

**TOWN OF CINCO BAYOU  
REGULAR TOWN COUNCIL MEETING  
FEBRUARY 12, 1998**

**SILENT PRAYER**

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL:** Mayor Drabczuk  
Councilman Beard  
Councilman Kendrick  
Councilwoman Leach  
Councilman Payne  
Councilman Skelly

**PUBLIC HEARING**

1. Ordinance No. 175. Introduction and first reading of Ordinance No. 175, an ordinance amending Chapter 54 and Chapter 58, Town Code of Ordinances, Setting fees and charges for expenses incurred in the process of issuing building permits and/or development orders.

**REGULAR BUSINESS**

1. COUNCIL APPROVAL OF AGENDA

2. CONSENT AGENDA

- A. Minutes, Council Meeting - January 8, 1998
- B. Financial Report - January, 1998
- C. List of Deposits and Checks, January, 1998

3. ACTION ITEMS

- A. Town Council Vacancies
- B. Cinco Baptist Church
- C. FY 97 Audit Report
- D. Street Paving Project
- E. Landscaping Proposal

4. ENGINEER'S REPORT

5. ATTORNEY'S REPORT

6. TOWN MANAGER'S REPORT

7. PUBLIC REQUESTS/COMMENTS (LIMIT PRESENTATIONS TO 3 MINUTES)

8. COUNCILMEMBERS REPORTS/COMMENTS

9. CORRESPONDENCE

- A. Memo, Florida LOC, Constitution Revision
- B. Minutes, Okaloosa County LOC
- C. Letter, Dept of Community Affairs, Strategy Funding
- D. Memo, Okaloosa County, Library Co-op Meeting
- E. Letter, Nomad Memorial Council, Funding Request

10. MAYOR'S ANNOUNCEMENTS

11. ADJOURN

**TOWN OF CINCO BAYOU  
REGULAR COUNCIL MEETING MINUTES  
FEBRUARY 12, 1998**

Mayor Drabczuk called the Regular Town Council meeting to order at 6:02 PM. Following the silent prayer and the Pledge of Allegiance to the Flag, roll call was taken.

**PRESENT:** Mayor Drabczuk  
Councilman Kendrick  
Councilwoman Leach  
Councilman Payne  
Councilman Skelly Arrived at 6:10 PM

**ABSENT:** Councilman Beard

**ALSO PRESENT:** Town Manager Borchik, Attorney McInnis, Engineer Griswold, Secretary Payne, Kim Payne, Tom Leach, Eli Skelly, Jim Bratton, Jason Yarborough, Glen Williams, Sara & Jerry Carroll, Prisalla K. Smiley and Ed Connors.

**PUBLIC HEARING**

1. Ordinance No. 175. Introduction and first reading of Ordinance No. 175, an ordinance amending Chapter 54 and Chapter 58, Town Code of Ordinances, setting fees and charges for expenses incurred in the process of issuing building permits and/or development orders. Attorney McInnis read Ordinance No. 175 by title only. Councilman Kendrick made a motion to accept the first reading of Ordinance No. 175, seconded by Councilman Payne. The motion was unanimously approved .

1. **COUNCIL APPROVAL OF AGENDA** - Councilman Kendrick made a motion to approve the Agenda as presented, seconded by Councilman Payne. The motion was unanimously approved.

**2 CONSENT AGENDA**

- A. Minutes, regular Council Meeting, January 8, 1998
- B. Financial Report -January, 1998
- C. List of Deposits and Checks, January, 1998

Councilwoman Leach made a motion to approve the Consent Agenda, seconded by Councilman Payne. The motion was unanimously approved.

**3. ACTION ITEMS**

A. Town Council Vacancies - Mayor Drabczuk announced that he had received letters from Mrs Sara Carroll and Mr. Glen Williams, residents and qualified electors of Cinco Bayou, who were interested in filling the Council vacancies. Mayor Drabczuk asked the Council if there were any nominations for the vacancies. Councilwoman Leach nominated Mr. Glen Williams. There were no other nominations. Mayor Drabczuk then asked Mrs. Carroll to introduce herself and briefly explain why she would like to be on the Town Council. Mrs. Carroll said her primary interests were environmental issues and the preservation of Cinco Bayou. Mayor Drabczuk asked Mr. Williams to introduced himself. He said he had been a resident of Cinco Bayou for twelve years and this was his opportunity to serve the Town.

Mayor Drabczuk asked if anyone present would like to be considered for the Council vacancies. There was no response from the audience. Following a short discussion concerning appointing persons to fill the vacancies at this time, Councilman Skelly made a motion to appoint the two nominees, Mrs. Carroll and Mr. Williams, to the Cinco Bayou Town Council, effective April 1, 1998, seconded by Councilman Kendrick. The motion was unanimously approved. Attorney McInnis asked that the newly appointed

Councilmembers be included in the upcoming selection of the new Town Manager/Clerk and the Council agreed. Mayor Drabczuk congratulated the new Councilmembers and said that he looked forward to working with them in the future.

B. Cinco Baptist Church - Dr. Mickey Hawkins, the new pastor for the Cinco Baptist Church, introduced himself to the Mayor and Council. Dr. Hawkins said that he was looking forward to working with the Mayor and Councilmembers on all issues concerning the Church. Councilman Payne welcomed Pastor Hawkins to the community saying that the Council would be happy to work with him in anyway they could.

C. FY 97 Audit Report - Mr. Kevin Bowyer, Creel, Bryan & Gallagher, presented the Town's Audit Report for the fiscal year ending September 30, 1998. Following a short discussion, Councilman Skelly made a motion to approve the Audit report as written, seconded by Councilwoman Leach. The motion was unanimously approved.

D. Street Paving Project - Engineer Griswold presented the cost estimate for the street paving project. The cost estimate included the cost of curb and gutter repairs, the widening of the Yacht Club Drive /Opp Boulevard intersection, correction of drainage problems at Hughes Avenue/Opp Road and Yacht Club Drive/Troy Street and redesign of the Troy/Garnett Avenue island. A discussion followed concerning the cost of the repairs and the different options for correcting the problem with the island at the Troy/Garnett intersection. Councilman Kendrick offered to work with the Engineer on a solution for the island problem. Councilman Skelly then made a motion to have the Engineer place this project out for bids, seconded by Councilman Kendrick. The motion was unanimously approved.

Note: Attorney McInnis asked to be excused and departed at this time.

E. Landscaping Proposal - Manager Borchik advised the Council that the total cost of the proposed landscaping along Garnett/ Luverne/ Irwin and the Yacht Club/Eglin Parkway intersection (irrigation pumps, wells and trees/plants) is approximately \$9,000.00. Following a lengthy discussion, Councilman Skelly made a motion to approve spending the \$10,000.00 in the current budget for the landscaping project, specifically the landscaping of the corner of Yacht Club Drive and Eglin Parkway and then landscaping of the areas along Garnett, Luverne and Irwin Avenue but excluding the Kelly Avenue proposal with the work to begin as soon as possible, seconded by Councilwoman Leach. Councilman Kendrick expressed his concerns with the amount of money being spent on the landscaping project. Following a short discussion, the vote on the motion was 2 to 2 with Councilman Kendrick and Councilman Payne voting "No", Councilman Skelly and Councilwoman Leach voting "Yes." Mayor Drabczuk then voted "Yes" to break the tie and the motion was approved, 3 to 2.

4. Engineer's Report - After reviewing the Town's eligibility for this year's grant programs, the Engineer advised the Council that it appeared that the Town would not qualify in any category under the Community Development Block Grant program this year.

5. Attorney's Report - No Report

6. Town Manager's Report

A. Concerning fencing the area by the bridge, the Mr. Bush, DOT Chipley, indicated that the Town could fence the area providing a gate was incorporated to allow access to the area under the bridge. Mr. Bush also advised the Town that a letter had been sent to the Sheriff asking that anyone found under the Five Mile Bridge be arrested for trespassing.

B. Talked with Mr. Staley, American Security, concurring daytime patrol. The cost for four (4) hours of patrol during the daytime would be \$ 9.53 per hour if the Town provides the vehicle making the total cost approximately \$15,000.00 plus the cost of the vehicle. Manager Borchik will get more information.

C. Ordinance No. 175, first reading earlier this meeting, will establish the requirement for the developer/builder to pay for all legal ads and any other fees/costs incurred in the process of issuing building permits/development orders.

D. Talked with local Postmaster concerning a separate zip code for Cinco Bayou. I am now working with the people in Jacksonville to come up with some idea's.

E. During the Vision's meeting, a Web Page for the Town was discussed. A copy of Shalimar's Web Page was distributed to the Council. A similar page could be designed for the Town.

F. Contacted other area cities and towns concerning the sign ordinance. It appears that Cinco Bayou has the toughest sign ordinance, however, there is some room for further restrictions on large commercial signs. This will be examined.

G. The current budget has \$ 1,000.00 for painting the Town Hall, deck and railing. One estimate was received of \$2,400.00 for the railing and \$3,224.00 the building. Another estimate was \$3,200.00 for the railing and the building. It appears that we may be able to do this in-house for far less!

H. To date, 34 individuals have applied for the Town Manager position.

#### 7. Public requests/Comments -

A. Mr. Jim Bratton reminded the Council that during the Vision meeting, it was decided to adopt a resolution supporting a separate zip code for Cinco Bayou. Councilman Payne then made a motion adopt a resolution supporting requesting a separate zip code for the Town of Cinco Bayou, seconded by Councilwoman Leach. Following a short discussion, the motion was approved, 3 to 1 with Councilman Kendrick voting "No."

B. Mrs. Skelly, Chairperson of the Tree Committee, advised the Council that she and Councilwoman Leach had talked to Mr. Gilmore, Kmart Manager, concerning landscaping the portion of the KMart property along Eglin Parkway and the island along Luverne Street adjacent to the Garden Shop. Mr. Gilmore advised that use of the property along Eglin Parkway would be the decision of the home office but he would agree to plant and maintain the island by the Garden Shop. Following a short discussion, Councilman Skelly made a motion for the Town Manager to prepare a letter authorizing K-Mart to plant and maintain the island, requesting they submit a plan and agree to maintain the area seconded by Councilman Kendrick. Following Council discussion the motion was unanimously approved. Mrs. Skelly thanked Councilwoman Leach for being on the Council and the Tree Committee and said she would be missed.

E. Mr. Jason Yarborough, City Clerk for the City of Mary Esther, introduced himself and advised the Council that used vehicles are often available from the Okaloosa County Sheriff's Department. He also stated that he had applied for the Town Manager's Position.

#### 8. Councilmember Reports/Comments

##### A. Councilman Payne:

1. Announced that he, the Town Attorney and the Town Manager had attended a seminar on the employee interview and selection process and had received helpful information that would come in handy in the upcoming selection of a Town Manager. The Town Manager advised the Council that a handout from the seminar concerning "Do" and Don't" items would be given to each Councilmember.

##### B. Councilman Skelly:

1. Asked if it was possible to require Kmart to comply with the landscape requirement for parking lots with the present paving project. The Town Manager advised that since they were only overlaying the present parking lot, there was no requirement to satisfy the current landscaping ordinance or the stormwater drainage requirements.

