beach, and he is currently working with the City of Fort Lauderdale. She indicated that Mr. Lauber unfortunately was not able to join the meeting in person, however, he is available by video/phone conference. So he is in the background watching and at the end of her presentation he will be available to answer any questions. For further details, please see the attached presentation made by Ms. Gomez on the proposed zoning ordinance. (Exhibit III).

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, spoke in support of the ordinance. However, he asked the City Commission to issue a proclamation or at the minimum a letter of appreciation to an individual who without his efforts the city would not have this ordinance today. He said the individual is Dave Aronberg, State Attorney, Palm Beach County. He said without his pioneering efforts in bringing this issue before the grand jury, the City would not be at this point of the issue.

Comr. Hardin stated that this is a great step forward and it will do a lot to help those folks who need help and ensure they receive the kind of help they need.

Mayor Fisher thanked Mr. Lauber for all his efforts and expertise. He said this is a long overdue issue and after many years of frustration on both the residents and commission's side to come up with something that is palatable for the courts and also for the residents. So, it is a great accomplishment to bring it to what it is currently. Also, kudos to staff and Mr. Lauber for their efforts.

Comr. Sobel joined in the comments expressed by Comr. Hardin and Mayor Fisher regarding the subject matter. He believes it cannot be overstated of the incredible job City staff did to include City Attorney Berman, Mr. Lauber, Esq., Ms. Gomez and Mr. Wentworth. He said one year and a half ago this issue was compelling, urgent, dangerous, and important to the residents of the City of Pompano Beach. So, this is a result of how government can step up and make tremendous improvements in the quality of the resident's day to day life and property values, to do it fairly, justly, and legally. Comr. Sobel then commended and thanked everybody who worked on the issue.

Mayor Fisher noted that the City Commission has been struggling for more than one and half years as it has been a long road to get to this point.

Vice Mayor Burrie stated that there is a plethora of homes in her District and she has gone to Tallahassee with the help of State Representative Lois Frankel when they did the bill there, but it had to be all voluntary and the City's hands were tied. Vice Mayor Burrie indicated that she appreciates everything that everybody has done but she wanted it known that it was just not one and half year ago, it has been over six years of trying to get this, which is a protection for those who live in these houses too. So she truly appreciates staff, and Mr. Lauber's efforts with this matter. This will help the residents, as well as those recovering.

Mayor Fisher said he tried to find out through the minutes of the Planning and Zoning meeting who was the dissenting vote that voted against the item, but could not determine it, because the minutes just stated 5-1 voted for the item.

Ms. Gomez indicated that she will need to check on the roll call and get back to the Commission on who voted against the item.

Mayor Fisher asked if the item could be declared emergency second reading to get the ordinance into place.

Mr. Berman advised that it should be done in the standard way to avoid any challenge. Also, because it is a zoning ordinance, he would advise against emergency second reading. He thanked Ms. Gomez for her assistance and making his work lighter with all the extensive work she did on the ordinance.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:**

**Yes:** Hardin  
Moss  
Perkins  
Sobel  
Burrie  
Fisher

13. [18-335](#) Approval to award Bid L-09-17 (Step 2) Construction Services for Old Pompano Streetscape Improvements Section 108 Loan Project to the lowest bidder, The Whiting-Turner Contracting Co., at a cost of \$4,781,828.65.  
(Fiscal Impact: \$4,781,828.65)  
  
(**Staff Contact:** Horacio Danovich)

Horacio Danovich, CIP Manager, presented the item stating he has a brief presentation that will make things easier and clearer for everybody. He said work will be done to make some streetscaping improvements in designated roadways in Old Pompano. The project was bid out in 2017, and the source of funding was a Section 108 loan. The intent was to continue the work that was done in Old Pompano through the CRA. The improvement work that will be done is streetscape, landscape, lighting, drainage, water main, reclaimed watermain improvements and sanitary sewer rehabilitation. He said the work being proposed to be done will be east of NE 1st Street. One of the major segment is to tie NE 1st Street into what was done from NE 1st Street between NE 1st Avenue and Flagler Avenue and carryout to the east.

Mr. Danovich concluded that what is being done is to apply complete streets, and those concepts of design to beautify the area as best as possible. So, by upgrading all the utilities this is done for the future for those who want to come in and build there will be new utilities. Therefore, he requested the City Commission's support to award the contract to the lowest most responsive bidder, which is Whiting-Turner Contracting Co., who submitted a bid that is being observed. Whiting-Turner Contracting committed to hold the same price one year later.

Mark Berman, City Attorney read into the record that the correct amount was \$4,781,828.65.

Mike Skversky, Pompano Beach, FL, noted that Whiting-Turner came in at \$5,744,965 and asked why it is stated that the cost to construct proposed improvements of this phase is \$803,251 including \$273,000 for the utility work, drainage, water and sewer.

Mr. Danovich explained that the \$5.744 million was for the entire project. The monies that the city does not have of approximately \$1 million covers the \$800,000 to do NE 3rd Avenue plus \$200,000 in contingency funds that are being set aside for emergency, while the project is being worked on.

Mayor Fisher added that originally those funds were coming from Broward County but they have pulled all those dollars out not only just from the City of Pompano Beach but other cities that had applied.

After some extensive comments from Mr. Skervsky regarding the design of the parking lot on Flagler Street, Mayor Fisher stated that when the City redesigned Old Pompano to include Ms. Bullard's area, this was done approximately five years ago. A parking lot was done west and behind Ms. Bullard's shop to accommodate parking. Also, there was an agreement with First Baptist Church to lease spaces there.

Delores Bullard, 212 North Flagler Avenue, Pompano Beach, stated that she does not have enough parking for her customers and explained how the current parking has been set up. Therefore, she wanted to ensure that when the new construction starts there is adequate parking for everybody.

Additionally, Ms. Bullard indicated that as a result of her numerous complaints as work was going on in her area, she was abused by her neighbors and the police. She said she has been calling those people who are in charge and working those particular days. She has been trying to get more parking spaces, to no avail. Therefore, her customers cannot get parking and consequently her elderly customers have to park over at the church property and walk quite a distance to her place of business for service. Also, she complained that she only has one handicap space for her business, which is not enough.

Mayor Fisher asked if on phase one will they be creating more on street parking.

Mr. Danovich replied they are and explained that whenever the opportunity came up and they were able to do it through the cross section, they are adding on street parking.

Barbara Taylor Beggs, 438 NE 2nd Street, Pompano Beach, FL, asked that special consideration be given to allowing additional handicap parking and make it a little closer to the buildings, to include city buildings, and doctor's offices.

In response to Comr. Hardin's question regarding the time the project got started, Mr. Danovich said it was since 2014 and explained how the process started and progressed.

Comr. Hardin mentioned that earlier Mr. Danovich stated that NE 3rd Avenue is being cut out because the City did not receive the grant. However, he said it is not really "cut out" but rather it has been delayed because it is still part of the project, and hopefully funding will be realized from some other source.

Mr. Danovich confirmed that it is part of the project.

Comr. Sobel stated that he is in favor of the streetscape proposal, but prior to coming to the meeting he had no idea from any of the material in the backup other than a brief description of the streets, exactly what the commission is being asked to spend \$5 million on. Therefore, he had to go back to the minutes from years ago, where it mentioned the commission approving the \$5 million contingent upon the \$1 million coming from Broward County. He said currently, the County has pulled back their funding and the City is still moving forward with this project. However, there was no description for the residents to see what the proposed



streetscape improvements were. There were no drawings, and no specs. Notwithstanding, just today a pamphlet from Chen Moore & Associates, was distributed to the City Commission, with no date on it. It is clear that there was a long term strategy and plan, which he thinks these types of materials should be part of the backup at least one week in advance.

Additionally, Comr. Sobel stated that the area being referred to as Old Pompano area, is actually what has been said continuously to be the Innovation District, which appears to be the entire northwest CRA within the proposal.

Mr. Danovich responded that this is outside the CRA and not in the Innovation District. He said the District starts on Dixie Highway and goes west to I-95 from Atlantic Boulevard to MLK Boulevard. He said the subject matter is located in the heart of Old Pompano, but the area the CRA did was referred to Old Town, which is just to the east of Old Town. He said this had to be done in order to qualify for the Section 108 loan.

Comr. Sobel understands that Whiting-Turner is the lowest bidder by approximately \$40,000. He said contrary to his initial perception of their abilities, they have done a very good job on the pier and what the city hired them to do. However, one of the things he has been looking at in that contract, now that there is a history, is the target for hiring local Pompano Beach residents, minorities, women, and small businesses, which he sees this in the current contract. However, he has never seen any measurables, or any document that states they did or did not reach their target. So, prior to the City Commission approving the \$5 million current agreement with Whiting-Turner, he asked how many local Pompano Beach employees do they have full time working on the \$12 million pier project? Also, how many minorities, how many African-Americans, how many Brazilians or Hispanics, how many small business people from Pompano Beach are working at the pier and will be working on the proposed project.

Mr. Danovich explained that this is the same team that built the MLK Boulevard between Dixie Highway and Northwest 6th Avenue. The same team was asked to meet 5% local participation, so their sub is a local firm and by being onboard they have met 44.5% participation. He said there is not a single project that is not done by somebody as a local firm who has the type of sub participation he mentioned earlier. In fact, the company is anticipating to increase the participation to 53%. Notwithstanding, he said he does not have all the demographics on how many employees, to include Brazilians, Haitians, or African-Americans and so forth. Nevertheless, he will try to ask them to provide this information, if possible.

Comr. Sobel asked if Mr. Danovich can get Whiting-Turner to provide the Commission with how many local residents they have hired full time to work on the pier job and asked for some accountability on this new project moving forward.

Mr. Danovich indicated that he will ask for the information and provide it to the City Commission.

Mayor Fisher pointed out that earlier it was stated that Whiting-Turner has never done a project like the pier, but they have actually built the Lake Worth pier and have built other pier structures as well.

Comr. Perkins requested, for the future, can the percentage of local people being hired be included along with each bid contract.

Mr. Berman replied that he will look into the legality of doing this.

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Approval Request be APPROVED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Sobel

Burrie

Fisher

**No:** Perkins

14. [18-362](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **JAMES R. BUNN** TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH FOR A TERM OF THREE (3) YEARS; SAID TERM TO EXPIRE ON MAY 12, 2021; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

Applicants:

James R. Bunn, ***Incumbent***, District 3

(Staff Contact: Asceleta Hammond)

**A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie to insert the name JAMES R. BUNN and that the Resolution be ADOPTED. The motion carried by the following vote:**

**Yes:** Hardin

Moss

Perkins

Sobel

Burrie

Fisher

**Enactment No: RES. No. 2018-162**

## **F. REPORTS**

**Gregory Harrison, City Manager - Opportunity Zones** - Mr. Harrison indicated that lobbyist Yolanda Cash Jackson had mentioned earlier that there are two opportunity zones approved by the governor of Florida, which one is in Collier City, District 5 and the other is the Innovation District in District 4. He said a report will be provided as to the meaning of what this means for the future at the CRA Board meeting. It is an exciting

program that Dave Henshauer worked on to get approved for the City of Pompano Beach.

**Grant Awards** - Mr. Harrison announced that he received a letter from Senator Bill Nelson announcing a grant award to the City of Pompano Beach for \$1,038,308 for the Community Development Block Grant (CDBG) for the next fiscal year and \$453,745 for the Home Investment Partnerships Home Grant award. He will provide the City Clerk with a copy of the letter for the record.

**Cultural Affairs Assistant City Manager Announcement** - Mr. Harrison announced that there is a strong leadership plan for the cultural affairs division for the City of Pompano Beach. He said that starting June 4, 2018, the City will welcome the current director of the Broward County cultural division, Earl Bosworth, who will become the Assistant City Manager responsible for all cultural affairs in the City. He brings with him an extensive senior management experience in cultural arts. In addition, Phyllis Korab who has successfully held the position of Cultural Affairs director for the last year will continue in that capacity under Mr. Bosworth's leadership. There will be an official press release announcing Mr. Bosworth appointment. Mr. Harrison said this is a huge hurdle the City has overcome over the last few weeks.

Finally, Mr. Harrison thanked Ms. Korab for her diligence and hard work not only on cultural affairs, as she will continue to do, but she has led the City with her government relations work and has been the primary liaison with Becker & Poliakoff, the City's lobbyist.

**Mark Berman, City Attorney - JCon Construction versus City of Pompano Beach** - Mr. Berman reported that he spent most of the prior week in trial at the Broward County Courthouse with trial counsel in the JCon Construction versus City of Pompano Beach in the Fire Station 11 case. The case has progressed and is down to one more witness to testify. The judge has continued the trial, however, a date has not been announced regarding when he will be able to continue the trial. Results is not available at this time but the City Commission will be kept informed as the case continues.

**Asceleta Hammond, City Clerk** - No Report.

**Commissioner Rex Hardin - Major Developer Commendation** - Comr. Hardin offered kudos to Greg Harrison, City Manager. He noted that he had the opportunity to speak with a major developer in the area who made comments that the Development Services Department had an astounding turn around. Therefore, he wanted to pass this around and to say Mr. Harrison's efforts are showing. He noted this was one of the top priority in the City Commission strategic planning and goal setting session last year, so the efforts are paying off.

Mr. Harrison acknowledged the recognition and indicated that Brian Donovan, Assistant City Manager, David Recor, Development Services Director, and Miguel Nunez, Building Official are part of the success team.

**Underground Utility Plans by FP&L** - Comr. Hardin indicated that he read in the newspaper about FP&L and all the activities they did during the hurricane and the results of it. It was interesting that a representative of FP&L stated that they realize that underground in utilities made a huge difference in the reliability factor of the utilities during and after the storm. Therefore, they are going to vigorously pursue undergrounding, so they will

be approaching communities to ask to be allowed to underground their lines. He said the City needs to “raise our hands, shout, scream and jump up and down” to let FP&L know that our community is very interested in their offer to underground utilities.

**Mayor’s Prayer Breakfast** - Comr. Hardin stated that the Mayor’s Prayer Breakfast held earlier today was a great event. The speakers were outstanding and he offered kudos to Mayor Fisher for making it happen.

**Commissioner Barry Moss - Cordish Companies Expansion Plans** - Comr. Moss reported that the Cordish companies have announced that they will partner with the Isle of Capri Casino in the development of the 223 acres site. He said this is an accomplished company and encouraged the City to goggle the Cordish group. Their plans will include office park, residential facilities, shopping center, hotel and perhaps a small conference center. However, the details have not yet been announced. He said this will be enormous for District 5 and for the City at large. This will bring approximately two million people into the City per year. Consequently, the City will have to consider how to get the people in and out of the area, enhancements to the streets and particularly to the way they look. People will come from either the Florida Turnpike down NW 31st Avenue, which is not a lovely street, or from the I-95 and west on Atlantic Boulevard, which is also not lovely, or from Powerline Road, which is not a lovely street as well. He encouraged the City and the Commission that as the process starts a significant investment must be made in the way the city looks to people coming from outside the city into our city. Furthermore, in the city’s strategic plan session the Commission gave high priority to improve the look of the City as people come into it. This proposed project will be big and will generate a lot of income for the City and put the name of the city on the map, as well as bring a lot of people to the city.

**Farmers Market in Palm Aire** - Comr. Moss congratulated the Parks and Recreation department for the success of the first day of the farmer’s market in his district. He said there were about twelve vendors selling food, fresh produce, homemade jellies and soaps. It was a success as a lot of people attended the market. He thanked Mark Beaudreau for his idea to hold this event at the Herb Skolnick Center.

**Commissioner Beverly Perkins - Demise of Idella Grisset** - Comr. Perkins announced the passing of Idella Grisset and offered sincere condolences to the Grisset and Holloway family and mentioned they are in our prayers and thoughts. She said Ms. Grisset was a promising leader in the community and will be sorely missed.

**Demise of Rossevelt Jackson** - Comr. Perkins stated that the oldest negro league baseball player, passed away, at age 102. She then requested permission to have Travis Jackson to provide more information about this player.

Travis Jackson, Pompano Beach, FL, stated that the Boys and Girls Club park was named after his uncle Roosevelt Jackson. He said for the last four years his uncle has been all over the world to include the White House, and received numerous accolades for being the first and last oldest black negro baseball player manager in the world. He passed away over the weekend and he stated that his uncle loved Pompano Beach with all his heart and will be missed. In addition, he said Mr. Jackson retired from the City of Pompano Beach

over thirty years ago.

Mayor Fisher asked Mr. Jackson to provide more information on the battle of the bands that for several years he has been working with bringing children together to compete and to instill values and morals in them.

Mr. Jackson informed that he started the Battle of the Bands three years ago and thanked Mayor Fisher and Comr. Perkins for the support given over the years. He said while he has never played in a band, but knowing that music is the way to the heart and soul, he came up with a dream to start a battle of the bands, to bring people together and bridge the gap. He said the first year they had an attendance of over 3,000 people and the sole purpose was to get seven bands from the tri-county area to do a high school battle of the bands. At the same time, each school that participates would receive a scholarship so whether they win or not they would receive a scholarship. He said last year he included a few elementary schools and this year he plans to bring in a few middle schools, as well as a few parents that lost children at Marjory Stoneman Douglas High School to participate in the event, which will be held on May 20, 2018 at 6:00 p.m. at the Blanche Ely High School. He thanked the City of Pompano Beach for allowing him to bring this event to the city.

**Birthday Celebration of a Centenarian** - Comr. Perkins stated that Ms. Maechelle Fulton will turn 100 years of age on Saturday, May 12, 2018, and will celebrate her birthday at 11:00 a.m. at the Hopewell Missionary Baptist Church where she is a member.