2. Reported that the Crawford House, 137 Opp Boulevard, is being occupied by the granddaughter of the owners. The Town Manager said he will contact the Okaloosa County Inspection Department and request the house be inspected to determine if it is fit for occupancy since it appears that the water and/or electricity are not turned on and there are no sanitary facilities.

3. Reminded everyone of the walking tour of the Town during May.

4. Reminded the Town Manager to prepare a list of actions/items that are required throughout the year. Manager Borchik said he would have the list ready for the new Town Manager.

5. Thanked Councilwoman Leach for donating her expense money back to the Town. Also thanked her husband, Mr. Tom Leach, for everything he did for the Town. Councilman Skelly made a motion that the Council appropriate \$100.00 to plant a tree in Frances Park in honor of Carolynn & Tom Leach with a suitable plaque, seconded by Councilman Payne. The motion was unanimously approved.

C. Councilman Kendrick:

1. Asked if it was possible to site DOT for tearing up the Town's sidewalks to place the new traffic signal posts.

2. Told Councilwoman Leach that he had enjoyed serving with her on the Council, she would be missed and wished her well. Councilman Kendrick said he looked forward to serving with the two new Councilmembers.

D. Councilwoman Leach:

1. Wished the new Councilmembers good luck with their appointments to the Council. Mrs. Leach said she enjoyed serving on the Council and that she would be back to visit.

9. Correspondence

A. Memo, Florida LOC, Constitution Revision - No Action

B. Minutes, Okaloosa County LOC - No Action

C. Letter, Dept of Community Affairs, Strategy Funding - No Action

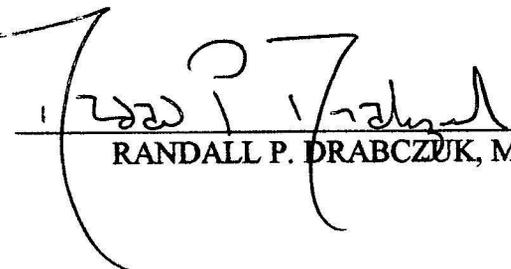
D. Memo, Okaloosa County, Library Co-op Meeting - Mayor Drabczuk asked if anyone was interested in attending this meeting. The Town Manager said he would attend.

E. Letter, Nomad Memorial Council, Funding Request - Councilman Payne made a motion to donate \$ 100.00 to the Nomad Memorial Council, seconded by Councilwoman Leach. The motion was approved unanimously.

10. Mayor's Comments/Announcements

Mayor Drabczuk reminded every one that beginning this month, the Town Potluck Dinners would be held on the 3rd Thursday of each month, starting with next Thursday, February 19, 1998, at 6:30 PM.

11. There being no further business, Mayor Drabczuk adjourned the meeting at 7:58 PM.

  
\_\_\_\_\_  
RANDALL P. DRABCZUK, Mayor

Attest:

  
\_\_\_\_\_  
ALBERT S. BORCHIK, Jr. Town Manager/Clerk

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA AMENDING SECTION 54-153, SECTION 54-156 AND SECTION 58-52 (LAND DEVELOPMENT CODE) TOWN OF CINCO BAYOU CODE OF ORDINANCES, ESTABLISHING THE REQUIREMENT FOR APPLICANTS TO BE CHARGED FOR THOSE EXPENSES ASSOCIATED WITH THE BUILDING PERMIT/DEVELOPMENT ORDER PROCESS; PROVIDING FOR THE SEVERABILITY OF ANY SECTION OR PORTION OF THIS ORDINANCE; REPEALING ANY ORDINANCE INCONSISTENT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE THEREOF.

**WHEREAS**, the Mayor and Town Council of the Town of Cinco Bayou, Florida have reviewed and examined the total costs associated with the process outlined in the Land Development Code for granting/issuing building permits and development orders and determined that these costs are a part of the process and should be paid by the applicants.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, THAT:**

Section 1.

Section 54-153: The following paragraph is added:

(c) If an application is withdrawn, the applicant will be responsible for any additional fees and charges incurred as outlined in Section 54-156 (c)

Section 54-156: The following paragraph is added:

(c) In addition to the fees charged for the building permit/final development order, the applicant will be responsible to reimburse the Town for all fees and charges associated with obtaining the desired building permit/development order. These fees/charges include but are not limited to engineering plan review charges, public hearing advertisement costs, legal fees associated with additional meetings of the boards and committees as required in the Land Development Code and any other cost/charge associated with obtaining the permit/order.

Section 58-52: The following paragraph is added:

(7) All fees and charges associated with obtaining the building permit/development order. See Section 54-156(c).

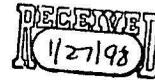
Section 3. SEVERABILITY.

If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion of words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.





FLORIDA LEAGUE OF CITIES, INC.



## Memorandum

To: Key Officials

From: Michael Sittig  
Executive Director *[Signature]*

Re: Constitution Revision Commission

Date: January 27, 1998

Florida's Constitution Revision Commission has been meeting since the summer and must complete its work by May, 1998. Its purpose is to propose revisions to Florida's Constitution. As the Commission is approximately half way through its process, the League has prepared the attached Constitution Revision Bulletin as a status report to you on the proposals that affect Florida's municipalities. We encourage you to review the Bulletin and to take a brief moment to contact those Commission members you know or who live in your area and advise them of the impact the proposals will have on your city.

Generally, most of the proposals that would help or hurt your city have been viewed unfavorably by the Commission. As of today, it looks as if the Commission will likely consider three issues that affect your ability to respond to the needs and conveniences of your citizens.

Two proposals waive the sovereign immunity of the state and its political subdivisions. Both proposals will have a dramatic and lasting financial impact on your city. Florida's current Constitution vests the authority to waive sovereign immunity with the state legislature. Proposal 77 (Freidin) amends the Constitution to waive all sovereign immunity except for liability for punitive damages. It is conservatively estimated the proposal would at least double the liability costs for municipalities. Proposal 59 (Zack) amends the Constitution to increase the statutorily created liability caps of government from \$100,000 per person and to \$200,000 per incident, to \$250,000 per person and \$500,000 per incident, and annually increases the caps by the percentage increase in the Consumer Price Index. If the average annual increase in the CPI is 3% over the next 20 years, local government's liability caps would rise to approximately \$480,000 per person

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and \$960,000 per incident. You can obtain information on these proposals from either David Ramba, Legislative Counsel or Chip Morrison, General Counsel.

A number of proposals address the question of whether a municipality's remainder interest in its property should be subject to ad valorem taxation when the municipality leases the property to a private entity who uses the property for a proprietary purpose. Proposal 49 (Anthony) and Proposal 103 (Henderson), supported by the League, would exempt such property from ad valorem taxation. Proposal 106 (Hawkes) and Proposal 137 (Evans-Jones), opposed by the League, would subject the property to ad valorem taxation. The League believes governments should work together to further the overall public interest rather than tax each other. Information on these proposals can be obtained by contacting Kelvin Robinson, Legislative Policy and Public Affairs Director.

Proposal 96 (Nabors) overrides the *Jennings* court decision, which prohibits ex-parte communications between citizens and elected city officials on pending zoning and land-use matters. Supported by the League, the proposal allows city officials to discuss these matters with their constituents, regardless of the quasi-judicial nature of the hearing. The League believes artificial barriers should not preclude citizens from expressing their opinions to their elected officials. Information on this proposal can be obtained by contacting Jane Hayman, Deputy General Counsel.

We've included the Commissioners' names, telephone numbers, and fax numbers for your assistance. When you contact them, please advise those at the League responsible for the issues. Thanks for your assistance.

attachments

**CONSTITUTION REVISION COMMISSION**

Commissioner Dexter Douglass, Chairman,  
Tallahassee  
(850) 413-7740 phone  
(850) 413-7728 fax

Commissioner Carlos J. Alfonso, Tampa  
(813) 247-3333 phone  
(813) 247-3395 fax

Commissioner Clarence E. Anthony, South Bay  
(561) 996-6751 phone  
(561) 996-7950 fax

Commissioner Antonio L. Argiz, Miami  
(305) 667-3500 phone  
(305) 661-9542 fax

Commissioner Thomas H. Barkdull, Jr., Miami  
(305) 229-3200 phone  
(305) 229-3206 fax

Commissioner Martha Walters Barnett,  
Tallahassee  
(850) 425-5620 phone  
(850) 224-8832 fax

Commissioner Robert M. Brochin, Miami  
(305) 579-0490 phone  
(305) 579-0321 fax

Commissioner Robert A. Butterworth,  
Tallahassee  
(850) 487-1963 phone  
(850) 413-0632 fax

Commissioner Kenneth L. Connor, Tallahassee  
(850) 681-9550 phone  
(850) 681-9379 fax

Commissioner Chris Corr, Celebration  
(407) 566-4038 phone  
(407) 566-4223 fax

Commissioner Ander Crenshaw, Jacksonville  
(904) 355-6691 phone  
(904) 355-0201 fax

Commissioner Valerie W. Evans, Orlando  
1808 Kaluma Court  
Orlando, FL 32806

Commissioner Marilyn Evans-Jones, Amelia  
Island  
(407) 843-8379 phone  
(407) 843-0155 fax

Commissioner Barbara Williams Ford-Coates,  
Sarasota  
(941) 951-5638 phone  
(941) 951-5632 fax

Commissioner Ellen Catsman Freidin, Miami  
(305) 374-5600 phone  
(305) 374-5095 fax

Commissioner Paul M. Hawkes, Crystal River  
(352) 563-2200 phone  
(352) 563-2025 fax

Commissioner William Clay Henderson, Winter  
Park  
(407) 539-5700 phone  
(407) 539-5701 fax

Commissioner Toni Jennings, Tallahassee  
(850) 487-5229 phone  
(850) 487-5844 fax

Commissioner Gerald Kogan, Tallahassee  
(850) 488-0007 phone  
(850) 922-6625 fax

Commissioner Richard H. Langley, Clermont  
(352) 394-4025 phone  
(352) 394-1604 fax

Commissioner John F. Lowndes, Orlando  
(407) 843-4600 phone  
(407) 423-4495 fax

Commissioner J. Stanley Marshall, Tallahassee  
(850) 386-3131 phone  
(850) 386-1807 fax

Commissioner Jacinta Mathis, Orlando  
(407) 363-4519 phone  
(407) 363-1558 fax

Commissioner Jon Lester Mills, Gainesville  
(352) 392-2237 phone  
(352) 392-1457 fax

Commissioner Frank Morsani, Lutz  
(813) 873-0003 phone  
(813) 877-5612 fax

Commissioner Robert Lowry Nabors,  
Tallahassee  
(850) 224-4070 phone  
(850) 224-4073 fax

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## CONSTITUTION REVISION COMMISSION

Commissioner Carlos Planas, Miami  
(305) 266-5500 phone  
(305) 266-5604 fax

Commissioner Lyra Blizzard Logan, Miami  
Lakes  
(305) 364-3111 phone  
(305) 364-3128 fax

Commissioner Judith Byrne Riley, Valparaiso  
(904) 678-7812 phone  
(904) 678-8353 fax

Commissioner Katherine Fernandez Rundle,  
Miami  
(305) 547-0535 phone  
(305) 547-0735 fax

Senator James A. Scott, Tallahassee  
(850) 487-5100 phone  
(850) 681-3810 fax

Commissioner H. T. Smith, Miami  
(305) 324-1845 phone  
(305) 324-5244 fax

Commissioner Chris T. Sullivan, Tampa  
(813) 282-1225 phone  
(813) 282-1209 fax

Commissioner Alan C. Sundberg, Tallahassee  
(850) 644-1085 phone  
(850) 644-9936 fax

Commissioner James Harold Thompson,  
Tallahassee  
(850) 224-9115 phone  
(850) 222-7560 fax

Commissioner Paul West, Davie  
(954) 316-5888 phone  
(954) 316-1128 fax

Commissioner Gerald T. Wetherington, Coral  
Gables  
(305) 374-0650 phone  
(305) 374-4993 fax

Commissioner Stephen Neal Zack  
(305) 539-8400 phone  
(305) 539-1307 fax

Alternates:  
Commissioner Pat Barton, Naples  
(941) 262-5648 phone  
Fax is same as phone number

Commissioner Ira H. Leesfield, Miami  
(305) 854-4900 phone  
(305) 854-8266 fax

## Constitution Revision Bulletin

- **The Commission**

The 1997-98 Constitution Revision Commission has been meeting since last Summer. The Commission's purpose is to review the current Constitution and to propose revisions to the Constitution. Before it becomes effective, any of the Commission's proposed revisions must be approved by the voters at the 1998 General Election.