**Commissioner Michael Sobel - Eligible Voters Participation** - Comr. Sobel stated that he is excited about the prospect of the city becoming the first city in America of this size where 100 percent of the eligible voters could vote. He encouraged everybody to join him in this initiative, and explained the reasons why it is important to vote. He provided the number to the Supervisor of Elections Office (954) 357-7050 extension 3, and urged those who needed to vote by mail to do so because it is very convenient and has been made more secure.

**Vice Mayor Charlotte Burrie - Mayor's Prayer Breakfast** - Vice Mayor Burrie stated that the Mayor's Prayer Breakfast was terrific and she expressed thanks to Mayor Fisher for having this event.

**Mayor Lamar Fisher - Appreciation Supporting Mayor's Prayer Breakfast** - Mayor Fisher thanked Vice Mayor Burrie, Comr. Perkins and Comr. Hardin for attending today to celebrate the Mayor's Prayer Breakfast and what it is all about - unity. He said there were some great speakers, and the Committee who worked so hard for the entire year it was important to recognize them. He thanked Dr. Karlton Johnson, Principal of Blanche Ely High School for bringing in some incredible speakers, such as Alonzo Mourning, former Miami Heat basketball player and Anthony Massarotti. He said the message was about unity and the speakers spoke about their lives and how they were influenced by someone else. He hopes this will continue next year. He thanked the community for their support, as well as the sponsorships.

## **G. ADJOURNMENT**

The meeting adjourned at 10:05 p.m.

A handwritten signature in blue ink, appearing to read "Lamar Fisher", written over a horizontal line.

Lamar Fisher, Mayor

A handwritten signature in blue ink, appearing to read "Asceleta Hammond", written over a horizontal line.

Asceleta Hammond, City Clerk



# A Word from Williams

Monthly Legislative Update  
April | 2018



## DISTRICT OFFICE

2003 W Cypress Creek Rd.  
Suite- 100

## TALLAHASSEE OFFICE

1102 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399

*Representative Patricia H. Williams | District 92 | [pat.williams@myfloridahouse.gov](mailto:pat.williams@myfloridahouse.gov)*

### GREETINGS,

THE 2018 LEGISLATIVE SESSION CAME TO AN END ON MARCH 11TH, 2018. THIS SESSION CONCLUDES MY FIRST OF MANY TERMS IN REPRESENTING THE INTERESTS OF THE 92ND DISTRICT, WHICH REMAINS MY GREATEST PRIORITY. WITHIN THE PAST EIGHT WEEKS, I HAVE WORKED TIRELESSLY WITH MY FELLOW COLLEAGUES TO DRAFT AND PRESENT LEGISLATION THAT IMPROVES THE LIVES OF OUR CONSTITUENTS. BELOW I HAVE SUMMARIZED SOME KEY LEGISLATION THAT WAS INTRODUCED IN TALLAHASSEE THIS YEAR. THANK YOU AGAIN FOR ALL OF YOUR SUPPORT, IT IS TRULY AN HONOR TO SERVE YOU IN THE FLORIDA HOUSE OF REPRESENTATIVES.

- PATRICIA H. WILLIAMS, STATE REP. DISTRICT 92

## Sponsored Bills Passed

### **House Bill 281 Incarcerated Parents**

Requires DCF to include parents who are incarcerated in development of case plans for their children. It specifies respective responsibilities of department, correctional facilities, & incarcerated parents as well as provides conditions for amending the case plan.

- \* Approved by Governor 3/21/2018 - 5:59 PM
- \* Last Event: Chapter No. 2018-45 on Thursday, March 22, 2018 10:02 AM
- \* Effective Date: July 1, 2018

### **House Bill 57 / Senate Bill 146 - Appointment of Attorneys for Dependent Children with Special Needs**

Designates act as "Pro Bono Matters Act of 2018". This proposal requires payment of due process costs of litigation of all pro bono attorneys appointed to represent dependent children with special needs.

- \* Approved by Governor 3/19/2018 - 6:46 PM
- \* Last Event: 03/21/18 Chapter No. 2018-14 on Wednesday, March 21, 2018 10:28 AM
- \* Effective Date: 03/19/2018





# SENIOR IMPACT LEGISLATION

## The annual budget (GAA HB 5001) included:

\$14.3 million **INCREASE** to the Dept. of Elder Affairs' (DOEA) Program of All-inclusive Care for the Elderly (PACE) to expand recipient slots by 475 individuals, Over \$130 million bump in Medicaid nursing home payments to help cover the cost of emergency generators, and ease the transition to a prospective payment system (PPS)

## The Tax Package (HB 7087) included:

Sales and Use tax exemption for generators purchased for use at nursing homes or assisted living facilities from July 1, 2017, through December 31, 2018. The exemption is limited to a maximum of \$15,000 in tax for the purchase of generators for any one facility. 7 Day disaster Preparedness Sales Tax Holiday starting June 1 through June 7.

## BUDGET BREAKDOWN HB 5001 The General Appropriations



\$404.3 million is being swept from Trust Funds  
(Full listing on separate sheet)



\$3.3 Billion in Reserves



51 more state employees  
The 2019-20 budget calls for 114,570 FTE



\$6.3 Billion overall spending increase

OR: \$1.5 Billion increase in spending  
Trust Funds: \$4.8 Billion increase in spending

### Themes

Budget growth is almost flat but there is more reliance on trust funds rather than general revenue.

As the population increases, the stresses on our health care and public education systems will continue to grow and this budget makes only incremental investments towards meeting those needs.

### THE GOOD

1. Although incremental, there are increases in our K-12 public education system.
2. \$100.8 Million for Florida Forever.
3. Solid Investments in Higher Education.

### THE BAD

1. Grants DFS the authority to override independently elected State Attorneys.
2. Ending Medicaid retroactive eligibility will shift hundreds of millions in health care costs onto the state's low-income and disabled population.
3. Incremental investments in public education continue to keep Florida towards the bottom in the state's ranking in spending.

## SB 7028 Ratification of Department of Elderly Affairs Rules

Ratified the Department of Elder Affairs rule requiring Assisted Living Facilities to have emergency power generators. The bill was approved by the Governor and is law.

## HB 681 Protection for Vulnerable Investors

Was a protection for vulnerable investors bill which that would have helped protect senior's from investment scams. The bill died in the Senate after passing the House 113 to 2.

## HB 259 Elder Abuse Fatality Review Teams

Would have created elder abuse fatality teams in each judicial circuit to review possible instances of elder abuse of neglect. The bill was reported unanimously from two of its three committees but died in its last committee stop.

## HB 1059 Exploitation of a Vulnerable Adult

Was a bill to protection vulnerable adults from unscrupulous individuals who are spending all their money and wasting their estates. The bill created a civil cause of action to protect a vulnerable adult from exploitation, including granting the court the ability to issue an injunction and freeze bank accounts and other assets before someone can spend them all. The bill has been signed into law by the Governor.

## HB 1123 Tax Exemptions for the Elderly

Would have created sales tax exemptions for products that allow seniors to age in place. Unfortunately, the bill was never heard in committee and died in the House.



# SENIOR IMPACT LEGISLATION

## **CS/CS/CS/HB 841 - Judiciary Committee, Civil Justice & Claims Subcommittee, Careers & Competition Subcommittee, Moraitis, Caldwell: Community Associations**

**Community Associations:** Revising condominium association record keeping and financial reporting requirements; revising provisions relating to required association bylaws; revising board term limits; revising voting requirements relating to alterations and additions to certain common elements or association property; providing that an association may not prohibit a unit owner from installing an electronic vehicle charging station; providing when the installation of an electronic vehicle charging station may be the basis of a lien; revising requirements to serve as a board member; requiring an association to follow certain procedures when amending a governing document, etc.

Effective Date: July 1, 2018

### **Summary:**

\*The bill makes a number of changes to Community Associations and Condominiums. More specifically the bill:

- ☐ Removes time limit on designation as bulk buyer, making bulk buyer provisions permanent.
- ☐ Extends the deadline condominiums and cooperative associations have to make records available to unit owners from 5 working days to 10 working days.
- ☐ Provides that a condominium association may post the complete copies of the bids for materials, equipment, or services in lieu of summaries of bids for materials, equipment, or services.
- ☐ Provides that failure to post required information on the website is not cause on its own to invalidate any action or decision of the association, its board, or committees.
- ☐ Provides board members may serve terms longer than one year if permitted by the bylaws but may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election.
- ☐ Provides that condominium board members are recalled if the board determines the recall is facially valid; provides attorney's fees for a recalled board member who prevails in arbitration, and attorney's fees for condominium associations if the arbitrator determines the recalled board member's petition is frivolous.
- ☐ Provides that a condominium association may not waive the financial reporting requirements for two years if it fails to respond to the Division's request to provide a financial report to a unit owner.
- ☐ Provides that a condominium association or agent of a condominium association is not liable for disclosing protected or restricted information unless the disclosure was made with a knowing or intentional disregard of the protected or restricted nature of the information.
- ☐ Provides that a condominium association must permanently maintain certain official records instead of for seven years.
- ☐ Increases the time in which a condominium or cooperative must respond to a unit owners' request to inspect records;
- ☐ Requires electronic records related to voting to be retained as official records, and allows notice of board meetings by website.
- ☐ Requires that a vote authorizing an alteration or addition to a condominium be held prior to beginning work.
- ☐ Amends co-op law to mirror condominium law regarding removal of board members who are 90 days or more delinquent on payments and restricting co-owners from serving on the board of directors.
- ☐ Allows condominium associations to provide electronic notice to any member who has provided a fax number or email.
- ☐ Amends cooperative common expenses to include communication and information services in bulk contracts.
- ☐ Clarifies that associations may apply payments for late assessments to interest, fines, and fees before applying the payments to assessments.
- ☐ Prohibits an association from restricting a unit owner's ability to install an electric vehicle charging station in a common parking area.
- ☐ Requires notice of an HOA member meeting to be mailed or delivered to the property owner's address on file with the county property appraiser or electronically transmitted where the property owner has consented to receiving such notice.