The Commission is composed of 37 members appointed by the Governor, the President of the Senate, the Speaker of the House of Representatives and the Chief Justice. The Attorney General is also a member.

The Commission must complete its work by May 7, 1998.

- **The Committee Process**

The Commission works similar to the Legislature. Proposals were introduced by the members until end of November. The Chairman of the Commission referred the proposals to a Committee. Committees then meet and act on the proposals. No Committee may defeat a proposal. The Committees, by majority vote, make either a favorable, unfavorable, or no recommendation to the full Commission. The Committees may amend a proposal, combine proposals and vote out committee substitutes similar to the Legislative process.

After the Committees make their recommendations, the proposals are referred to the calendar. The Rules and Calendar Committee then selects proposals from the calendar to set the special order for each day the full Commission meets.

- **The Initial Commission Consideration**

The full Commission then, by majority vote, acts on each proposal on the special order. No further action is taken on those proposals receiving an unfavorable vote of the full Commission.

- **Style and Drafting Committee**

Those proposals which receive a favorable vote of the full Commission are referred to the Style and Drafting Committee. The Style and Drafting Committee prepares recommended ballot language recommends the "grouping" of related proposals. "Grouping" means the committee makes the critical and recommendation of whether a proposal will be presented to the voters by itself or will be "grouped" with other proposals.

- **Final Commission Action - Ballot Placement**

From the Style and Drafting Committee, the proposals will again be considered by the full Commission for placement on the Ballot. A proposal must receive 22 favorable votes (i.e. a super majority) from the full Commission to reach the ballot.

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- **Since the Commission has completed most of its formal committee process, the League has prepared this document as a status report to you on the proposals which affect cities.**

### Counties

CRC Proposal 92 (Nabors) provided that non-charter counties have the same power of self-government as charter counties. The provision would have granted constitutional home rule authority to non-charter counties.

This proposal was withdrawn from further consideration.

### Criminal Forfeitures

CRC Proposal 1 (Sundberg) allows the forfeiture of private property upon proof beyond all reasonable doubt the property was used in and was the product of the commission of a felony by the owner. The League, along with the Florida Sheriffs Association and the Florida Police Benevolent Association, worked with the sponsor to assure the proposal conforms with existing Florida law on the subject.

This proposal passed the full Commission on initial vote and was sent to the Style and Drafting Committee.

### Elections - Campaign Contributions

CRC Proposal 76 (Sundberg) related to campaign contributions and prohibited business entities or labor organizations from making a contribution for the purpose of influencing a state election. Also the proposal prohibited a candidate or other person from knowingly accepting any such contribution. However, the proposal did not prohibit a member of a labor organization or an employee of a business entity from participating in a campaign. The League supported this proposal because of the undue

campaign influence of public employee groups.

This proposal failed to pass the full Commission on initial vote.

CRC Proposal 114 (Corr) provided campaign contributions may be made only by natural persons and not by corporations.

This proposal failed to pass the full Commission on initial vote.

### Environmental Regulation

CS/CRC Proposal 36 (Henderson) and CRC Proposal 38 (Mills) grant individuals the right to sue to protect the air, water, and land of the state and gives the state the responsibility for the enforcement of the provision. This proposal subjects cities to potential liability if any of their projects fail to protect air, water or land. The League opposes the proposal because it unduly penalizes the efforts of cities to protect the environment of the general public.

This proposal received an unfavorable recommendation from the General Provisions Committee and rests on the calendar.

### Ethics Commission

CRC Proposal 7 (Mills) expanded the jurisdiction of the Ethics Commission. It allowed the Commission to initiate investigations of public officials, such as city officials, which fall under the Commission's jurisdiction. The League opposed the proposal because it could eliminate the impartiality of the Ethics Commission.

This proposal did not pass the Ethics and Elections Committee and was withdrawn from further consideration.

**CRC Proposal 63 (Rundle)** expanded the jurisdiction of the Florida Commission on Ethics. It was similar to Proposal 7. It allowed the Commission to initiate investigations of public officials. The League also opposed the proposal.

This proposal failed to pass the full Commission on initial vote.

#### **Ethics - Ex parte Communication**

**CRC Proposal 96 (Nabors)** overrides the prohibition against ex parte communications resulting from the Jennings decision. The proposal allows elected city officials to discuss land use matters with their constituents, regardless of the quasi-judicial nature of the hearing. The League has worked closely with Commissioner Nabors and strongly supports this proposal.

This proposal unanimously passed the full Commission on initial vote and rests in the Style and Drafting Committee.

**CRC Proposal 175 (Nabors)** also overrode the prohibition against ex parte communications resulting from the Jennings decision. The proposal was a duplicate of Proposal 96.

This proposal was withdrawn from further consideration.

#### **Ethics - Financial Disclosure**

**CRC Proposal 145 (Barnett)** provided all elected officials and candidates must file full financial disclosure. The League opposed the proposal because municipal officers and

candidates currently are subject only to limited statutory financial disclosure.

This proposal was withdrawn from further consideration.

#### **Fiscal Home Rule**

**CRC Proposal 50 (Anthony)** incorporated the process discussed by the Commission on Local Government II, commonly referred to as "GEAR". The proposal authorized cities and counties to enter into a voluntary discussion and study process which would recommend realignment of service delivery in the county. If the outcome of the process was approved, the cities and counties were authorized to design and impose a fiscal component to fund the product. This proposal was supported by the League because it granted fiscal home rule to municipalities.

This proposal received an unfavorable recommendation from the Local Government Committee and was withdrawn from further consideration.

#### **Mandates**

**CRC Proposal 48 (Anthony)**, supported by the League, favorably clarified several areas of the "mandates amendment". Specifically, it made general laws addressing matters of local concern a mandate. It also strengthened the standard for the state interest which must support a general law designated as a mandate. It eliminated the February 1, 1989 effective date of laws deemed as mandates and made the effective date the same as the questioned law. Additionally, the provision prohibited the legislature from enacting exemptions from taxes authorized to be levied by a county or a municipality.

This proposal received an unfavorable recommendation of the Local Government Committee and failed to pass the full Commission on initial vote.

**CRC Proposal 99** (Langley) amends the "mandates provision" and specifies a county or municipality is not bound by any agency action or administrative rule that requires the expenditure of funds, reduces revenue raising authority or reduces the percentage of shared state taxes. The provision favorably clarifies the mandates provision and is supported by the League.

This proposal is currently in the Finance and Taxation Committee.

#### Municipal Creation and Abolition

**CRC Proposal 100** (Anthony) assured municipalities may be abolished or merged only upon the affirmative vote of the electorate within the municipality and stated annexation and merger procedures may be provided by municipal charter rather than by general law. The League supported the proposal because of several recent efforts by state legislators to abolish or merge municipalities.

This proposal was withdrawn from further consideration.

**CRC Proposal 127** (Ford-Coates) assured a municipality may be abolished only by vote of the electors of the municipality and eliminated the possibility the Legislature could disband a city by special act. The League also supported this proposal.

This proposal received an unfavorable recommendation from the Local

Government Committee and failed to pass the full Commission on initial vote.

#### Private Property Rights

**CS/CRC Proposal 83** (Corr) strengthens the standard in the Constitution used to determine a regulatory taking of private property. The standard is more onerous than the existing constitutional standard and could increase the chance governments must compensate property owners for actions regulating the use of private property. This proposal is also more stringent than the existing statutory Bert Harris, Jr. Act. The League strongly opposes this provision because of the dramatic fiscal impact it would have on municipalities.

This proposal received an unfavorable recommendation from the General Provisions Committee and rests on the calendar.

#### Sovereign Immunity

**CRC Proposal 46** (Anthony) grants municipalities the same constitutional sovereign immunity granted to state agencies, counties, school districts, and other political subdivisions of this state. The League supports this proposal because municipalities currently receive their sovereign immunity through statute and are not assured the protection by the Constitution.

This proposal received an unfavorable recommendation from the Declaration of Rights Committee and rests on the calendar.

**CRC Proposal 59** (Zack) increases the sovereign immunity caps to \$250,000 per person and \$500,000 per incident and annually increases the caps by the

percentage increase in the Consumer Price Index. The League strongly opposes this proposal because of its dramatic fiscal impact on municipalities.

This proposal received a favorable recommendation from the Judicial Committee and rests on the calendar.

**CRC Proposal 77** (Freidin) abolishes sovereign immunity and makes governmental entities liable for their acts without limitation. The League also strongly opposes this proposal because of its fiscal impact on municipalities.

This proposal received a favorable recommendation from the Declaration of Rights Committee and rests on the calendar.

#### State-wide Initiatives

**CS/CRC Proposal 47** (Anthony) provided matters of local concern may not be the subject of a state wide initiative. The League supported this proposal because the state wide initiative process should not be used to address matters that can be addressed by amendment to the charter of a municipality.

This proposal received a favorable recommendation of the General Provisions Committee but failed to pass the full Commission on initial vote.

#### Taxation - Ad Valorem

**CRC Proposal 51** (Anthony) allowed for partial year assessments. In particular, it required the assessment of improvements to real property between assessment dates. The League supported this proposal because it assured early collection of increased ad

valorem taxes on recently improved property.

This proposal received a favorable recommendation of the Finance and Taxation Committee, but failed to pass the full Commission on initial vote.

**CRC Proposal 52** (Anthony) modified the homestead exemption by exempting fifty cents of every dollar up to the first \$50,000 in property value. The League supported this proposal because it assured all property owners would pay some ad valorem taxes.

This proposal received an unfavorable recommendation from the Finance and Taxation Committee and was withdrawn from further consideration.

**CRC Proposal 135** (Henderson) adds conservation lands to those lands which may be assessed solely on the basis of character and use rather than the just value, such as green belt lands. The League opposes this proposal because it could reduce ad valorem tax collections.

This proposal received a favorable recommendation of the Finance and Taxation Committee and rests on the calendar.