# STATE BUDGET FOR FISCAL YEAR 2018-2019

The overall budget for Fiscal Year (FY) 2018-2019 totals \$88.7 billion, with trust fund sweeps totaling approximately \$404.3 million. Compared to the last budget, there has been an overall \$6.3 billion increase. Below is the breakdown of the budget into “silos”, or categories, to highlight a few critical components in each area.



## Education

The Florida Department of Education (DOE) was allocated a \$500 million increase in this budget. Regarding K-12 Education Funding, the total per pupil funding has increased by 1.39%, or about a \$101.50 dollar increase per child. While I would personally like to see a larger increase in funding in this area, I am pleased to see that the Legislature is investing more in our students. Florida is near the bottom of the list in per pupil funding when compared to other states.

The Schools of Hope project was awarded \$140 million. If you recall from last year, this program was designed to incentivize charter schools to set up shop near Florida’s under performing traditional public schools and establish “schools of hope” that would, in theory, offer a better education to those students currently in struggling neighborhood schools. I believe that the money proposed for these “Schools of Hope” could be better used to find innovative ways to fund and fix our struggling public schools instead of inviting for-profit charter schools that offer the same curriculum to provide competition.

The Best & Brightest Teacher and Principal Scholarship Program received \$233.95 million in this Budget. From my perspective, this program does not reward teachers and principals on their effectiveness and ability, but instead rewards their test scores from high school. I believe there are better ways we can utilize these funds to reward our most effective teachers and principals, including giving teachers a much needed raise.

Public Education Capital Outlay (PECO) has been allocated approximately \$195.3 million, which is a significant increase from last year’s budget. PECO funds are used to complete sorely needed repairs in our schools such as fixing or replacing air conditioning units and old roofs. I am glad to see an increase in this area however I am incredibly disappointed at how these funds have been allocated. Only \$50 million of this \$195.3 million will be going to traditional public schools while charter schools will be receiving \$145.3 million, despite there being more than double the amount of public schools than charter schools across the state of Florida. In the realm of Higher Education, I was pleased to see an increase in funding for both the Florida College System and the State University System.

## Health and Human Services

In the Health and Human Services sector, \$37.1 billion dollars were appropriated. This is a \$2.98 billion dollar increase overall.

Low Income Pool (LIP) hospital funding received \$1.5 billion in funding to offset costs incurred by hospitals while treating the uninsured. Additionally, the Agency for Persons with Disabilities was given a \$46.4 million dollar increase in their budget, which I am pleased to see. The Department of Children and Families also saw an \$8 million dollar increase in funding for 69 additional caseworkers to address the workload increases for child protective investigators. While some areas saw increases, other programs in the Healthcare silo of the budget saw major cuts. There was a \$14.98 million dollar cut from Medicaid Home and Community based services and 336 jobs will be cut from County Health Departments.

While a good start, I don’t believe that enough funds were allocated to help combat the opioid crisis we are experiencing in our state. I see the toll this epidemic takes on our communities. I believe the Legislature should invest more money into addressing this issue. It is not just about reactive solutions, I believe we need to also ensure that we are being proactive and invest in multiple prevention programs across the state.

### FLORIDA'S BUDGET

#### HealthCare



Elimination of Medicaid Retroactive Eligibility for all non-pregnant adults.



\$14.98 million cut from Medicaid Home and Community based services.

336

Cuts 336 jobs from County Health Departments.

#PriorityBlue

FLHouseDems



# STATE BUDGET FOR FISCAL YEAR 2018-2019

## Justice

In the Justice budget, there is improved accountability for small privatized contractors by requiring funding departments to report certain information including program outcomes. There are also millions of dollars proposed to be allocated towards litigation costs for not complying with federal constitutional and civil rights mandates. The state has spent millions of taxpayer dollars fighting lawsuits related to legislation passed by the House and Senate that may violate the state or U.S. constitution, a practice which I believe we must end.

## Environment

In the Environmental Budget, \$100 million has been allocated for the Florida Forever land acquisition Program, which last year received no funding. Everglades Restoration received \$143.1 million, a \$24 million decrease in funding. The South Florida Water Management District received \$50 million to expedite repairs to the Herbert Hoover Dike which protects the Glades communities from flooding. Springs restoration received \$50 million as well, which is the same amount they received in last year's budget. Beach Projects statewide received \$50 million, with \$11.2 million of that being allocated specifically for Beach Recovery related to Hurricane Irma damages.

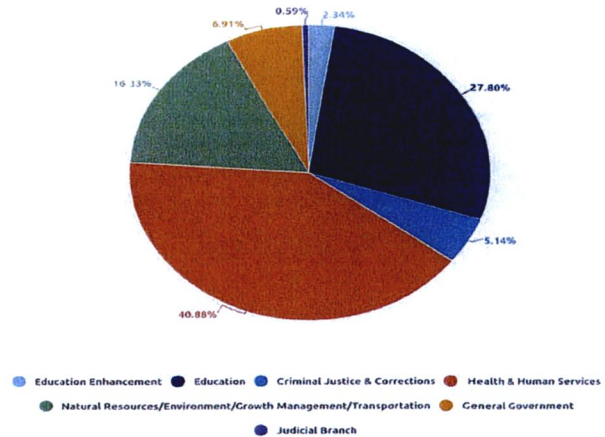
## Transportation, Military Affairs, Economic Opportunity

Of note in this budget area is that Affordable Housing received \$109.6 million, however a large amount of that is from trust fund sweeps.

## Finance & Taxation

As per usual, much of the House effort in the realm of finance and taxation focused on tax cuts. The annual tax package, originally proposed with a value of over \$300 million, included several consensus items such as a back-to-school sales tax holiday, and property tax relief for homeowners devastated by this season's hurricanes. However, the bill also included a "poison pill" provision, which would have made tax credits against sales tax available to fund private school scholarships for the first time in the state's history. After the Parkland bills were adopted, the tax package was scaled back, and the bill ultimately adopted, HB 7087, did not include the poison pill.

## HB 5001 - General Appropriations Act



Education Enhancement: \$2,128,846,515  
 Education: \$25,258,497,729  
 Criminal Justice & Corrections: \$4,669,736,640  
 Health & Human Services: \$37,140,846,008  
 Natural Resources/Environment/Growth Management/Transportation: \$14,838,086,425  
 General Government: \$6,281,093,964  
 Judicial Branch: \$539,273,587  
 Total: \$88.7 Billion

## FLORIDA'S BUDGET

### Tax Breaks



Disaster Preparedness Sales Tax Holiday



\$67 million tax exemption to purchase generators for nursing homes.



3-Day Back to School Tax Holiday for Florida's working families.

#PriorityBlue

FLHouseDems

This year did mark the first time in recent memory that the annual corporate income tax bill, sometimes called the "piggyback" bill, which adopts the IRS tax code as a starting place for the Florida tax code, became a controversial piece of legislation. In light of uncertainty regarding the impact of President Trump's tax credits, House Republicans chose to attach new provisions to the piggyback bill, which instituted a "roll-back" style, automatic tax reduction for corporate income tax based on the estimates of the office of Economic and Demographic Research. The bill, HB 7093, also binds the hands of future legislatures by requiring any additional revenues collected above the estimated amount be spent on tax cuts. Finally, for reasons unknown to this day, the bill breaks with traditional mathematics and requires that in certain instances, the state of Florida must round-down at a 5 when rounding decimals. The bill passed both chambers with democratic opposition and is headed to the Governor's desk.



## Concerned Citizens Gather to Demand Gun Policy Reform





## A CLOSER LOOK



**Representative Williams and AMI Kids**



**Representative Williams and members of  
Christian Family Coalition**



**Representative Williams accepts an award from the  
Fire Fighters at Broward Days at the Capitol**



**Representative Williams and District 92  
BSO Chiefs**



**Tamarac/Sawgrass  
Democratic Club  
Post Session Update**



## EXHIBIT II





**Becker**  
Becker & Poliakoff



## **2018 POST LEGISLATIVE SESSION REPORT**

On Sunday, March 11, the 2018 Florida Legislative Session drew to a close. Lawmakers were forced to extend session past the scheduled March 9 end date after missing their budget approval deadline of March 6. The roughly \$89 billion budget for fiscal year 2018-19, is the State of Florida's largest ever, and includes a \$21.1 billion public school budget, a \$130 million increase in Medicaid funding for nursing homes, and a permanent expansion of the Bright Futures Scholarship program with a \$121 million increase to the program as well. The budget also includes a roughly \$171 million tax-cut package and a commitment to spend over \$50 million on the opioid crisis. The Legislature managed to come up with a \$400 million proposal to increase school safety and reduce gun violence in schools, but was unable to come to an agreement on a gambling package.

Governor Rick Scott vetoed about \$64 million from the total budget, far less than the almost \$12 billion in spending he vetoed from the Legislature's first budget last year.

## Appropriations

Pompano Beach Drinking Water Interconnects Rehabilitation (HB 2825).....\$287,500  
(Governor Scott Vetoed)

## Bills that Passed

### Environmental

**SB 168, Relating to Nonnative Animals**, is sponsored by Senator Steube. The bill directs the Florida Fish and Wildlife Conservation Commission (FWCC) to establish a pilot program for the eradication of priority invasive species and submit the report to the Governor and Legislature. It also authorizes FWCC to enter into specified contracts and provides appropriations. The bill passed the House and Senate on March 7 and was Ordered Enrolled. An amended version of the bill deleted the provision requiring animals that belong to certain nonnative species to be implanted with a passive integrated transponder tag before sale, resale, or being offered for sale by a pet dealer. It also deleted the definition of "Pet dealer." Signed by Presiding Officers and Presented to the Governor on March 16.

For more information on this bill, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00168>

**CS/CS/HB 1149, Relating to Environmental Regulation (Vetoed)**, is sponsored by the House Natural Resources and Public Lands Subcommittee and Representative Payne. The bill revises required provisions of the water resource implementation rule, it requires the Department of Environmental Protection (DEP) and water management districts to develop and enter into certain memoranda of agreement, and it requires counties and municipalities to address the contamination of recyclable material in specified contracts. The Committee Substitutes require counties and municipalities to address the contamination of recyclable material in contracts with residential recycling collectors for the collection or transportation of residential recyclable material, and with material recycling facilities (MRF) for the processing of residential recyclable material. They also require that the contracts define the term "contaminated recyclable material" in a manner that is appropriate for the local community based on the available markets for recyclable material and that they provide that a residential recycling collector is not required to collect or transport contaminated recyclable material. A floor amendment added additional criteria for activities in surface waters and wetlands. Another floor amendment added the following provision to Section 374.4135: "or, when credits are not available at a mitigation bank permitted under Section 373.4136, mitigation areas created by a local government which were awarded mitigation credits pursuant to the uniform mitigation 40 assessment method as provided in Chapter 62-345, Florida Administrative Code, under a permit issued before December 31, 2011." The bill passed the House, passed the Senate on March 9 and was Ordered Enrolled

For more information on this bill or the Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01308>



## **Firearms**

**CS/HB 55, Relating to the Sale of Firearms**, is sponsored by the House Oversight, Transparency & Administration Subcommittee and Representative White. The bill requires Florida Department of Law Enforcement procedures to allow the payment or transmittal of processing fees for criminal history checks of potential firearms buyers by electronic means, and it provides that criminal history check requests may be made by electronic means. The Committee Substitute authorizes a licensee to request FDLE to conduct a criminal history check via electronic means other than a telephone call and changes the effective date of the bill from July 1, 2018, to October 1, 2018. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled on March 9.

For more information on this bill or its Committee Substitute, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=59768&SessionId=86>

**CS/SB 7026, Relating to Public Safety**, is sponsored by the Senate Appropriations and Senate Rules Committees. Cited as the "Marjory Stoneman Douglas High School Public Safety Act," this bill establishes the Medical Reimbursement Program for Victims of Mass Shootings in the Department of Legal Affairs. The bill also establishes the Office of Safe Schools within the Department of Education, it prohibits a person younger than a certain age from purchasing a firearm, it prohibits bump-fire stocks in the state, and it creates the Marjory Stoneman Douglas High School Public Safety Commission (Commission) within the Florida Department of Law Enforcement. The Committee Substitute authorizes law enforcement to seek the voluntary surrender of firearms and ammunition kept in the person's residence at the time he or she is taken into custody pursuant to the Baker Act. It also clarifies the information that the Commission may request, and must be provided, to carry out the Commission's duties, including both confidential and exempt information. The Committee Substitute appropriates \$200 million in recurring and \$200 million in nonrecurring funds from the General Revenue Fund to implement the bill provisions. There were a few different floor amendments that were adopted. The bill was approved by the Governor on March 9.

For more information on this bill, its Committee Substitute, or the floor amendments, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07026/?Tab=Analyses>

## **Local Government**

**SB 100, Relating to Identification Card and Driver License Fees for Veterans**, is sponsored by Senator Steube. The bill deletes fees for adding the word "Veteran" to an identification card or a driver license, it revises acceptable forms of identification required to add the word "Veteran" to an identification card or a license, and it prohibits tax collectors from charging certain driver license service fees to veterans who present specified forms of identification. A floor amendment specifies who the exemption applies to and under what conditions. The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 9.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00100/?Tab=BillHistory>



**SB 186, Relating to a Resign-to-run Law**, is sponsored by Senator Hutson. The bill requires an officer who qualifies for federal public office to resign from the office he or she presently holds if the terms, or any part, run concurrently. It prescribes requirements for the written resignation, and it provides for an automatic, irrevocable resignation in the event of noncompliance. A floor amendment added says that subsections (3) and (4) do not apply to anyone holding federal office, or, an elected officer if the term of the office that he or she presently holds is scheduled to expire and be filled by election in the same primary and general election period as the federal office he or she is seeking. The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 7.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00186/?Tab=BillHistory>

**CS/HB 361, Relating to Persons Authorized to Visit Juvenile Facilities**, is sponsored by the House Criminal Justice Subcommittee and Representatives Richardson and Stafford. The bill authorizes specified persons to visit, during certain hours, all juvenile facilities operated or overseen by the Department of Juvenile Justice (DJJ) of the county. It also authorizes such persons to visit juvenile facilities outside of certain hours pursuant to DJJ rules, and it prohibits DJJ from unreasonably withholding permission for visits to such facilities by certain persons. The Committee Substitute makes the provisions applicable to all juvenile justice facilities, including those run by counties, allow for visitation by specific persons between 6am and 11pm at their pleasure, and allow any visitation before 6am or after 11pm pursuant to rules adopted by DJJ. The bill passed the House, passed the Senate on March 6 unanimously, and was Ordered Enrolled in the House.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00361/?Tab=BillHistory>

**CS/SB 566, Relating to the Unlawful Detention by a Transient Occupant**, is sponsored by the Senate Judiciary Committee and Senator Young. The bill revises factors that establish a person as a transient occupant of residential property and authorizes a former transient occupant, under certain circumstances, to bring a civil action for damages or recovery of personal belongings. The Committee Substitute limits documents or identification cards used to support a claim of transient occupancy to have been issued or sent within the previous 12 months and not the distant past, and it increases the time to recover personal belongings after the transient occupancy ends from 5 days to 10 days. A floor amendment removes line 75 and inserts: "leaves the dwelling when directed by a law enforcement." The bill passed the House, passed the Senate, and was Ordered Enrolled on March 9.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00566/?Tab=BillHistory>

**CS/HB 539, Relating to Alarm Verification**, is sponsored by the House Careers & Competition Subcommittee and Representative Cortes. The bill revises requirements for alarm verification to include additional methods by which an alarm monitoring company may verify a residential or commercial intrusion/burglary alarm signal and to require that two attempts be made to verify an alarm signal. The Committee Substitute makes the phrase "alarm monitoring company" consistent in the bill and clarifies that the alarm monitoring company confirms the alarm with the



owner, occupant, or his or her authorized designee of the premises. The bill passed the House and the Senate and was Ordered Enrolled in the House on March 7.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00539/?Tab=BillHistory>

**CS/SB 1132, Relating to Vessel Safety Inspection Decals**, is sponsored by Senator Hutson. The bill provides rulemaking authority to the Fish and Wildlife Conservation (FWC) Commission regarding expiration and design of safety inspection decals. A Committee Substitute recommended by the Senate Appropriations Subcommittee on the Environment & Natural Resources provides that all decals issued by the FWC on or before December 31, 2018, are no longer valid after that date. It also delays the effective date from July 1, 2018, to January 1, 2019. A floor amendment deleted line 26 and added "valid for less than 1 calendar year or more than 5 years and, at 6 a minimum, must meet the." The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 7.