**CRC Proposal 136** (Henderson) authorized the legislature to allow local taxing authorities to classify real estate into groups of land based on the use and then levy different millage rates on each group. The combined revenues derived from the commingled millage rate could not exceed the revenue that would have been generated by the application of the uniform millage rate.

This proposal was withdrawn from further consideration.

**CRC Proposal 180** (Brochin) addresses the "Save-Our-Homes" property tax assessment limitation and provides the limitation applies only to homestead parcels that have a just value of \$200,000 or less. It also authorizes the legislature to adjust the limit for inflation. The League supports this proposal because it minimizes the impact "Save Our Homes" has on the ad valorem tax base of municipalities.

This proposal is currently in the Finance and Taxation Committee.

#### **Taxation - Immunity**

**CRC Proposal 49** (Anthony) provides property owned by a municipality is immune taxation. The League supports this proposal because municipal property has been placed on the tax rolls and subjected to ad valorem taxation when the property is used by private parties.

This proposal is currently in the Finance and Taxation Committee.

#### **Taxation - Leaseholds**

**CRC Proposal 20** (Evans-Jones) allowed the taxation of all governmental property if it were used for a non-governmental purpose, regardless of its exempt or immune status.

This proposal was withdrawn from further consideration.

**CRC Proposal 41** (Mathis) provides immunity from taxation for publicly owned land and used for publicly owned and operated airports and seaports. The League

supports this measure only to the extent it grants immunity from ad valorem taxation for all municipally owned property.

This proposal is currently in the Finance and Taxation Committee.

**CRC Proposal 103** (Henderson) provides for immunity of municipal property if the property was not on the tax rolls as of December 31, 1996. In addition the provision addresses the lease-hold issue, and states all governmentally owned property that is used for a public purpose and which may be leased or managed by a private entity is exempt from taxation. The League supports this proposal because municipal property shouldn't be subject to ad valorem taxation.

This proposal is currently in the Finance and Taxation Committee.

**CS/CRC Proposal 137** (Evans-Jones) and **CRC Proposal 106** (Hawkes) allow taxation of governmental property that is used by a private entity for a proprietary purpose. The League opposes these proposal because they will subject municipal property to ad valorem taxation.

These proposals are currently in the Finance and Taxation Committee.

**CRC Proposal 185** (Mills) specifically provides that municipally owned property that is used as a public airport or public seaport is exempt from ad valorem taxation. The League supports this measure if it is amended to provide an immunity from ad valorem taxation for all municipally owned property.

This proposal is currently in the Finance and Taxation Committee.

Original document is skewed

February Calendar

- Feb 2 2:00 pm **Board Meeting** Child Care Services  
107 Tupelo St. SE, FWB
- Feb 14 10:00 am **League Meeting** Tourist Information Center  
Okaloosa Island
- Feb 14 **League Birthday!**
- Feb 16 **Presidents' Day**

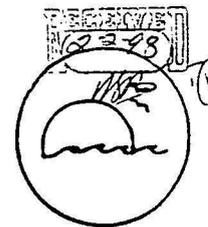
OKALOOSA COUNTY  
LEAGUE OF WOMEN VOTERS  
P. O. Box 4546  
Ft. Walton Beach, FL 32549

Non-Profit Organization  
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Permit No. 37  
Ft. Walton Beach, FL 32548

MAYOR OF CINCO BAYOU  
10 YACHT CLUB DR  
CINCO BAYOU FL 32548



LEAGUE OF WOMEN VOTERS  
of OKALOOSA COUNTY  
Debra Self, President



**PURPOSE:** To promote political responsibility through informed and active participation of citizens in government and to act on selected governmental issues.

February 1998

Vol. 35 No. 6



**LWVOC MEETING**  
February 14 at 10 a.m.  
Tourist Information Center  
Featuring CRC Member Judy Byrne Riley

FLORIDA CONSTITUTION REVISION COMMISSION

Commissioner Judith Byrne Riley  
127 John Sims Parkway  
Valparaiso, Florida 32580  
*Governor's Appointment*

**Occupation:** Senior vice president, Valparaiso Realty Co.

**Education:** BS from Wheaton (MA), 1978  
**Public service:** Florida Commission on Status of Women; Northwest Florida Water Management District Board; Enterprise Florida Jobs & Education Partnership; National Association of Private Industry Council, chairman

**Telephone:** 904/678-7812  
**Fax:** 904/678-8353

## PRESIDENT'S MESSAGE

It was very nice seeing so many of you at our January meeting featuring Dr. Art Lester. It was especially great seeing **First Vice President Grace Brown** out and about and looking so well. It was a very informative and thought-provoking meeting. There are advantages to managed care, of course, but as Dr. Lester explained so effectively, there are still many problems that have to be worked out.

It's time to think about attending the Legislative Seminar in Tallahassee March 29-31. The state League has planned three very informative sessions and there'll be many other activities that help to make the seminar such a prized event. I hope several of you will consider attending. We have funds in this year's budget for two registrations. If you are interested, call me (243-8484) for more information. We must send in names of attendees by February 20.

I hope to see all of you at the February 14 meeting. We're fortunate to have a member of the Constitution Revision Commission all to ourselves that day — and particularly fortunate that the member is our own **Judy Riley**!



## OUR FEBRUARY MEETING

We are fortunate to have as our February speaker **Judy Byrne Riley**, one of the 37 members of the Florida Constitution Revision Commission (the CRC). Judy is one of LWVOC's own members and a dedicated Leaguer.

In November there's a good chance we'll be asked to vote on one or more proposals the CRC makes for changing the State's Constitution. Judy is in a unique position to tell us what, if anything, we're likely to see on the ballot. She can tell us what constitutional changes have been proposed, how the proposals are being reviewed by the CRC, and how the CRC will make its final decisions on what changes citizens will be asked to approve.

The meeting will be held at 10 a.m. on February 14 at the Tourist Information Center on Okaloosa Island. Because the decisions we'll be asked to make on Constitution revision this November can be so critical, it is important that we know as much about the issues as possible. Don't miss this special opportunity to hear about both the process and the issues from a CRC member herself. Bring your friends and neighbors, too. The more who understand the issues, the better it will be for all.

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The Voter is published 8 times a year, generally monthly, by the League of Women Voters of Okaloosa County, P.O. Box 4546, Ft. Walton Beach, FL 32549

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## WHAT'S THE CRC GOING TO PROPOSE?

It's much too early to know what the Constitution Revision Commission is going to propose. What seems pretty certain, however, is that it's likely to put only a relatively small number of proposals on the ballot. As stated elsewhere in this *Voter*, 187 proposals were referred to CRC committees for study and recommendation. For a proposal to remain a candidate for inclusion on the ballot, it must be approved by a majority of members present when the proposal is considered by the full Commission. As of now, 71 proposals have either failed to receive a majority or have been withdrawn; 26 have achieved the required majority.

**Among those that failed** are proposals providing for appointment of school superintendents, legalizing the use of marijuana for medical purposes, extending merit retention to trial judges, permitting revision or amendment of statutory law through the initiative process, holding elections on Saturday and Sunday and prohibiting second primaries, and permitting campaign contributions to be made to a candidate only by those eligible to vote for the candidate. **Among those that achieved a majority** are proposals that would prohibit discrimination based on national origin, provide for appointment of the Commissioner of Education, authorize the use of random sampling to verify names on initiative petitions, provide a statewide millage cap for water management purposes, provide that requirements for placing a name on a ballot must be no greater for no-party and minor-party candidates than for major-party candidates, make clear that constitutional rights apply to females and males alike, and require state prisoners to serve at least 85% of their terms unless granted pardon or clemency.

*Thanks to Our Voter Sponsor*

**THE OKALOOSA BAR ASSOCIATION**

**PROUDLY SPONSORS**

**THIS ISSUE OF THE VOTER**

## YARDSTICK FOR A GOOD STATE CONSTITUTION

The League of Women Voters of Florida adopted a yardstick in 1952 that can help members evaluate any proposals the Revision Commission may make. The yardstick states that a good state constitution:

1. Must not conflict with any provisions of the Federal Constitution.
2. Should be a simple, understandable and integrated statement of basic law, free from obsolete and statutory detail—a flexible instrument free from unsound limitations binding upon the Legislature.
3. Should have clearly defined lines of authority and responsibility.
4. Should provide for a representative Legislature based essentially on population with self-executing reapportionment.
5. Should establish a uniform system of courts adapted to the expanding needs of a growing state.
6. Should have general provisions under which cities and counties may achieve self-government.
7. Should establish state standards for finance and taxation that meet the requirements of modern society.
8. Should provide for a merit system for the selection, retention, and promotion of state personnel.
9. Should provide for meeting the increasingly social and economic problems that affect the general welfare.
10. Should provide for a system of free education with equality of opportunity for all.
11. Should include amendment processes that are in harmony with the other provisions of the Constitution.

LWVF's *Study and Action 1997-1999* contains helpful information about League's positions on specific constitutional issues. Call 651-2619 for information on how to purchase a copy.

### BASIC PURPOSES OF A STATE CONSTITUTION

- Outline the frame work for state government
- Assign and limit power
- Assign the manner in which government carries out its functions
- Establish safeguards to protect personal property and rights.

## THE FLORIDA CONSTITUTION REVISION COMMISSION

Florida has had six Constitutions since it became a state over 150 years ago. Although the present Constitution has been amended a number of times, there have been no major changes in the basic structure of government it established in 1968.

Florida's Constitution provides that a 37-member commission is to be created every 20 years to review the Constitution and propose changes for voter consideration. The last comprehensive review under this provision took place in 1977 and 1978. Since then, Florida's population has grown by about 63 percent, and it is still growing. Clearly, that growth and other societal and legislative changes have had marked impact in such areas as transportation, education, health care, welfare, natural resources, pollution, and crime.

Do any of these changes—or, perhaps, changes that have taken place in concepts of governance—call for modifications in the structure of state and local governments and the way they conduct their affairs? Are there “better” ways to carry out the state's business? Are there things the state is doing now but should no longer be doing, or things the state doesn't do now, but should? The current Constitution Revision Commission (CRC) was appointed last year to look into these issues and propose to voters any constitutional changes it considers appropriate. Citizens will have a chance to approve or disapprove the Commission's proposals when they vote in the November elections.