For more information on this bill or its Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01132/?Tab=BillHistory>

**CS/CS/HB 1151, Relating to Development of Regional Impact**, is sponsored by the House Commerce Committee, the House Agriculture & Property Rights Subcommittee, and Representative La Rosa. The bill specifies ethics training requirements for community redevelopment agency commissioners, it requires certain initiatives or referenda to be reconsidered, and it revises laws addressing community redevelopment agencies. It also revises mechanisms by which adjacent lands located within local governments may be added to boundaries of a new community development district. The Committee Substitutes clarify that actions by a local government on a development order may not amend to an earlier date the date agreed to by the local government not to impose downzoning, unit density reduction, or intensity reduction. They also transfer the Developments of Regional Impact exemptions and partial exemptions from Section 380.06 to Section 380.0651, which contains the guidelines and standards for determining the size of a proposed development. A floor amendment added the language "that exceeds the statewide guidelines and standards specified in Section 380.0651 and is not otherwise exempt pursuant to Section 380.0651 must," to lines 2568-2579, and changed the applications for development approval the subsection did not apply to. Another floor amendment adds the definition of "master plan." The bill passed the House, passed the Senate as amended, and was Ordered Enrolled in the House on March 9

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01151>

**CS/CS/HB 1173, Relating to Lands Used for Governmental Purposes**, is sponsored by the House Local, Federal & Veterans Affairs Subcommittee and Representative Raschein. The bill specifies the authority of the Division of State Lands within the Department of Environmental Protection to acquire lands from an annual list provided by the Department of Economic Opportunity and the Florida Defense Support Task Force for the purpose of buffering military installations against encroachment. The Committee Substitutes conform the definition of "non-conservation lands" in the defense conversion and transitions statutes with the definition in the state lands statute, and they authorize each land authority to use tourist impact tax funds to pay



for costs related to affordable housing projects. They also add projects that mitigate the effects of natural disasters and floods in developed areas to the criteria and numeric performance measures the Acquisition and Recreation Council must consider when evaluating proposed Florida Forever projects. A floor amendment specified that the legislative intent of the bill was in part, to “provide affordable housing” in the Apalachicola Bay Area, and another floor amendment specified procedures for the acquisition of buffer land. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled in the House on March 8.

For more information on this bill or the Committee Substitutes, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=62320&SessionId=86>

**HB 1009, Relating to the Closing the Gap Grant Program**, is sponsored by Senator Brown. The bill requires a Closing the Gap Grant proposal to address racial and ethnic disparities in morbidity and mortality rates relating to Lupus. The bill passed the House, passed the Senate, and was Ordered Enrolled on March 8.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/1009>

**CS/CS/SB 1392, Relating to Prearrest Diversion Programs**, is sponsored by the Senate Appropriations Committee, the Senate Criminal Justice Committee, and Senator Brandes. The bill encourages counties, municipalities, and public or private educational institutions to implement prearrest diversion programs. It requires that in each judicial circuit, the public defender, the state attorney, the clerks of the court, and representatives of participating law enforcement agencies create a prearrest diversion program and develop its policies and procedures. It requires, rather than authorizes, the Department of Law Enforcement to adopt rules for the expunction of certain non-judicial records of the arrest of a minor upon his or her successful completion of a certain diversion program. The Committee Substitutes require the Department of Juvenile Justice to develop and provide guidelines for best practice models for civil citations or similar diversion programs to the judicial circuits as a resource. They clarify that the state attorney will be required to operate the prearrest diversion programs for the circuit. Floor amendments deleted the requirement that the state attorney, clerks of court, and others create a prearrest diversion program, and requiring the Department of Law Enforcement to collect and provide certain information. The floor amendments also specify who is eligible for the prearrest diversion programs. The bill passed the Senate, passed the House as amended on March 7, and was Ordered Enrolled in the Senate on March 9.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01392>

### **Miscellaneous**

**CS/CS/SB 376, Relating to Workers' Compensation Benefits for First Responders**, is sponsored by the Senate Appropriations Committee, the Senate Banking Committee, and Senator Book. The bill provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers' compensation benefits. It also specifies that benefits do not require a physical injury and are not subject to certain apportionment or limitations. The Committee Substitutes restore current law in its



general application of mental and nervous injury benefits for first responders, require the Department of Financial Services to adopt rules, and require an employing agency of a first responder to provide educational training relating to mental health awareness. They also revise compensability requirements of law enforcement officers, firefighters, emergency medical technicians, and paramedics for PTSD under Chapter 440. The bill passed the Senate, passed the House unanimously on March 5, and was Ordered Enrolled.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flSenate.gov/Session/Bill/2018/376/?Tab=BillHistory>

**CS/SB 394, Relating to Fire Safety**, is sponsored by Senate Governmental Oversight & Accountability Committee and Senator Bracy. The bill requires the Division of State Fire Marshal to establish specified courses as part of firefighter and volunteer firefighter training and certification, and it specifies the Division's authority to adopt rules for training related to cancer and mental health risks within the fire service. The Committee Substitute deletes provisions of the original bill that would have revised qualifications for firefighter certification to require firefighters to be a nonuser of tobacco or tobacco products during his or her career in the fire service. The bill passed the Senate, passed the House on March 5 unanimously, and was Ordered Enrolled in the House.

For more information on this bill or its Committee Substitute, visit this link:

<https://www.flSenate.gov/Session/Bill/2018/00394/?Tab=BillHistory>

**CS/CS/SB 376, Relating to Workers' Compensation Claims for First Responders**, is sponsored by the Senate Appropriations, the Senate Banking & Insurance Committee, and Senator Book. The bill provides that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers' compensation benefits. It also specifies that benefits do not require a physical injury and are not subject to certain apportionment or limitations. The Committee Substitutes restore current law in its general application of mental and nervous injury benefits for first responders, require the Department of Financial Services to adopt rules, and require an employing agency of a first responder to provide educational training relating to mental health awareness. They also revise compensability requirements of law enforcement officers, firefighters, emergency medical technicians, and paramedics for PTSD under Chapter 440. The bill passed the Senate, passed the House unanimously on March 5, and was Ordered Enrolled.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flSenate.gov/Session/Bill/2018/376/?Tab=BillHistory>

**HB 359, Relating to State and Local Governmental Relations with the Government of Venezuela**, is sponsored by Representatives Nunez and Diaz. The bill requires the State Board of Administration to divest investments, and prohibits it from investment, in any institution or company or subsidiary of a company domiciled in the United States which does business in or with the government of Venezuela or its agencies or instrumentalities in violation of federal law. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 8.

For more information on this bill, visit this link:

<http://www.flSenate.gov/Session/Bill/2018/00359>



**CS/CS/HB 591, Relating to Missing Persons with Special Needs**, is sponsored by the House PreK-12 Appropriations Subcommittee, the House Criminal Justice Subcommittee, and Representative Porter. The bill expands pilot projects for missing persons with special needs to all centers for autism and related disabilities (CARD) at institutions in the State University System. The Committee Substitutes remove the term "pilot" from the bill as the project is now statewide, amend the term "institutions in the state university system" to read "state university," and provide a reference to Section 1000.21 for a definition of "state university." They also correct the statutory reference of Section 1000.21 to Section 1004.55, which defines the Centers for Autism and Related Disabilities, and amend the selection of participant criteria from the University of Florida to each CARD service area. A floor amendment deleted the sunset provision in the bill's language. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 6.

For more information on this bill or its Committee Substitutes, visit this link:  
<http://www.flsenate.gov/Session/Bill/2018/00591>

**SB 660, Relating to a Florida Insurance Code Exemption for Nonprofit Religious Organizations**, is sponsored by Senator Brandes. The bill revises criteria under which a nonprofit religious organization that facilitates the sharing of contributions among its participants for financial, physical, or medical needs is exempt from requirements of the code. A floor amendment adds those who share a common set of "ethical beliefs" to the bill's language, provides amounts that participants may contribute under the bill, and requires a written disclaimer on or accompanying gall applications and guideline materials distributed on behalf of the organization. The bill passed the Senate, passed the House, and was Ordered Enrolled in the Senate on March 7.

For more information on this bill or the amendment, visit this link:  
<https://www.flsenate.gov/Session/Bill/2018/00660/?Tab=BillHistory>

**HB 1013, Relating to Time Observances**, is sponsored by Representatives Nunez and Fitzenhagen. The bill creates the "Sunshine Protection Act," which directs the Legislature to submit a request to the Secretary of the United States Department of Transportation to redesignate portions of the state in the Central Time Zone into the Eastern Time Zone. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 6.

For more information on this bill, visit this link:  
<http://www.flsenate.gov/Session/Bill/2018/01013>

**CS/CS/CS/HB 1059, Relating to the Exploitation of a Vulnerable Adult**, is sponsored by the House Judiciary Committee; the House Children, Families, & Senior Subcommittee; the House Civil Justice & Claims Subcommittee; and Representative Burton. The bill creates a cause of action for injunction for protection of vulnerable adults from exploitation, and it provides requirements for the Clerk of Circuit Courts. The Committee Substitutes require a clerk's fee for filing a petition paid from the assets of the vulnerable adults, based on the total value of assets. They also increase the time the Department of Children and Families has to provide the court with relevant records from its Adult Protective Services Program from 24 hours to 72 hours and limit the allowable venue locations to the circuit where the vulnerable adult resides or where a



guardianship case regarding the vulnerable adult is filed. A floor amendment provided duties of the clerk of the court, conditions under which a temporary injunction may be granted, what constitutes reasonable cause, etc. The bill was Ordered Engrossed and Enrolled on March 8. For more information on this bill or its Committee Substitutes, visit this link: <http://www.flsenate.gov/Session/Bill/2018/01059>

**CS/CS/HB 1211**, is sponsored by the House Commerce Committee, the House Careers & Competition Subcommittee, and Representative Abruzzo. The bill requires commercial airboat operators to have specified documents onboard and provides exceptions and penalties. It also directs the Fish and Wildlife Conservation Commission (FWCC) to adopt rules by a specified date. The Committee Substitutes clarify the list of items that an airboat operator must have onboard when carrying passengers for hire on waters of the state and change "beginning December 31, 2018" to "beginning July 1, 2019," for the date after which an airboat operator must have certain items onboard when carrying passengers for hire on waters of the state. The bill passed the House, passed the Senate, and was Ordered Enrolled in the House on March 9. For more information on this bill or its Committee Substitutes, visit this link: <http://www.flsenate.gov/Session/Bill/2018/01211>

**HJR 7001, Relating to the Supermajority Vote for State Taxes or Fees**, is sponsored by the House Ways & Means Committee and Representative Leek. The bill proposes an amendment to the State Constitution to prohibit a state tax or fee from being imposed or raised except through legislation approved by two-thirds of each House of the Legislature. It also requires a state tax or fee imposed or raised to be contained in a separate bill that contains no other subject. The bill passed the House, passed the Senate on March 5 (25-13), and was Ordered Enrolled in the House on the same day. For more information on this bill or the Committee Substitute, visit this link: <https://www.flsenate.gov/Session/Bill/2018/07001>

**CS/HB 7087, Relating to Taxation**, is sponsored by the House Ways & Means Committee and Representative Renner. The bill provides an exemption from excise taxes on certain document notes and mortgages related to housing financing authority, it provides sales tax exemptions for specified products destroyed or reduced in value as a result of hurricanes, and it provides for a documentary stamp tax exemption for certain transfers of homestead property between spouses. The Committee Substitute provides the Department of Revenue (DOR) with emergency rulemaking authority. It provides that the temporary tax relief provisions related to hurricane damage (Sections 32-35 of the bill) will be treated as "revenue laws" for purposes of DOR's tax administration. It also clarifies that, where a condominium association has filed a single joint petition to the Value Adjustment Board, the association may continue to represent the unit owners through a related subsequent proceeding. Dozens of floor amendments were added. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled on March 11.

For more information on this bill, its Committee Substitute, or its amendments, visit this link: <https://www.flsenate.gov/Session/Bill/2018/07087>

For a list of comparable bills, visit this link: <https://www.flsenate.gov/Session/Bill/2018/07087/?Tab=RelatedBills>

**HB 7093, Relating to Corporate Income Taxation**, is sponsored by the House Ways & Means Committee and Representative Renner. The bill provides an adjustment of the corporate tax rate based on net collections exceeding adjusted forecasted collections for specified fiscal years. It also provides for treatment of net collection amounts that exceed adjusted forecasted net collections for specified fiscal years, and it revises the tax rate. A floor amendment specified the "2019 Legislature shall consider the report required by subsection (3) to determine whether adjustments to the automatic tax rate adjustment mechanism under Section 220.1105." The amendment also defines terms and specifies under what conditions the tax rate shall be imposed. A second floor amendment specifies that the Department of Revenue shall examine how the Tax Cuts and Jobs Act will affect the state corporate income tax. The bill passed the House, passed the Senate as amended, and was Ordered Enrolled in the House on March 9.

For more information on this bill or its amendment, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07093/?Tab=BillHistory>

### **Opioid Crisis**

**CS/CS/HB 21, Relating to Controlled Substances**, is sponsored by the Health Quality Subcommittee and Representative Boyd. The bill requires practitioners to complete a specified, board-approved continuing education course to prescribe controlled substances; it defines "acute pain;" and it provides for the adoption of standards of practice for treatment of acute pain. The Committee Substitutes reinstate current law which allows healthcare regulatory boards indirect access to the Prescription Drug Monitoring Program for investigations involving licensees who are authorized to prescribe controlled substances. The Committee Substitutes also do the following: revise the topics for the required continuing education to include non-pharmacological therapies and the prescribing of emergency opioid antagonists; clarify that licensees required by their practice act to complete a course on safe and effective prescribing of controlled substances are exempt from the continuing education required by the bill; exclude pain related to cancer, a terminal condition, palliative care, and traumatic injury from the definition of "acute pain;" require the Department of Health to take into account different practice settings when developing rules for the standards of practice for acute pain; and provide guidance on what the rules may include rather than requiring specific topics. There were multiple floor amendments to this bill. The bill passed the House and Senate as amended, and was Ordered Enrolled on March 9.

For more information on this bill, its the Committee Substitutes, or its floor amendments, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=60136&SessionId=86>

### **Bills that Died**

#### **Environmental**

**CS/SB 370, Relating to the Land Acquisition Fund**, is sponsored by the Senate Appropriations Committee and Senator Bradley. The bill requires a specified annual appropriation to the Florida Forever Trust Fund, and it prohibits moneys from the Land



Acquisition Trust Fund from being used for specified costs. The Committee Substitute specifies the budget entities that cannot use the distributed monies. The bill Died in Committee.

For more information on this bill or its Committee Substitute, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00370/?Tab=BillHistory>

## **Firearms**

**CS/SB 1048, Relating to Firearms**, is sponsored by the Senate Judiciary Committee and Senator Baxley. The bill authorizes a church, synagogue, or other religious institution to allow a concealed weapons or concealed firearms licensee to carry a concealed handgun in certain established physical places of worship under certain circumstances. In the underlying bill, a religious institution could authorize a person who has a concealed handgun license to carry a firearm anywhere the religious institution could lawfully meet, regardless of whether a licensee's carrying in that place would otherwise be prohibited. Under the Committee Substitute, a religious institution may authorize a person who has a concealed handgun license to carry a concealed handgun only on certain properties that are used by a religious institution and only under a number of limitations. The bill Died on the Calendar.

For more information on this bill or the Committee Substitute, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01048/?Tab=BillHistory>

There is no companion legislation. A comparable House bill, **HB 1419**, was indefinitely postponed. For more information on this bill, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=62719&SessionId=86>

## **Local Government**

**CS/CS/CS/HB 697, Relating to Impact Fees**, is sponsored by the House Government Accountability Committee, the House Ways & Means Committee, the House Local, Federal & Veterans Affairs Subcommittee, and Representative Miller. The bill revises minimum requirements for the adoption of impact fees, it prohibits local governments from requiring certain conditions in development orders, and it specifies the process for local government review and approval of detailed specific area plans or related development orders. The Committee Substitutes require that impact fees have a rational nexus to both the need for additional capital facilities and the expenditure of funds collected and benefits accruing to the new construction. They require local governments to designate the funds collected by the impact fees for acquiring the capital facilities to benefit the new residents. They also prohibit local governments from requiring the payment of impact fees prior to issuing a building permit and specify that local governments must also designate funds collected by impact fees for acquiring, constructing, or improving capital facilities to benefit new users. The bill Died in Committee.

For more information on this bill or its Committee Substitutes, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00697>

**CS/CS/CS/HB 815, Relating to County and Municipal Public Officer Transparency**, is sponsored by the House Government Accountability Committee, the House Public Integrity & Ethics Committee, the House Local, Federal & Veterans Affairs Subcommittee, and Representative

Avila. The bill requires that requests for travel authorization by county or municipal public officers be approved by the governing body of the county or municipality at a regularly scheduled meeting. It also requires counties, county constitutional officers, or municipalities to adopt travel policies and include travel expenses as separate budget items. The Committee Substitutes remove the \$120 cap on per diem expenses for local government officers and employees and provide an exemption for elected county constitutional officers from certain limitations on travel created by the bill. They also require incumbent county and municipal officer candidate campaign finance reports to be posted on the qualifying officer's website instead of the general purpose government website, and remove the 24-hour before or after travel limitation. This bill Died in Committee. For more information on this bill or its Committee Substitutes, visit this link: <https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=61359&SessionId=86>

**CS/CS/HB 883, Relating to Local Government**, is sponsored by the House Government accountability Committee, the House Local, Federal & Veterans Affairs Subcommittee, and Representative Ingoglia. The bill specifies ethics training requirements for community redevelopment agency commissioners, it requires certain initiatives or referenda to be reconsidered, and it revises laws addressing community redevelopment agencies. It also revises mechanisms by which adjacent lands located within local governments may be added to boundaries of a new community development district. The Committee Substitutes remove duplicative language and the requirement that a petitioner provide a copy of the petition. They also provide for the petition to record a notice of boundary amendment that reflects the new boundaries of the district. The bill Died In Messages.