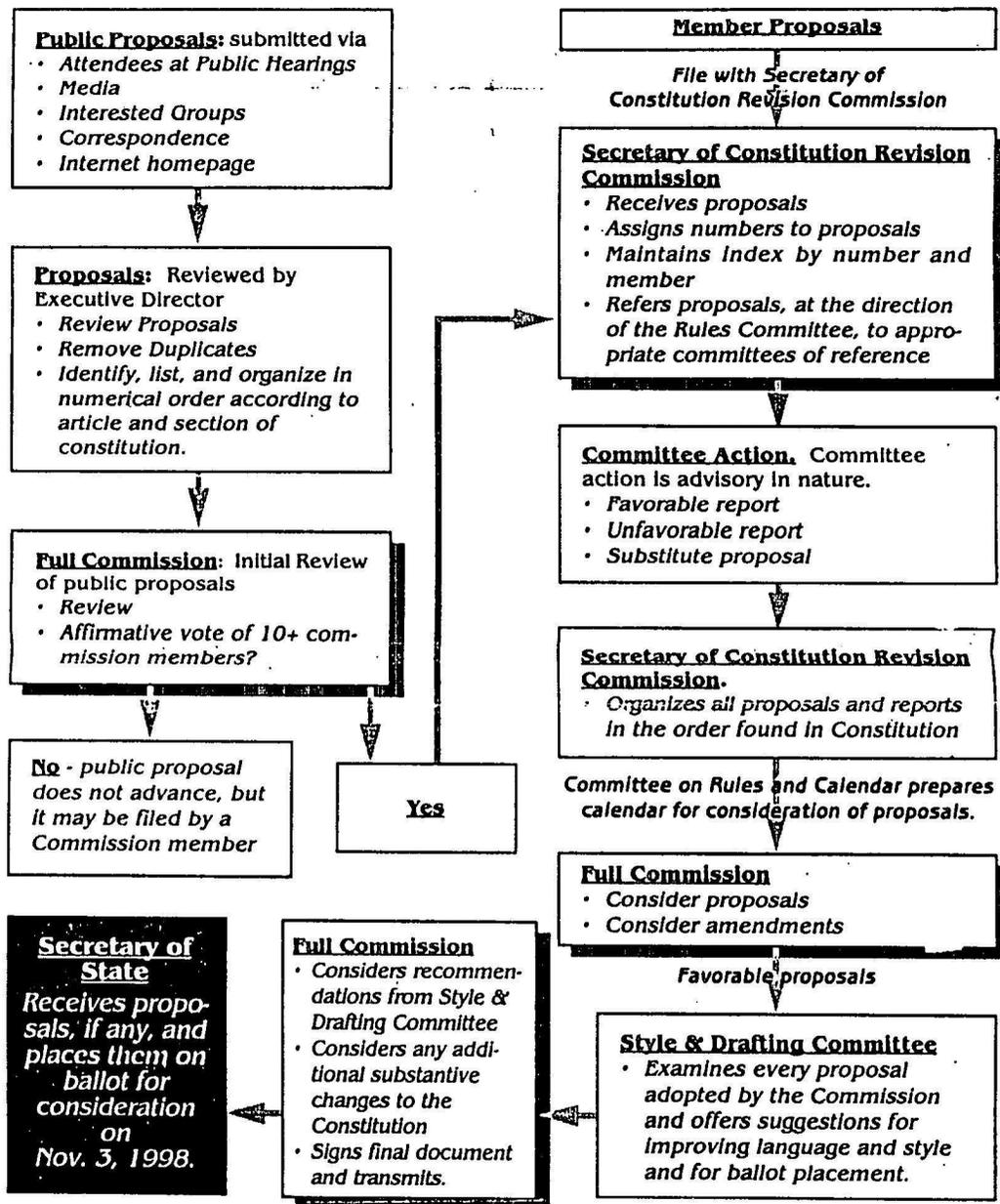
The Constitution is specific about appointments to the Revision Commission. The Governor appoints 15 members, the Speaker of the House and the President of the Senate appoint 9 members apiece, and the Chief Justice of the Supreme Court (with the advice of the justices) appoints 3. The Attorney General is automatically a member. **LWVOC member Judy Byrne Riley** was appointed to the current Revision Commission by the Governor. She is the only member appointed from the counties west of Tallahassee's Leon County!

The CRC conducted a round of public hearings to permit citizens to express their views on constitutional change. Citizens' comments were considered by Commission members, who could offer suggestions of their own. In all, 187 proposals were developed and referred to the CRC's ten committees to study and make recommendations. The full Commission itself is deciding whether any given proposal should be among those from which it will finally choose what changes to propose to voters. Plans call for more public hearings in March, and for the Commission to decide early in May on what specific amendments it wants to propose on the November ballot.

There's more information on the Constitution, the CRC, and the 187 proposals on the Internet. Here's the address: <http://www.law.fsu.edu/crc/>

# CONSTITUTION REVISION COMMISSION

How a proposal advances through the Commission Process



TO CONTACT THE COMMISSION:  
 BILLY BUZZETT  
 EXECUTIVE DIRECTOR  
 B-11, THE HISTORIC CAPITOL  
 TALLAHASSEE, FL 32399-1300  
 TELEPHONE: (850) 413-7740  
 FAX: (850) 413-7728

The above material was distributed at a public hearing held by the Constitution Revision Commission.

RECEIVED  
1-30-98

1883 7/27

**MINUTES**  
**OKALOOSA COUNTY LEAGUE OF CITIES**  
**EXECUTIVE BOARD MEETING**  
January 29, 1998

**INTRODUCTION:** A meeting of the Okaloosa County League of Cities Executive Board of Directors was called to order on Thursday, January 29, 1998 at 12:00 p.m. at the Upper Crust Restaurant with the following members present:

**PRESENT:** President Mayor Libby Arcemont, Mary Esther  
Mayor Glenda Glover, Ft. Walton Beach  
Councilwoman Sharon Slivko, Destin, Secretary/Treasurer  
Councilman Al Swihart, Niceville  
Commissioner Heyward Strong, Valparaiso  
Commissioner Gary Combs, Shalimar

**ABSENT:** Laurel Hill Representative  
Commissioner Nick Nicholson, County Representative

**ALSO PRESENT:** Secretary, Jason Yarborough, Mary Esther  
Peggy Jimenez, Mary Esther

**CALL TO ORDER:** The meeting was called to order by the President, Mayor Arcemont at 12:00 Noon.

**MINUTES:** No minutes were read at this meeting.

**TREASURER REPORT:** No treasury report was read.

**BUSINESS:** There being no agenda for the meeting discussion arose from the members. Commissioner Strong reported on the progress of the law suit against double taxation. The present status is still being reviewed by several city attorneys. Commissioner Strong requested that all information on the issue received by a city be faxed to all other cities the first of each month. All members agreed to this proposal.

Mayor Glover, Ft. Walton Beach, requested that Commissioner Strong attend the Mayor's Advisory Committee to discuss the issues. Commissioner Strong accepted the invitation.

The board members discussed the 1% sales tax. Although the extra money raised would help in construction efforts for panhandle schools, it may also be used to subsidize construction efforts in Central and Southern Florida.

Commissioner Strong asked about HUD and CDBG grants in other cities. A board member stated that all federal requirements had to be met and Mayor Arcemont discussed the CDBG funding that Mary Esther is using to solve drainage problems.

Mayor Arcemont made a proposal regarding police monitoring of school zones. It was suggested that for one month the whole county should ticket speeding vehicles in school zones. Councilman Swihart spoke about walkovers for school children. No official action taken.

Councilman Swihart made a motion to change the by-laws so that the league would have semi-annual dinner meetings instead of quarterly dinner meetings. He also moved that the December meeting be held in November. No vote. After discussion among members, Commissioner Strong made a motion to have the by-laws changed to have the dinner meetings in January, April, July, and November. Councilman Swihart seconded, and this issue will be brought up at the March dinner meeting.

Councilman Swihart stated that he is going to attend an alternative water seminar in South Florida in February. A representative of Ft. Walton Beach will also attending. Mayor Arcemont mentioned that a representative from Mary Esther may be going.

Mayor Arcemont requested a report on the seminar be put on the agenda for next month, also the treasury report, and the changing of the by-laws. Anyone wishing to add to the agenda should call Jason Yarborough a few days in advance of meeting.

**ADJOURNMENT:**

There being no further business to come before the Board, the meeting adjourned at 1:00 P.M.



RECEIVED  
2498  
1/28/98

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS

EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES  
Governor

JAMES F. MURLEY  
Secretary

January 28, 1998

The Honorable Randy P. Drabczuk, Mayor  
Town of Cinco Bayou  
10 Yacht Club Drive  
Ft. Walton Beach, Florida 32548-4436

**Re: Local Mitigation Strategy Funding**

Dear Mayor Drabczuk:

The Florida Department of Community Affairs welcomes you to its "**Breaking the Cycle**" initiative designed to help communities identify areas that are continually devastated during disasters, and tap into state and federal funding to fix these problems. This initiative has been a growing priority since Hurricane Andrew. In August of 1997, the State announced that more than \$20 million will be headed to Florida cities and counties as part of this program. State leaders realize that making decisions about rebuilding cannot be done effectively in the chaos following a disaster. That's why cities and counties working together to develop a single, unified **Local Mitigation Strategy** has become a vital part of breaking the costly cycle of recovery and rebuilding.

As part of this initiative, we are pleased to inform you that the Town of Cinco Bayou is eligible to receive funds of up to \$7,500 to complete a single, unified **Local Mitigation Strategy** in coordination with Okaloosa County. The county will receive funds from the State that include the amount calculated for your city. This amount will be subgranted to your municipality as part of an agreement to develop a unified Local Mitigation Strategy in coordination with the county.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN  
FIELD OFFICE  
2796 Overseas Highway, Suite 212  
Marathon, Florida 33050-2227

SOUTH FLORIDA RECOVERY OFFICE  
P.O. Box 4022  
8600 N.W. 36th Street  
Miami, Florida 33159-4022

GREEN SWAMP AREA OF CRITICAL STATE CONCERN  
FIELD OFFICE  
155 East Summerlin  
Bartow, Florida 33830-4641

The Honorable Randy P. Drabczuk, Mayor  
January 28, 1998  
Page Two

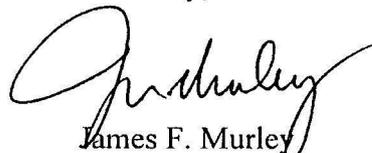
All funding amounts were individually calculated to match the vulnerability of each city and county in terms of repetitive loss, population, risk and mutual aid participation. In accepting these funds, your municipality agrees to coordinate with the county in the development of a single Local Mitigation Strategy, based on the *Local Mitigation Strategy Guidebook* produced by the Department. In addition, your municipality agrees to attend Local Mitigation Strategy workshops and technical assistance training sessions sponsored by the Department.

Should your municipality decide to decline funding for this initiative, the county will receive 50 percent of the amount calculated for your municipality to complete a general assessment of vulnerabilities within your municipal area. The remaining 50 percent of the calculated amount will be retained by the State to fund additional mitigation planning activities statewide.

We look forward to working with you in the development of your Local Mitigation Strategy, and our staff is available to assist you in the successful implementation of this strategy. Enclosed, please find detailed information on the Local Mitigation Strategy, answers to frequently asked questions and other material on this strategy.

If you have any questions or require further assistance in completing the required documents, please contact Mr. Dan Arlotti at (850) 922-1870.

Sincerely,



James F. Murley  
Secretary

JFM/co/is

Enclosures



# Administrative Services

1/18/98  
177

## MEMORANDUM

State of Florida

DATE: February 3, 1998

TO: *Mr. Berchik*

FROM: *Joan Mosier*, Administrative Services

SUBJECT: Okaloosa County Public Library Cooperative Board Meeting

The next meeting of the Okaloosa County Public Library Cooperative (OCPLC) Board is scheduled for February 18, 1998 at 5:30 P.M. in Council Chambers at the Niceville City Hall.

The City of Niceville is graciously hosting this meeting as well as a social get together directly following the meeting to give OCPLC members, visitors and guests an opportunity to meet Ms Deborah Marrs, the Cooperative Coordinator.

We hope you will join us, meet Ms Marrs and see how the Cooperative is progressing.

It would be helpful if you would call Sheila Bishop at 729-4054 or Joan Mosier at 689-5007 by February 13 if you plan to attend.



Nomad Memorial Council  
P.O. Box 392  
Shalimar, FL. 32579-0392

1-30-98

WMB 107

January 25, 1998

Dear Fellow Military Supporter:

As you know, the 33d Fighter Wing "Nomads" lost 12 brave airmen in the terrorist bombing of Khobar Towers in Saudi Arabia, June 25, 1996. To honor their service and ultimate sacrifice to our nation, we dedicated a beautiful monument at Eglin Air Force Base last year on the 1-year anniversary of this tragic event.

We are writing you today because we are still in great need of donations to cover costs in excess of \$167,000. Any contribution you could make to help honor our fallen airmen would be greatly appreciated.

Thank you in advance for your help. I know that together we can make sure these young men receive the tribute they so deserve. If I can answer any questions concerning the memorial, please call for information at (850) 883-4040.

Sincerely,



DUANE CLARK  
President  
Nomad Memorial Council

February 10, 1998  
Volume 1, Issue No. 1



# Legislative BULLETIN

FLORIDA LEAGUE OF CITIES, INC. • P.O. BOX 1757 • TALLAHASSEE, FL 32302-1757 • phone (850) 222-9684 • fax (850) 222-3006 •  
E-mail [legislative@flcities.com](mailto:legislative@flcities.com)

Please copy and  
distribute to all  
applicable persons:

All Council Members \_\_\_\_\_  
Manager \_\_\_\_\_  
Clerk \_\_\_\_\_  
Attorney \_\_\_\_\_  
Finance Director \_\_\_\_\_

## The Florida League of Cities' 1998 Legislative Action Agenda ~ The Legislative Session Begins: March 3, 1998

### --A Pre-Session Preview--

The 1998 Legislative Session officially starts on March 3, 1998; however, the legislative committees have been meeting since early September 1997 to address policies of the state. At the League's 1997 Legislative Conference the membership adopted twelve priority issues for 1998, and these are listed in the adjacent highlighted box.

Beginning the second year of a two-year life cycle for bills in the House, Lawmakers have been busy reviewing and acting upon, at the committee level, a number of proposals that were held over from the 1997 Session. Additionally, Florida's Constitution Revision Commission has been meeting throughout the summer. First in public hearings around the state to receive recommended changes from the public, and currently in select and full committee and commission meetings to consider a number of far-reaching proposals to be recommended to the voters, as part of the November 1998 ballot.

On the political side, things have been no less hectic. In both the House and Senate, there have been a number of member changes, including the selection of new Democratic leadership and the departure of a number of key legislators who have elected to seek higher office. Also, with new money now available from the recent tobacco settlement, both the Governor and the legislature will no doubt find themselves at odds over the appropriate allocation of this unanticipated windfall. As always, there will be a number of issues upon which municipalities will have to keep a close and watchful eye. Already there have been a number of bills filed that will adversely impact municipal home rule authority, including legislation on rights-of-way management, police and fire pension benefits, eminent domain, and more. Clearly, to ensure our success on these and other issues, as well as to protect our current authority, the collective efforts and strength of our more than 400 members will be needed. It often is said that, "all politics is local." And we are convinced that with your continued and vigilant "year-round" efforts to inform legislators of the positive and negative impacts proposed legislation will have on your city, we can and will be successful.

## 1998 Legislative Action Agenda:

- ✓ Local Government Infrastructure Surtax
- ✓ Municipal Economic Development
- ✓ Municipal Authority over EMS Certificates
- ✓ EAR Revisions and Funding for Local Comprehensive Plans
- ✓ Greenways
- ✓ Beach Renourishment
- ✓ Local Sources First
- ✓ Police & Fire Pension Home Rule
- ✓ Tracking of Sexual Predators
- ✓ Sunshine Law Clarification
- ✓ Telecommunications Zoning and Land Use
- ✓ Rights-of-way Authority

\* Indicates Legislative Priorities

As always, League staff stand ready to assist you in your advocacy efforts with timely issue information, sample letters, articles for your local newspaper, tips on how to effectively meet with and write to your legislators and much more. In addition to this publication, our weekly (each Friday) *Legislative Bulletin* and select *Legislative Alerts*, and other legislative resources available through our web site (<http://fen.state.fl.us/flc/>). The League also offers a Legislative "Meet Me" issues conference call-in program which will be held every Tuesday morning from 8:00 until 8:30 a.m., Eastern Standard Time beginning March 10, 1998. The Legislative "Meet-Me" serves as a tool for League members to call in to ask questions on Legislative issues. Calling either (850) 414-6477 or SunCom 994-6477 easily places the call. The Legislative "Meet-Me" calls will be held every Tuesday morning during the Legislative Session March 10, until May 5, 1998). Should you experience difficulty dialing in, please Contact Carol Dixon at the League office for further assistance.

### \*Local Government Infrastructure Surtax

The League is proposing legislation that authorizes the Local Government Infrastructure Surtax to be implemented by municipalities within their jurisdiction by referendum vote and also allows the proceeds of the tax to be used for bonded indebtedness by vote of the governing body of the municipality. Current law authorizes counties to levy this discretionary sales surtax after a referendum. Proceeds of the surtax may be used to finance, plan and construct infrastructure, to acquire land for public recreation or conservation purposes, or to protect natural resources. HB 613 (Smith) was filed during the 1997 Legislative session and has been carried over to the 1998 session. HB 613 authorizes municipalities to levy the local government infrastructure surtax under the same conditions as counties may levy it.

**Action:** The League is attempting to find additional sponsors for this proposal. (Please thank Representative Kelley Smith for filing HB 613). If your city is interested in having the authority to impose the local government infrastructure surtax within the city, please contact the League and your legislative delegation about sponsoring such a bill. (Conn)

### Telecommunications Rights-of-Way Act

HB 3291 (Valdes and others) creates the Telecommunications Rights-of-Way Act and attempts to minimize local government control over local rights-of-way and also minimize franchise fees associated with telecommunications providers. The bill states that telecommunications providers have a right to occupy and utilize public rights-of-way and would limit fees associated with using the rights-of-way to a narrow statutory definition of "management costs". The Federal Telecommunications Act of 1996 expressly preserves local government authority to control and impose fees for the use of public rights-of-way. These rights-of-way are property of substantial value and interest to local communities and are held in common control by municipalities for the benefit of the public. Municipal authority should not be impaired from entering into contractual franchise agreements or from managing and receiving fair and reasonable compensation for the use of local rights-of-way.

**Action:** HB 3291 was heard in the House Utilities and Communications Committee on January 6, 1998; however, no official action was taken by the Committee on the bill. Contact your legislators and strongly urge them to oppose this or any other bill that restricts municipal authority over public rights-of-way. (Conn)

### \*Telecommunications Zoning and Land Use

Several legislators have requested that local government representatives meet with telecommunications industry representatives regarding the placement of wireless telecommunications towers and antennas. These meetings have resulted in a working group attempting to draft a model ordinance on tower siting. If a model ordinance is developed, educational conferences will be conducted around the state. Importantly, the Federal Telecommunications Act of 1996 expressly preserves local government authority over the placement, construction and modification of telecommunications infrastructure (towers). This

authority must be exercised in a reasonable manner and it cannot be exercised to totally prohibit the provision of telecommunications services.

**Action:** Contact your legislators and urge them to oppose any proposed bills regarding telecommunications zoning and land use. Urge your legislators to support development of a model ordinance, along with the educational program to promote the model ordinance. (Conn)

### Ad Valorem Tax Exemptions

CS/HB 29 (Community Affairs, Green and others) is narrowly drafted to require property appraisers to grant a charitable exemption from ad valorem taxation to property owners that fail to timely file an application for an exemption but are otherwise entitled to the exemption. HB 489 (Minton and Feeney) and SB 410 (Bronson) provide that a property appraiser, when considering specified use factors applicable to agricultural assessments, may rely on a 5-year moving average data for certain crops. HB 1093 (Crist) provides an exemption for each apartment in certain continuing care facilities occupied by a person who makes the apartment his or her permanent home and who is not eligible for homestead exemption and it also provides that the provisions regarding ad valorem tax exemption for non-profit homes for the aged are severable rather than non-severable. HB 1735 (Jones) provides that the definition of "educational institution" includes preschools for ad valorem tax exemption purposes and also provides that property used predominately, rather than exclusively, for education purposes is exempt from taxation. While the League does not take issue with the merits of each bill, we are opposed to any reduction of the base for ad valorem taxation.

**Action:** Contact your legislators and urge them to oppose the continued proliferation of exemptions from ad valorem taxation. (Conn)

### Tangible and Intangible Personal Property

HB 63 (Constantine and others) authorizes property appraisers to grant extensions for filing tangible personal property tax returns and reduces penalties for failure to timely pay annual or nonrecurring intangible personal property taxes and failure to timely file annual tax returns. HB 101 (Brooks and others) and SB 320 (Ostalkiewicz) exempt accounts receivable from intangible personal property taxes and provide a schedule for implementing the exemption. The bills also increase the value of property that is exempt from the annual tax for taxpayers who are natural persons and provide an exemption from the annual tax for taxpayers that are not natural persons. HB 155 (Melvin and others) repeals the law which provides for taxes on intangible personal property and other provisions of law regarding the intangible personal property tax. HJR 1335 (Finance and Taxation, Starks and others) and SJR 324 (Ostalkiewicz) propose a constitutional amendment to allow an exemption from ad valorem taxation by general law of all tangible personal property held by one owner up to a total value of \$5,000, adjusted for inflation, unless the value of the property qualified for the exemption held by the owner exceeds the exemption amount. HB 3021

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persons to \$30,000 for individuals and \$60,000 for a husband and wife filing jointly. HB 3169 (Brooks) provides exemptions from the intangible tax which increase every year beginning January 1, 1999 and culminate in the complete abolition of the tax effective January 1, 2003.

**Action:** Contact your legislators and urge them to oppose any bills granting additional exemptions from tangible and intangible personal property taxes or eliminating the taxes because of the shared revenue counties receive. (Conn)

### Sales Tax Exemptions

Again, as in last session, there is a long list of interests seeking sales tax exemptions, all of which have a negative impact on the local government one-half cent sales tax program and local option sales surtaxes (including the infrastructure and small county surtaxes). The exemption bills include: CS/HB 73 (Tourism and Bradley) exempting from taxation admissions to certain collegiate tournament games, baseball all-star games and post season collegiate football games. CS/HB 209 (Agriculture, Ziebarth and others) implementing a partial exemption on the sale of certain machinery used in farming. CS/HB 315 (Finance and Taxation and others) provides an exemption for certain foods, drinks and other items provided to customers on a complementary basis by a dealer who sells food products at retail and also exempts food and beverages donated by such dealers to certain organizations. HB 735 (Hill and others) exempts transactions in excess of \$500 from tax and the sale of coins or currency and also exempts the sale of gold, silver, or platinum bullion in excess of \$500. CS/HB 747 (Finance and Taxation, K. Pruitt and others) provides that no tax on certain purchases by and revenues of a chamber of commerce not actually paid or collected before a specified date shall be due from that chamber of commerce.