For more information on this bill or the Committee Substitutes, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/00883/?Tab=BillHistory>

**CS/CS/HB 971, Relating to Interruption of Services**, is sponsored by the House Commerce Committee, the House Energy & Utilities Subcommittee, and Representative Fine. The bill prohibits municipalities or private companies from charging for garbage pick-up services that are not rendered within a specified period. It also requires municipalities or private companies to issue a credit or refund on the next regular bill. The Committee Substitutes remove all provisions of the bill related to interruption of services provided by telecommunications companies and cable and video service providers, and they require garbage pick-up within 4 calendar days of the originally scheduled pick-up date to avoid the requirement to provide a credit or refund. The bill Died on the House Calendar.

For more information on this bill or its Committee Substitutes, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/00971/?Tab=Analyses>

There is no companion legislation, but on a comparable Senate bill, **SB 1368**, Died in Committee. For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01368>

**CS/CS/SB 1262, Relating to Election Dates for Municipal Office**, is sponsored by the House Government Accountability Committee and Representative Caldwell. The bill requires the governing body of a municipality to determine dates on which the initial and runoff elections for municipal offices are held and provide options therefor. It preempts to the state the authority to establish election dates for municipal elections. It also requires municipal recall elections to be



held concurrently with municipal elections under certain conditions. The Committee Substitutes allow a governing body of a municipality to choose the third Tuesday in March in an odd-numbered year or even-numbered year, or any combination thereof, to hold its elections. They also allow a runoff to occur in the form where the initial action is held at an election on the Tuesday 7 weeks before the third Tuesday in March and the runoff election is held at an election on the third Tuesday in March. The bill was substituted for **HB 7037** on March 10 and Laid on the Table.

For more information on this bill or its amendments, visit this link:

<https://www.myfloridahouse.gov/Sections/Bills/billsdetail.aspx?BillId=62753&SessionId=86>

The companion House bill, **HB 7037**, Died on the Senate Calendar. For more information on this bill or its amendments, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01262>

**CS/SB 1426, Relating to Local Government**, is sponsored by the Senate Rules Committee and Senator Lee. The bill expands the scope of the Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements, creates the "Local Government Fiscal Transparency Act," and requires local governments to post certain voting record information on their websites. The Committee Substitute defines the time period for which a tentative budget and its amendments must remain on the local government's website, and it redefines the term "debt." The bill Died on the Senate Calendar.

For more information this bill, visit this link:

<https://www.flsenate.gov/Session/Bill/2018/01426>

**SB 1776, Relating to Vegetable Gardens**, prohibits local governments from regulating vegetable gardens on residential properties except as otherwise provided by law. The bill Died in Messages.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01776/?Tab=BillHistory>

### **Miscellaneous**

**HB 7039, Relating to Human Trafficking**, is sponsored by the House Criminal Justice Subcommittee and Representative Spano. The bill provides mandatory minimum sentences for certain human trafficking offenses, it expands the definition of the term "adult theater," and it prohibits assessing certain fees and costs to victims of human trafficking seeking criminal records expungement. The bill Died in Committee.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07039>

The companion Senate bill, **SB 1502**, Died in Committee. For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/01502>

**HB 7067, Relating to Gaming**, is sponsored by the House Tourism & Gaming Control Subcommittee and Representative La Rosa. The bill authorizes and directs the Governor, in cooperation with the Seminole Tribe of Florida, to execute a new compact in a certain form.

It also requires the Division of Pari-Mutuel Wagering to revoke permits to conduct pari-mutuel wagering for permit-holders that fail to make specified payments or obtain operating licenses. The bill was indefinitely postponed and withdrawn from consideration.

For more information on this bill, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07067>

There is no companion legislation, but there are comparable House and Senate bills. For a list of these bills, visit this link:

<http://www.flsenate.gov/Session/Bill/2018/07067/?Tab=RelatedBills>

As always, we are honored to serve your community and we thank you for a successful and productive 2018 Legislative Session.

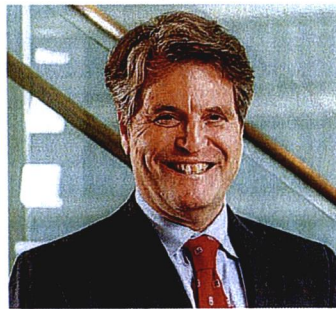
Sincerely,

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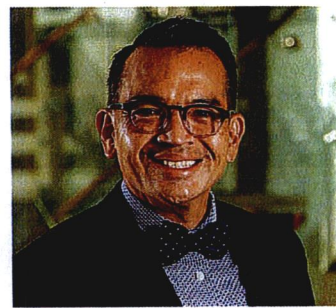
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## EXHIBIT III

# **Pompano Beach City Commission**

**May 8, 2018**

## **Zoning Amendments for Community Residences for People With Disabilities**

Pompano Beach, Florida:  
Principles to Guide  
Zoning for Community  
Residences for People  
With Disabilities



**Resolution 2018-99  
March 13, 2018**

Prepared by  
Daniel Loubert, AICP  
January 2018

## Proposed zoning intended to:

- ❖ Require all community residences — including existing ones — to obtain available license or certification in order to:
  - (1) Extend to people in recovery the same protections afforded to people with other disabilities: Protection from abuse, mistreatment, exploitation, theft, and fraud at the hands of unscrupulous or incompetent operators



## Proposed zoning intended to:

(2) **Assure they receive they receive the support they need** to achieve normalization and community integration — in the case of people in recovery — achieve long-term sobriety

❖ **Distinguish** between small community residences that emulate a biological family and larger recovery communities — and locate each in the appropriate zoning districts

## Proposed zoning intended to:

- ❖ **Enable** community residences to achieve core principles of normalization and community integration by:
  - (1) **Preventing** existing clusters or concentrations from expanding and becoming more intense
  - (2) **Preventing** new concentrations or clusters from forming

## Guiding Principles:

To make the “reasonable accommodation” that the Fair Housing Act requires, zoning protections must be fact-based and:

- ❖ Be **intended to achieve** a legitimate government interest
- ❖ **Actually achieve** that legitimate government interest
- ❖ Constitute the **least drastic means** necessary to achieve that legitimate government interest



# Flow Chart: Proposed Zoning for Community Residences

**Zoning code  
definition of "family"**

**Fits within cap of 3 unrelated  
individuals that constitute a  
"family"**

**Must allow as of right in all  
residential districts with no  
additional requirements**

**Exceeds cap of 3 unrelated  
individuals that constitutes a  
"family"**

**Zoning code must make a  
reasonable accommodation  
for these homes**

**Use least drastic means that  
actually achieve legitimate  
government interest**





**Use least drastic means that actually achieves legitimate government interest**

**If proposed community residence would house more than 10 residents and is *not* a state licensed “Community Residential Home” for 7 to 14 residents:  
Seek “reasonable accommodation” to house more than 10 residents**

**Family Community Residence**

Relatively permanent tenancy  
(Group home or long-term recovery residence):  
No time limit on length of residency

**Transitional Community Residence**

Relatively transient tenancy  
(Short-term recovery residence):  
Residency limited to weeks or months

**All residential districts, allowed as of right if:**

- ✓ More than 660 feet from an existing community residence or recovery community, and
- ✓ Licensed or certified

**All multifamily districts, allowed as of right if:**

- ✓ More than 660 feet from an existing community residence or recovery community, and
- ✓ Licensed or certified

**If both criteria are *not* met:  
Obtain special exception**

**If both criteria are *not* met or  
proposed site is in a  
single-family district:  
Obtain special exception**



# Recovery Communities





# Flow Chart: Proposed Zoning for Recovery Communities

Use least drastic means that actually achieves legitimate government interest

## Recovery Community

### Single-family districts:

**Not permitted**

**except** an existing recovery community may continue as a lawful special exception if it obtains and maintains state certification (or license)



Permitted use in all zoning districts where multifamily or institutional uses are allowed if:

- ✓ More than 1,200 feet from any existing community residence or recovery community, and
- ✓ State certified (or licensed)



**If located with the 1,200 foot spacing distance:  
Obtain special exception**



## New Process

New application and process called **Community Residence and Recovery Community Certificate**. This form will be used to determine compliance with the new ordinance.



If applicable, Special Exception or Reasonable Accommodation may be required



## Compliance

Must receive licensure, certification, or recertification from the designated state entity by March 1, 2019



Ordinance creates language for revocation

**Questions?**

# Off-Street Parking

- ❖ Requirements designed *not* to increase demand for on-street parking
- ❖ Narrowly tailored to meet actual demand as closely as feasible
- ❖ Allows for off-site parking to satisfy requirements
- ❖ Allows for reasonable accommodation request to reduce number of spaces in special circumstances



# Pompano Beach Entire City