HJR 789 (K. Pruitt and others) provides a constitutional amendment to exempt all items of food and medicine from the sales tax and provides that those items may be defined by general law. CS/HB 2109 (Finance and Taxation and Starks) exempts transactions in excess of \$500 from the tax on sales of coins or currency, revises the sales tax exemption for food and drinks, revises the application of partial sales tax exemption from self-propelled or power-drawn farm equipment, and provides an exemption for sales of certain health systems for a specified period. HB 3171 (Starks) provides sales tax exemptions for replacement engines, parts, and equipment used in the repair or maintenance of certain aircraft, and for the sale or lease of certain aircraft for use by a common carrier. HB 3229 (Thrasher and others) and SB 434 (Dyer and others) provide a sales tax exemption for certain processes, facilities, equipment, and machinery used for pollution prevention or control, and for structures or equipment associated with replacement thereof. SB 500 (Burt) provides an exemption for industrial machinery and equipment purchased for use in expanding certain printing or publishing facilities. SB 522 (Ostalkiewicz) exempts from sales tax all purchases made by nonprofit organizations. SB 538 (Lee) provides an exemption for the sale of certain goods by non-profit organizations through thrift shops for charitable purposes. SB 580 (Ostalkiewicz) provides an exemption for a portion

of the purchase price of a new or used car or light truck. While the League does not take issue with merits of each bill, we opposed to any reduction of the base of any municipal or state-shared tax.

**Action:** Contact your legislators and urge them to oppose any bills granting additional sales tax exemptions unless local governments are held "revenue neutral". (Conn)

### Taxpayer Protection Act

HB 729 (Wallace and others) creates the Taxpayer Protection Act and requires that any general law enacted by the Legislature that will potentially increase the cost of county or municipal personnel salaries, wages or benefits must include an economic impact statement and provide a means to finance the legislation.

**Action:** Please contact your legislators and urge them to support this sound fiscal policy. (Conn)

### Ad Valorem Taxation/Real Property Improvements

HJR 1449 (Harrington) provides for a constitutional amendment, effective January 1, 1999, to authorize the assessment of improvements to real property which occur between assessment dates pursuant to general law.

**Action:** Please urge your legislators to support this partial year assessment proposal. (Conn)

### Homestead Tax Exemption

HJR 3151 (Villalobos and Barreiro), HJR 3071 (Rodriguez-Chomat) and SJR 246 (Diaz-Balart) have been amended to offer a constitutional amendment to authorize the legislature to allow counties and municipalities to grant additional homestead tax exemptions not exceeding \$25,000 to certain persons 65 years of age or older who household income does not exceed a specified amount.

**Action:** If your city is interested in obtaining this additional authority regarding homestead tax exemption, please contact the League. (Conn)

### Voter Approval of New Taxes

SJR 202 (Crist) proposes an amendment to the constitution which states that the legislature, a county, municipality or other political subdivision of the state cannot impose a new tax or increase the rate of an existing tax or remove an existing exemption from a tax without having a vote of the electors of the affected jurisdiction. This provision would not apply if the governmental entity voted by three-fourths vote for a new tax for a period of not more than 12 months upon determining that there is a threat to the public health or safety.

**Action:** Please urge your legislators to oppose this proposal. If the electors are not satisfied with the performance of an elected body, the electors have the option of voting in a new governing body. (Conn)

## Environmental

### \*Beach Renourishment

HB 3427 by Rep. Jones provides funding of the state's beach management plan through the Ecosystem Management and Restoration Trust Fund. Funding would be allocated from a portion of the documentary stamp tax revenues prior to any moneys being deposited into General Revenue. The bill provides that \$10 million be allocated for fiscal year 1998-1999; \$20 million for 1999-2000; and \$30 million for 2000-2001 and each fiscal year thereafter. SB 882 by Sen. Sullivan is a similar bill in the Senate.

**Action:** Contact your legislators and urge them to support these bills. (Tribble)

### \*Local Sources First (Water)

The idea behind Local Sources First is that water users should consume water resources in their own geographic area first (including alternative sources), before seeking water outside their area. Two bills have been filed so far. In the House, Rep. Argenziano has filed HB 3329 which prescribes conditions that must be met for intra- and inter-watershed transfers of water under a consumptive use permit issued by a water management district. SB 312 by Sens. Brown-Waite, Bronson, Cowin, Williams and Horne provides criteria a water management district shall consider about the transfer of water when evaluating a consumptive use permit. HB 3329 has been referred to the House Water and Resource management Committee and SB 312 has been referred to the Senate Natural Resources and Community Affairs committees, respectively. The House Water Committee has also drafted language, which will be discussed at a workshop by the committee on February 4.

**Action:** The League will continue to monitor all aspects of the bill to ensure municipal interests are protected. (Tribble)

### Solid Waste Disposal

HB 3125 by Rep. Smith and SB 376 (Kirkpatrick) revises and clarifies conditions under which the disposal of solid waste is exempt from the Department of Environmental Protection permitting requirements. It clarifies that ordinary household waste is exempt from permitting requirements, provided it is not a public nuisance and does not adversely affect the environment or public health, such as automotive materials, pesticides or hazardous substances. The language further specifies that any exempted activity shall not violate other state or local laws, ordinances, rules, regulations, or orders. HB 3125 is scheduled to be heard by the House Environmental Protection Committee on February 4. SB 376 recently passed the Senate Natural Resources Committee and is now in Ways and Means.

**Action:** The League is working with the bill sponsors to ensure municipal interests are protected. (Tribble)

### Solid Waste Management Funding

In last year's budget, \$12 million was diverted from the Solid Waste Management Trust Fund with \$6 million going to the Surface Water Improvement and Management Program (SWIM) and \$6 million for aquatic weed control. The Solid Waste Management Trust Fund Review Commission was also created to look at other alternative funding sources for these three programs. Mr. Dan DeLoach, City Clerk, Hialeah represented the municipal perspective on this commission. The chair of the commission, Mr. Robert Mandell, Orlando, recently made a presentation before the Senate Natural Resources Committee. The Commission recommends that while SWIM and aquatic plant management are two very important state programs, funding should be restored back into the Solid Waste Management Trust Fund until recycling goals are met or modified.

SB826 by the Senate Natural Resources Committee would modify the provisions of the Solid Waste Management Act to provide that the current 30 percent recycling goal now become a 30 percent diversion goal. The language provides criteria that must be met to apply for the incentive grants and the language requiring the small counties to provide an opportunity to recycle is deleted.

**Action:** The League is attempting to determine the impact this would have on municipalities and would like to hear from you. If your city participates in a recycling program, please review SB 826 and provide your comments to Allison Tribble at the League by February 18, 1998. For a copy of the bill, please contact Jenny Anderson at the League office. (Tribble)

## General Government

### School District Reconfiguration

This is a carry forward house joint resolution CS/HJR 51 (Warner) that provides that counties with 45,000 or more students may be divided into two or more school district pursuant to general or special law and subject to voter approval. Creates a commission to draw district boundary lines, allocates assets, obligations, debts, and bonded indebtedness. The resolution also provides that, except for millage voted for bonded indebtedness, school district funding shall be calculated countywide and allocated as provided by general law.

**Action:** The League will continue to monitor all aspects of the bill to ensure municipal interests are protected. (Foster)

### Comprehensive Planning Communication Requirements

This is a carry forward bill HB 963 (Turnbull) that requires the Department of Community Affairs (DCA) to create a single file concerning proposed and adopted plan amendments for public inspection, and prescribes a specific process for sharing all oral and written communications regarding the subject plan or plan amendment. The bill also does not permit a new issue that may be alleged by any party

or intervenor as a reason to find a plan or plan amendments not in compliance. The bill is currently in H. Real Property and Probate. The DCA is currently working on amendment language as a compromise to the current draft of this carry forward bill.

**Action:** Contact your legislators and urge them to support this bill. (Foster)

### Municipal School Subdistricts

This carry forward bill **HB 1751** (Andrews) authorizes the creation of local governed school subdistrict formed by converting existing public school district. A subdistrict shall be a nonprofit and nonsectarian in its programs and policies, employment practices and operations, and may be formed by converting existing public schools under the governance of the county school district to public schools under the governance to a defined municipal, multi-municipal, or municipal full-county or partial county division. Provides for written contractual agreement between a subdistrict and county school district, which establishes the conditions for operation of the schools by the subdistricts. Provides for accountability of the subdistricts through measures or restrictions, application procedures, student eligibility, organization requirements, criteria for agreement approval and nonrenewal or termination, employee requirements, student funding, and facilities requirements. Authorizes the levy of taxes and issuance of bonds for capital improvement. A subdistrict shall not charge tuition or fees, except those fees normally charged by other public schools in the county school district. Subdistrict students can only be students within that district; however, students may withdraw from a subdistrict school and enroll in another public school pursuant to district school board policies.

**Action:** The League will continue to monitor all aspects of the bill to ensure municipal interests are protected. (Foster)

### DCA/School Boards/Local/Governments/ Educational Facilities

The proposed legislation **HB 3283** (Andrews) would require that each school board district, the board of county commissioners shall meet annually in a public meeting, and the school board district and the governing bodies of all municipalities within the county shall meet annually in a public meeting. The meeting dates are to be scheduled on dates which allow coordination with the local governments' evaluation and appraisal report review and plan amendments to their local comprehensive plan. A required public notice in the legal notice section of a newspaper is made mandatory. If the meetings are not scheduled then each participating governmental entity is fined \$100 per day until the meet is held.

**Action:** Contact you legislators and urge them to oppose this legislation. Local governmental entitles that voluntarily choose to implement school concurrency are required to address the facility planning and coordinative matters in other parts of Florida law; thus, it is not necessary to impose additional administrative burdens on these entitles. Additionally, per the Public Schools Construction Study Commission's

recommendations to further ensure these entitles moot as they plan school facilities or undertake the imposition of school concurrency as it relates to the their local planning efforts. It is suggested that this aspect of school facility planning and concurrency implementation be coordinated and appropriately addressed as part of a larger legislative proposal resulting from the Public Schools Construction Study Commission that is being coordinated by the Department of Community Affairs, via a workgroup. The League is a participant. (Foster)

### DOT/Reducing Local Government's Level of Service

The proposed bill **HB 3401** (Wiles) and **SB 690** (Williams) allow, per a request of the local government, the Department of Transportation (DOT) to lower the level of service standard one letter grade on any segment of the Florida State Highway System that is within the requesting local government's jurisdiction. However, the following criteria must be met: the road segment must be a "B" level-of-service standard as determined by DOT; and at least 50 percent of the traffic using the road segment must pass directly through the local government's jurisdiction.

**Action:** Contact your legislators and urge them to support this bill. (Foster)

### Regional Planning Council Membership

The proposed bill **SB 618** (Brown-Waite) deletes the requirement that a county must be member of a regional planning council (RPC). Provides that representatives on such council may be appointed by a local general-purpose government in the geographic area covered by an RPC which chooses to be a member of the RPC.

**Action:** The League will continue to monitor all aspects of the bill to ensure municipal interests are protected. (Foster)

### Florida Community Outreach Act

Proposed bill **SB 422** (Meadows) creates the Florida Community Outreach Partnership Act. As currently drafted, the bill directs the Secretary of the Department of Community Affairs to carry out a 5-year demonstration program. The program is structure as grant whereby the state university system would apply for funds from DCA to undertake pertinent studies to solve urban problems through technical assistance, applied and practical research and outreach. The proposed bill specifies grant selection criteria. The grant is to have a state-share component and a nonstate-share component. The nonstate component can include cash, or the value of noncash contribution deemed appropriate by the secretary. Additionally, a "State Advisory Council" is created to disseminate study results, act as a clearinghouse, review and evaluate programs carried out by the grant recipients, and is to be composed of twelve members, three of which are to represent state and local governments. An annual report is to be submitted by the secretary to the community affairs committees' of each respective house chamber.

**Action:** Contact your legislators and urge them to support SB 422. (Foster)

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### Environmental Professionals/Regulation

The proposed committee substitute for carry forward bill **HB 625** (Fischer) establishes licensure requirements for anyone who practices professional biology, that is defined to mean: "...the application of the scientific principles of biology to the sound management of living natural resources and their habitats and the rendering of biological opinion." The bill as currently drafted provides and exemption of governmental officers or employees; however, it requires that the employees are to work under the supervision of licensed biologist and are working within the scope of their employment." The bill severely restricts daily activities of government employees who were hired by the government to undertake tasks associated with biology as normal operations of a municipality such as but not exclusive to counting trees along a canopy road and other internal procedures that are undertaken. This proposal if adopted would be cost prohibitive to conduct this type of work if it had been done by a licensed biologist. Additionally, the administrative component of having a licensed biologist in one municipal department overseeing duties of another municipal employee in an entirely different department will create administrative conflict.

**Action: Contact your legislators and urge them to oppose HB 625 as currently drafted. (Foster)**

### Property Rights

**HJR 1117** (Burroughs) is a joint resolution from last year that has carried forward to the 1998 Legislative Session. It is a proposed constitutional amendment relating to private property rights that if passed, would go straight to the 1998 ballot. The amendment imposes a much more stringent standard on local government actions that would require compensation than is currently required by the current Constitution. If adopted, the amendment would place the cities in greater jeopardy for financial compensation for their actions affecting private property. **HJR 1117** has not been referred to a committee. A Senate companion bill has not yet been filed.

**Action: Urge your legislators to oppose this bill. (Tribble)**

**HB 1889** (Putnam) would extend the retroactive application of the Bert J. Harris, Jr., Private Property Rights Protection Act to 1990 rather than 1995. This bill would subject any governmental action which occurred as far back as 1990 to the procedures of the Property Rights Act. This is a carry over bill from last session and was never heard by a committee. It has been referred to the House Agriculture Committee. There is no Senate companion bill at this time.

**Action: Urge your legislators to oppose this bill. (Tribble)**

### Traffic Infraction Detectors/Red-Light Cameras

**HB 1479** (Cosgrove) authorizes a county or municipality to adopt an ordinance to allow the use of traffic infraction detectors that make photographic images of motor vehicles that fail to stop at a red light. The bill establishes training and operational requirements for traffic infraction

detectors, and provides that signs must be posted to provide motorists with advance notification that a traffic infraction detector is in use. The maximum fine that could be imposed is \$52.00, with 20 percent of the gross proceeds being used to hire additional personnel for the Florida Highway Patrol and remaining fine proceeds available to the county or municipality to create additional law enforcement positions, provide salary enhancements for officers charged with crime prevention, create additional correction positions and provide salary enhancements for corrections officers charged with custody of inmates. The House bill carries over from last session, and is now awaiting a hearing in the Community Affairs Committee. There is not yet a Senate sponsor for this legislation.

**Action: Contact your legislators and urge them to support this use of technology to enforce traffic laws, and allow our police officers to spend their time on public safety rather than traffic control. (Ramba)**

### Community Contribution Tax Credit/Economic Development

**HB 3113** (Fuller) and **SB 192** (Horne) increases the annual limitation on the total amount of community contribution tax credits that may be granted against the corporate income tax and insurance premium taxes from \$2 million to \$10 million through the Community Contribution Tax Credit Program. The incentive is designed to encourage corporate giving to non-profits located in enterprise zones and has been very successful. It works by allowing a corporation to apply to the state, on first-come-first-serve basis, for a tax credit of 50 percent of the value of their gift. Because of the success of this program in developing enterprise zones, the legislation is needed to increase the state's allowable cap from \$2 million to a new maximum of \$10 million. **HB 3113** has been reported favorably by the House Community Affairs Committee and is awaiting a hearing in the Finance and Taxation Committee. **SB 192** has been referred to the Senate Commerce and Ways and Means Committees, and is awaiting action.

**Action: HB 3113 will be heard February 19th in the House Finance and Tax Committee, contact members of this committee and urge their support of this incentive for economic development. (Ramba)**

### Certificates of Public Convenience and Necessity

**HB 2041** (Feeney) removes restrictions from municipalities to be able to take over the issuance of Certificates of Public Convenience and Necessity. Many municipalities have contracted ambulance services through their respective county's ambulance services in an effort to ensure emergency services to their citizens. As many of these municipalities' fire departments first respond with paramedics on ALS fire engines, and provide patient assessment and treatment, it is redundant and expensive for a county's ambulance company to provide these services when they are already in place by the municipality. This legislation seeks to allow municipalities to take over the medical transport responsibility as required by Florida law, and to be able to provide better services to the citizens of their municipality. **HB 2041** has been referred to the House

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Health Care and Reform and Community Affairs Committees, and is awaiting action. A Senate sponsor has not been found as of this date.

**Action:** Please contact your local Senator and assist in finding a sponsor for this legislation to provide additional services to the citizens of your municipality. (Ramba)

### Eminent Domain

**HB 3313** (Ritter) and **SB 92** (Grant) expand the compensation that must be paid in eminent domain actions. The legislation decreases, from 5 years to 3 years, the length of time a business must have been established before business damages are considered, and allows business damages to be available when all or a portion of the property is appropriated. The bill would greatly expand the cost of acquiring property through eminent domain proceedings. **SB 92** has passed out of the Judiciary Committee, and is being workshopped the first week of February in the Government Reform and Oversight Committee. **HB 3313** has been referred to committee, and is awaiting action in the Real Property and Probate Committee.

**Action:** Contact your legislators and urge them to oppose this costly legislation. These bills will increase the cost of building roads within your community. (Ramba)

### Railroad Cars Blocking Intersections

**HB 1937** (Stafford) prohibits a train, railroad car, or engine from blocking a railroad-highway grade crossing for more than 5 minutes. Many cities have been having problems with providing services to their citizens due to a municipal roadway being blocked by railroad cars. **HB 1937** is awaiting action in the House Transportation Committee. As of this date, there is no Senate companion for this legislation.

**Action:** Contact your legislators and ask them to support this legislation. (Ramba)

### Joint Legislative Claims Committee

**HB 2045** and **HB 2047** by the House Committee on Civil Justice and Claims provides for the creation of a Joint Legislative Claims Committee, and for the appointment of special masters to hear and recommend payment of claims bills before the Florida Legislature. Both bills are scheduled to be heard the first week in February by the House Rules and Calendar Committee.

**Action:** The League is monitoring these changes in procedure for the processing of claims bills. (Ramba)

### Civil Justice Reform

Much has happened over the summer in the area of civil justice reform. A select committee in the Senate was appointed to deal with all litigation reform, and the House Civil Justice and Claims Committee has been holding hearings for the past several months. There are currently proposed bills in the areas of premises liability, punitive damages, joint and several liability, jury reform, and other provisions contained in **HB 2117**, known as the "Florida Accountability and Individual Responsibility (FAIR) Liability Act." Each of these issues will be given careful

consideration during the 1998 Legislative Session. Watch for updates during the upcoming weeks.

**Action:** Contact your legislators and urge them to support the TRUE coalition and the legislation that is recommended to combat lawsuit abuse in Florida. (Ramba)

### Police and Fire Pension Legislation

**HB3075** (Pruitt, Thrasher, Starks, Feeney, Futch, Crist, Ritchie, Fasano and Dela Portilla) and **SB270** (Childers, Dudley, Dyer, Silver, Truner, Jones, Casas, Forman, Campbell, Holzendorf, Thomas, Diaz-Balart, Gutman, Crist, Rossin, Brown-Waite, Bronson, Harris, Klein, Myers, Kurth, Meadows, McKay and Clary) are very similar to last year's bills and are already steam-rolling through the legislature at this early date. **HB3075** passed the House Law Enforcement and Public Safety Committee, February 3, with a 5-2 vote. Thank you to Representatives Dockery and Fischer for their support of home rule and opposition to unfunded mandates. Our analysis is that these bills are significant unfunded mandates, and give the state much more control over local law pension plan benefit levels and administration.

**Action:** NOW is the time to contact your legislators if they sit on the House Governmental Operations or Finance and Tax Committee, or the Senate Community Affairs or Ways and Means Committee with the fiscal impact of the bill on your pension plan! For bill copies, summaries or further information call the League office. (Marchner)

### Criminal Forfeitures

**CRC Proposal 1** (Sundberg) allows the forfeiture of private property upon proof beyond all reasonable doubt the property was used in and was the product of the commission of a felony by the owner. The proposal reduces the number of forfeitures the cities make. The League opposes this proposal because of the financial impact it may have on the forfeiture funds. It is estimated that the fiscal impact could be as much as \$20 million dollars in the next fiscal year. These funds are used in great part to fund law enforcement programs by the cities. In a prior mailing, the League's position on this proposal was misstated.

This proposal was withdrawn from consideration.

January 26, 1998

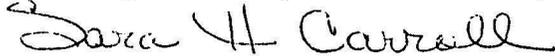
Randy P. Drabzuk, Mayor  
116 Opp Blvd. N.E.  
Fort Walton Beach, Fl. 32548

Dear Mayor,

It is my understanding you and/or the City Council will appoint members to fill the two vacancies on the Council since no one filed for election. I would like to be considered for one of vacancies.

I will be very happy to meet with you and/or the Council to discuss my qualifications.

Thank you for your consideration,



Sara H. Carroll  
12F Lucile St.  
Fort Walton Beach, Fl. 32548

243-4329

Name: Wm. Glen Williams

Born: July 21, 1925 at Rockville, Indiana

Wife: Sarah Nell

Address: 108 Opp Blvd.  
Fort Walton Beach, Fl. 32548

Graduated: Marshall High School Marshall, Ind.

Military: Enlisted U.S. Navy July 21, 1943  
Participated Normandy Invasion June 6, 1944  
Omaha Beach aboard USS LCF 12.  
Pacific Theater USS-SC 1341  
USS-PC-548  
Rating: Electricians Mate Second Class  
Discharged May 15, 1946

USNR: May 15, 1946 - May 15, 1950

Public Service: Deputy Director Kankakee, Co. Ill. Civil Defense 1958 - 1968  
Deputy Sheriff, Kankakee County Ill. 1967-1970  
Kankakee Community College -Industrial Training Advisory  
Committee 1976 - 1982

Employed: Armour Pharmaceutical Company 1953-1982  
Occupation: Duties as Electrician, Instrument Technician,  
Maintenance Supervisor, Electrical Engineer.

Religion: Member First United Methodist Church, Fort Walton Beach. Fl.

Hobbies: Amateur Radio  
Genealogy

Fraternal Organizations: American Legion  
AF&AM  
American Radio Relay League  
Playground Amateur Radio Club